

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

**Eighty-Second Session
April 26, 2023**

The joint meeting of the Assembly Committee on Ways and Means and Senate Committee on Finance Subcommittees on Public Safety, Natural Resources, and Transportation was called to order by Chair Howard Watts at 8:05 a.m. on Wednesday, April 26, 2023, in Room 1214 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Howard Watts, Chair
Assemblywoman Natha C. Anderson, Vice Chair
Assemblywoman Tracy Brown-May
Assemblywoman Jill Dickman
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Dallas Harris, Chair
Senator Pete Goicoechea
Senator Rochelle T. Nguyen

SUBCOMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Karen Hoppe, Assembly Principal Deputy Fiscal Analyst
Alex Haartz, Senate Principal Deputy Fiscal Analyst
Daniel Miller, Program Analyst
Janice Wright, Committee Secretary
Janet Osalvo, Committee Assistant

OTHERS PRESENT:

Mike Sherlock, Executive Director, Peace Officers' Standards and Training Commission
Julie Ornellas, Administrator, Records, Communications and Compliance Division, Department of Public Safety
Sheri Brueggemann, Deputy Director, Department of Public Safety

Chair Watts:

[Roll was called, and the Subcommittees' rules and protocols were explained.] We have 28 budget closings in front of us today, and we are going to do our best to keep this moving. I will open the hearing on our first budget and turn it over to Fiscal staff to begin.

Daniel Miller, Program Analyst:

There are 28 budget accounts scheduled on the agenda, and 1 is for the Commission on Peace Officers' Standards and Training and 27 are for the Department of Public Safety [\[Exhibit C\]](#). Ten of the budgets have been previously heard by the Subcommittees. Fiscal staff is responsible for developing the recommendations for the remaining 18 budget accounts.

PUBLIC SAFETY

PEACE OFFICERS STANDARDS & TRAINING

PEACE OFFICER STANDARDS & TRAINING COMMISSION (101-3774)

BUDGET PAGE POST-6

Daniel Miller, Program Analyst:

I will begin with the Peace Officers' Standards and Training Commission budget account 101-3774 [page 3, [Exhibit C](#)]. There are two Major Closing Issues in this budget account. The first is the funding source change from court administrative assessments to State General Fund appropriations. The Governor recommends General Fund appropriations of \$2.3 million in fiscal year (FY) 2024 and \$2.4 million in FY 2025 to replace court administrative assessment revenue. Court administrative assessment revenue has been significantly impacted by the COVID-19 pandemic as well as the incorporation of Marsy's Law into the *Nevada Constitution* in 2018, which requires restitution to be collected on many charges first. Based on a projection prepared by the Judicial Branch in November 2022, the court administrative assessment revenue is estimated to be

approximately \$15.6 million in each fiscal year of the 2023-2025 biennium. Total projected court administrative assessment revenue of \$31.1 million over the 2023-2025 biennium represents a \$13.5 million decrease, or 30.2 percent, as compared to the court administrative assessment revenue of \$44.6 million projected for the 2021-2023 biennium.

The Governor recommends enhancements in the Executive Branch budgets that are supported by court administrative assessment revenue to replace this revenue source with General Fund appropriations. If the Governor's recommendation is approved to replace court administrative assessment revenue in the Executive Branch budgets with General Fund appropriations, all court administrative assessment revenue not recommended to fund the Judicial Branch budgets in the 2023-2025 biennium would be deposited into the unrestricted State General Fund. This budget would primarily be funded through General Fund appropriations. Accordingly, any funds remaining at the end of FY 2024 would revert to the General Fund, and the budget would no longer maintain an operating reserve category. If necessary, the Commission can request an allocation from the Interim Finance Committee Contingency Account since the budget would include General Fund appropriations in each year of the biennium.

During the March 1, 2023, hearing, the Subcommittees questioned how replacing the court administrative assessments with General Fund appropriations would impact the Commission's operations. In response, the Commission indicated that court administrative assessment revenue has not been a stable source of funding, which has led to delays in paying bills from vendors due to waiting for the court administrative assessment revenue to be posted to the budget account. The Commission states that having General Fund appropriations would improve the Commission's ability to pay its bills and vendors on time as the funding would be available at the beginning of each fiscal year.

If the Subcommittees recommend approval of replacing all court administrative assessment revenues with General Fund appropriations, the Major Closing Issue 2 and all Other Closing Items, inclusive of the indicated technical adjustments discussed below, will be funded with General Fund appropriations rather than court administrative assessment revenues as otherwise indicated. However, the \$4.7 million General Fund total recommended for the 2023-2025 biennium is inclusive of all recommended court administrative assessment revenues recommended in base, maintenance, and enhancement decision units in this budget, but not the technical adjustments recommended for Other Closing Items 2 and 3. Therefore, Fiscal staff recommends a technical adjustment to this decision unit to add General Fund appropriations of \$7,566 in both FY 2024 and FY 2025 to account for the budgetary impact of those technical adjustments.

Do the Subcommittees wish to approve General Fund appropriations totaling \$4.7 million over the 2023-2025 biennium to replace court administrative assessment revenues as recommended by the Governor as well as a technical adjustment of \$7,566 in additional General Fund appropriations in each fiscal year to fund the technical adjustments noted for Other Closing Items 2 and 3?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF GENERAL FUND APPROPRIATIONS TOTALING \$4.7 MILLION OVER THE 2023-2025 BIENNIUM TO REPLACE COURT ADMINISTRATIVE ASSESSMENT REVENUES AS RECOMMENDED BY THE GOVERNOR AS WELL AS A TECHNICAL ADJUSTMENT OF \$7,566 IN ADDITIONAL GENERAL FUND APPROPRIATIONS IN EACH FISCAL YEAR TO FUND THE TECHNICAL ADJUSTMENTS NOTED FOR OTHER CLOSING ITEMS 2 AND 3.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Our second Major Closing Issue is the new learning management system. The Governor recommends \$31,400 in court administrative assessment revenue over the 2023-2025 biennium to fund a new learning management and secure testing information system to replace the NV E-Learn system. The Commission states that the NV E-Learn system is being decommissioned, and it would need to purchase a new learning management information system to continue to provide certification for examinations and training. The NV E-Learn system is a state-sponsored training information system that is provided at no direct charge to state agencies. Currently, the Commission uses the system to administer peace officer training and testing but noted the SMART 21 project would also allow training to be conducted at no direct charge to state agencies. As discussed in Major Closing Issue 1, the Governor recommends replacing the court administrative assessment revenue with General Funds, including the funding in this decision unit.

During the March 1, 2023, hearing, the Subcommittees questioned whether the Commission could utilize NV E-Learn as the completion of the SMART 21 had been delayed. In response, the Commission stated it would be able to continue using the NV E-Learn platform. However, the Commission expressed concern that if the platform were to stop functioning, the Division of Enterprise Information Technology Services, Department of Administration would not have the ability to bring it back online. However, the Governor issued a letter on March 31, 2023, notifying state agencies that the Executive Committee for the SMART 21 project had made the decision to cancel the implementation of SMART 21, indicating NV E-Learn would continue to be available for the Commission to utilize.

Do the Subcommittees wish to approve \$31,400 in court administrative assessment revenue over the 2023-2025 biennium to fund a new learning management system as recommended by the Governor?

Chair Watts:

I am going to ask the Peace Officers' Standards and Training (POST) Commission to come forward so that we can get the best possible updated information. I know that the notice from the Governor's Office about the cancelation of the SMART 21 project was recent. I know that we are going to be having a more in-depth conversation about that in a joint meeting of the Committees this Saturday. I would like you to give us the best information that you have about what you see as the future of the NV E-Learn platform that currently exists. Has that modified the necessity for this new learning management system?

Mike Sherlock, Executive Director, Peace Officers' Standards and Training Commission:

From our perspective, NV E-Learn currently utilizes open-source Moodle. We believe that there is still a need to have an internal control and a platform of our own based on our security concerns and the amount of time that we spend delivering training and testing. We think our own platform is still critical to our operations. Even though we are going back to NV E-Learn, we are still utilizing open-source Moodle. This budget item would allow us to use Moodle directly controlled by our staff for the security issues and all those things. Our hope is to still go in that direction.

Senator Harris:

Assuming we approve the new learning management system, is there any risk that this new system may not work with some future modernization project, whatever the next variation of SMART 21 is, and then we must scrap that and get you something else?

Mike Sherlock:

That is a good point, and one of the reasons that we want to go with our own dedicated Moodle supported system. Currently we are in Moodle already. It is open source. For us, it

would be standalone to prevent some of those problems that you are talking about regardless of what the state may do in terms of technology—we would still be good with our own system in-house. That is part of the reason that we want to go with our own system.

Assemblywoman Dickman:

I was wondering whether there was a system with which you could integrate? Is there a long-term commitment with this, or could you end it easily if we went with this?

Mike Sherlock:

This item is a three-year contract with Moodle. Moodle has been around for a long time. We do not foresee any issues with that in terms of technology. Again, the advantage of having our own supported Moodle is it allows us to put that back on the vendor to keep us up to date on those types of issues.

Assemblywoman Dickman:

Even if we did find something to replace SMART 21, it might take three years at least to implement it anyway.

Chair Watts:

That might be an optimistic timeline. Members, are there any other questions? [There were none.] To follow up on some of the questions brought up by other members; I have seen NV E-Learn. I think having something that is updated, having something that is a bit more customized and has some of those security protections in place makes sense. The overall concern is that wherever we go from here, we want to produce some sort of solution that can work broadly. We have heard that where SMART 21 was going, we were going to move away from this into a solution that was not going to meet the security and other needs.

I do not want to end up in a scenario where we have five or six different learning systems, multiple contracts, and some agencies over here and some over there. I would like to see us ideally head to a place where we have another global solution that works for everyone. That is going to be a conversation that we are going to continue to have at a higher level with the Executive Branch and those who are thinking through what comes next post-SMART 21. I think at this time, I would be willing to recommend approval, but I want to make our concerns clear both to you and everyone watching. We want to make sure that this does not end up fragmented with a lot of different systems.

Assemblywoman Anderson:

Based on what you were saying, I am wondering what are the checks and balances? If we were to continue to have this for another three-to-six years, what are the checks and balances to make sure it is working? Are there already internal checks and balances, and if so, who are those reported to or are there external checks and balances? I am curious about how we make sure that the program is working as it should.

Mike Sherlock:

Again, we currently use NV E-Learn. I am no information technology (IT) expert. We currently use open-source Moodle. Multiple state agencies use NV E-Learn currently, which is Moodle. Our recommendation is for us to have our own supported Moodle, which is no different than what is going on out there. We have had discussions with the Department of Public Safety. There would be the availability of that source to other state agencies. But again, it is currently what is being used and it has not been an issue for us in terms of that platform.

Senator Goicoechea:

It sounds like what we have in place is working. We are just worried about how long it is going to work.

Mike Sherlock:

That is one of the concerns. With SMART 21, we had issues that it was not going to work for us in terms of security. Again, we do the state certification tests on the system and a lot of other issues that are unique to us. We understand that. But then again, we spend a lot of time with the current NV E-Learn open-source Moodle. People call our staff for Moodle problems because we use it so much. It just makes sense to have a supported Moodle within the state that we can use and not have to do all that.

Chair Watts:

I think that when we look at the size, scope, and the cost of this project, I feel comfortable with moving it forward. But a lot of these questions that have been raised over the last few minutes are questions that we are going to have to raise at a higher level about where the state is headed, and hopefully figure out as part of that comprehensive overall IT solution, how we make sure that we have some learning systems. I know many agencies have different uses for the current NV E-Learn system. We need to have something that is comprehensive, and we do not end up fragmented and potentially stacking lots of different contracts when we could have something that is more holistic and more cost effective. With that, I would accept a motion to approve.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF \$31,400
IN COURT ADMINISTRATIVE ASSESSMENTS OVER THE 2023-2025
BIENNIUM TO FUND A NEW LEARNING MANAGEMENT SYSTEM
AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

On page 6 [\[Exhibit C\]](#) are three Other Closing Items. Other Closing Item 1 is detailed in the table on the top of page 6. Regarding Other Closing Item 2, the Governor recommends \$20,172 in court administrative assessment revenue over the 2023-2025 biennium to fund nine training courses per fiscal year for staff assigned to instruct or assist with required basic academy training and advanced peace officer training. Fiscal staff would note the amount requested would only fund six training courses per fiscal year. To align the amount needed to fund nine courses in each fiscal year, Fiscal staff recommends a technical adjustment to increase court administrative assessment revenue by \$5,820 in FY 2024 and FY 2025, for a total cost of \$31,812 over the 2023-2025 biennium.

Regarding Other Closing Item 3, the Governor recommends \$4,140 in court administrative assessment revenue over the 2023-2025 biennium to increase travel expenses needed for the Commission's meetings. According to the agency, travel expenses for Commission meetings have continually resulted in a shortfall requiring the agency to transfer funds from other areas of its budget. Based on supporting documentation provided by the agency, the current request is not sufficient to address the shortfall. Fiscal staff worked with the Administrative Services Division to reconcile the amount needed to support the Commission's travel expenses and identified the Commission would need an additional \$3,492 over the 2023-2025 biennium. Fiscal staff recommends a technical adjustment to increase court administrative assessment revenue by \$3,492 over the 2023-2025 biennium.

Fiscal staff recommends Other Closing Item 1 be closed as recommended by the Governor and Other Closing Items 2 and 3 be closed with the noted technical adjustments and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEM 1 BE CLOSED AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEMS 2 AND 3 BE CLOSED WITH THE NOTED TECHNICAL ADJUSTMENTS AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED. (SENATOR NGUYEN WAS ABSENT FOR THE VOTE.)

We will move to the next budget.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - DIRECTOR'S OFFICE (201-4706)
BUDGET PAGE PUBLIC SAFETY-13

Daniel Miller, Program Analyst:

The Director's Office, Department of Public Safety budget account 201-4706 is on page 9 [\[Exhibit C\]](#). There are three Major Closing Issues in this budget. Major Closing Issue 1 is a new research and planning technology team. To support the transfer of nine positions to establish a new research and planning technology team, the Governor recommends a decrease of \$1.1 million of State Highway Funds, a decrease of \$560,995 of Records, Communications, and Compliance Division cost allocation reimbursements, and a decrease of \$163,123 of fees with the corresponding increase of Director's Office cost allocation reimbursements of \$1.8 million over the 2023-2025 biennium.

Prior to the 2013-2015 biennium, the Department of Public Safety operated an in-house Technology Bureau under the former Department of Public Safety Technology Division. During the 2013 Legislative Session, the Legislature approved the Governor's recommendation to eliminate the Technology Bureau and transferred the Department's information technology (IT) to the Division of Enterprise Information Technology Services (EITS), Department of Administration. The transfer of the Department of Public Safety's IT staff to EITS was intended to be viewed as a pilot program to move towards the statewide, consolidated and standardized IT environment. The agency indicates there are unique services and processes that fall outside the scope of EITS that the Department is better equipped to address.

If approved, the proposed team would include nine positions transferred from other department budgets and would be led by the administrative services officer 4. The team would be organized into three groups: radio systems management, operational maintenance technology, and research and planning technology as summarized on the table on page 10. The agency indicates the research and planning technology team would be able to expand support for systems and equipment such as radios, body cameras, and citation systems, and would not negatively impact agencies transferring the positions to the Director's Office. Once the team progresses, the agency anticipates it would increase the capacity to accommodate other agencies within the Department regarding efficiencies in technology usage, support, and development.

During the February 16, 2023, hearing, the Subcommittees expressed interest in how the research and planning technology team would address its IT challenges. In response, the agency indicated that moving modernization projects such as the Nevada Criminal Justice Information System and Offender Tracking Information System from EITS to the managing Department of Public Safety agencies has improved the progress on those projects.

There is a technical adjustment to align the budgeting of a business process analyst 2 position to a business process analyst 3 position.

Do the Subcommittees wish to recommend approval of position transfers as recommended by the Governor to support the creation of a new research and planning technology team for the Department of Public Safety, including the noted technical adjustment to budget the business process analyst 2 position as a business process analyst 3 position, resulting in an increase of \$18,380 in cost allocation reimbursements over the 2023-2025 biennium?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF POSITION TRANSFERS AS RECOMMENDED BY THE GOVERNOR TO SUPPORT THE CREATION OF A NEW RESEARCH AND PLANNING TECHNOLOGY TEAM FOR THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING THE NOTED TECHNICAL ADJUSTMENT TO BUDGET THE BUSINESS PROCESS ANALYST 2 POSITION AS A BUSINESS PROCESS ANALYST 3 POSITION, RESULTING IN AN INCREASE OF \$18,380 IN COST ALLOCATION REIMBURSEMENTS OVER THE 2023-2025 BIENNIUM.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 2 on page 11 [[Exhibit C](#)] is for two personnel technicians. The Governor recommends \$280,848 in cost allocation reimbursements over the 2023-2025 biennium to fund two personnel technician 3 positions. According to the agency, the human resource office is facing multiple challenges related to providing timely and efficient customer service for employee onboarding, emergency leave programs, and collective

bargaining agreements. The agency indicated that it has also faced challenges related to the recent implementation of the collective bargaining in the state as it must review changes and updates to labor agreements to prepare documents and records required for contract negotiations and conduct those negotiations with employees and labor unions.

During the February 16, 2023, hearing, the Subcommittees expressed interest about how the implementation of the collective bargaining agreements had impacted the agency's human resource workload. In response, the agency indicated that it has faced multiple difficulties with collective bargaining agreements such as officer concerns regarding the collective bargaining agreement not approved during the 2021-2023 biennium, lack of experience in employee and employer relations with unions, labor agreement changes, and different financial benefits offered to employees under different collective bargaining agreements. Due to these issues and the implementation of SMART 21 that has resulted in additional workload, the agency indicates it requires additional support.

Do the Subcommittees wish to recommend approval of two new personnel technicians for the Department of Public Safety's human resource office, as recommended by the Governor?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF TWO
NEW PERSONNEL TECHNICIANS FOR THE DEPARTMENT OF
PUBLIC SAFETY'S HUMAN RESOURCE OFFICE, AS RECOMMENDED
BY THE GOVERNOR.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 3 is on page 12 [\[Exhibit C\]](#) and is the annual fee for the Joint Emergency Training Institute facility. The Governor recommends \$192,000 in cost allocation reimbursements over the 2023-2025 biennium to fund the annual maintenance fee for the Joint Emergency Training Institute facility. The Department of Public Safety requests to continue participating in the Las Vegas Metropolitan Police Department's Joint Emergency Training Institute in Southern Nevada through an annual membership fee that provides access to many of the training facilities on the campus. According to the Department, the

campus would be used to supplement in-service training of current officers with scenarios such as multiagency emergency response in realistic city-like environments, classroom continuing education courses, active shooter training, emergency vehicle training, and other training to sharpen officer response. However, the Department indicated that the intended use of the campus has been limited.

The \$96,000 annual fee consists of this facility's project management and maintenance costs. The funding split can be seen in the table on page 13 [[Exhibit C](#)]. The membership includes training and access to the facility for 513 southern Nevada state police officers from the Department of Public Safety's Nevada Highway Patrol, the Division of Parole and Probation, Investigation Division, the State Fire Marshal, Capitol Police, the Training Division, the Office of Professional Responsibility, and Dignitary Protection.

Do the Subcommittees wish to recommend approval of \$192,000 in cost allocation reimbursements over the 2023-2025 biennium to fund the annual fee for the Joint Emergency Training Institute, as recommended by the Governor?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF \$192,000 IN COST ALLOCATION REIMBURSEMENTS OVER THE 2023-2025 BIENNIUM TO FUND THE ANNUAL FEE FOR THE JOINT EMERGENCY TRAINING INSTITUTE AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are seven Other Closing Items in this budget account. Fiscal staff recommends Other Closing Items 1 through 7 be closed as recommended by the Governor and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 7 BE CLOSED AS RECOMMENDED BY THE GOVERNOR AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - EVIDENCE VAULT (201-4701)
BUDGET PAGE PUBLIC SAFETY-29

Daniel Miller, Program Analyst:

The Department of Public Safety Evidence Vault is budget account 201-4701 [page 17, [Exhibit C](#)]. There is one Major Closing Issue in this account. The Governor recommends cost allocation reimbursements of \$174,822 over the 2023-2025 biennium for a new management analyst 2 position and associated expenditures to function as a new digital evidence technician. The agency states the addition of a digital evidence technician would allow the Department to provide centralized, neutral, and secure storage for digital evidence such as crime scene photos, forensic downloads, witness interviews, and footage from body cameras, dash cameras, and surveillance cameras, and maintain the integrity of the chain of custody system for digital evidence. This position would also be responsible for providing witness testimony, disseminating evidence as requested or subpoenaed, and assisting with digital evidence audits and training.

Fiscal staff recommends a technical adjustment to budget the position as an administrative assistant 4 instead of a management analyst to align the position with the agency's other property and evidence technicians.

Do the Subcommittees wish to recommend approving cost allocation reimbursements of \$140,799 over the 2023-2025 biennium for a new position to serve as a digital evidence technician for the Headquarters Office, inclusive of the noted technical adjustment to budget the position at the administrative assistant 4 level to align the position with the agency's other property and evidence technicians?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF COST ALLOCATION REIMBURSEMENTS OF \$140,799 OVER THE 2023-2025 BIENNIUM FOR A NEW POSITION TO SERVE AS A DIGITAL EVIDENCE TECHNICIAN FOR THE HEADQUARTERS OFFICE, INCLUSIVE OF THE NOTED TECHNICAL ADJUSTMENT TO BUDGET THE POSITION AT THE ADMINISTRATIVE ASSISTANT 4 LEVEL TO ALIGN THE POSITION WITH THE AGENCY'S OTHER PROPERTY AND EVIDENCE TECHNICIANS.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are three Other Closing Items in the table on page 18 [\[Exhibit C\]](#). Fiscal staff recommends Other Closing Items 1 through 3 be closed as recommended by the Governor and requests authority to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 3 BE CLOSED AS RECOMMENDED BY THE GOVERNOR AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - INVESTIGATION DIVISION (101-3743)
BUDGET PAGE PUBLIC SAFETY-92

Daniel Miller, Program Analyst:

Budget account 101-3743 is for the Investigation Division, Department of Public Safety [page 21, [Exhibit C](#)]. There is one Major Closing Issue in this budget account. The Governor recommends changing the funding for the cost of three positions in the SafeVoice program with a new State General Fund appropriation of \$304,330, transfers from the Department of Health and Human Services (DHHS) of \$56,700, and a decrease in transfers from the Department of Education (NDE) of \$346,771 over the 2023-2025 biennium.

The SafeVoice call center has 12 full-time employees, conducts operations 24 hours a day, 7 days a week, and has received a total of 33,198 tips since 2018. The graph on page 22 shows the total tips received in each calendar year from 2018 to 2022. Currently, the SafeVoice call center is funded with Elementary and Secondary School Emergency Relief funds transferred from NDE and tobacco settlement funds transferred from DHHS. The agency has identified a \$361,030 shortfall that would need to be funded to continue 3 of the 12 positions in the SafeVoice call center.

During the February 16, 2023, hearing, the Subcommittees questioned the agency about finding other funding sources such as grants to continue funding the SafeVoice call center. In response, the agency confirmed it sought out additional grants to continue funding the call center but faced challenges identifying a grant that would provide funding for a state program that is already established in state law and was relevant to the program's scope of work. Therefore, the agency was unable to acquire additional funding to support the SafeVoice call center. The Governor's recommendation also includes a General Fund appropriation of \$8,442 over the 2023-2025 biennium for temporary employees.

There is a technical adjustment noted for this Major Closing Issue to align the elimination of transfers from NDE with the base position budgeted costs.

Do the Subcommittees wish to recommend approval of \$298,513 in General Fund appropriations and \$56,700 in transfers from DHHS to continue funding three positions within the SafeVoice program over the 2023-2025 biennium, including the noted technical adjustments?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF \$298,513 IN GENERAL FUND APPROPRIATIONS AND \$56,700 IN TRANSFERS FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTINUE FUNDING THREE POSITIONS WITHIN THE SAFEVOICE PROGRAM OVER THE 2023-2025 BIENNIUM, INCLUDING THE NOTED TECHNICAL ADJUSTMENTS.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are five Other Closing Items in this budget account. Fiscal staff recommends Other Closing Items 1 through 3 be closed as recommended by the Governor, Other Closing Items 4 and 5 be deferred for consideration to the statewide decision units closing, where other statewide grade increases will be considered, and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 3 BE CLOSED AS RECOMMENDED BY THE GOVERNOR, OTHER CLOSING ITEMS 4 AND 5 BE DEFERRED FOR CONSIDERATION TO THE STATEWIDE DECISION UNITS CLOSING, WHERE OTHER STATEWIDE GRADE INCREASES WILL BE CONSIDERED, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

PUBLIC SAFETY

DEPARTMENT OF PUBLIC SAFETY

DPS-CENTRAL REP FOR NV RECORDS OF CRIMINAL HISTORY (101-4709)

BUDGET PAGE PUBLIC SAFETY-105

Daniel Miller, Program Analyst:

Department of Public Safety budget account 101-4709 is for the Central Repository for Nevada Records of Criminal History [page 25, [Exhibit C](#)]. There are three Major Closing Issues in this account. The Governor recommends \$20.9 million in federal American Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds over the 2023-2025 biennium, with a corresponding State General Fund reduction of \$434,009 over both fiscal years of the biennium, to fund the continuation of the Nevada Criminal Justice Information System (NCJIS) modernization project. This recommendation would add \$1.3 million to this budget's reserves.

The NCJIS project is a multi-biennia endeavor that is in its final phase and nearing completion. On October 20, 2022, the Interim Finance Committee (IFC) approved an allocation of \$20.9 million in ARPA Coronavirus State Fiscal Recovery Funds to a dedicated reserve category and instructed the Office of Finance, Office of the Governor to include enhancement decision units in The Executive Budget to request the use of those reserves for the 2023-2025 biennium. However, the Governor's recommended budget includes the full \$20.9 million of ARPA Coronavirus State Fiscal Recovery Funds allocation in the base budget for both fiscal years (FY) 2024 and FY 2025, which doubles the amount of funding authorized by the IFC.

The agency included four decision units related to the continuation of the NCJIS modernization project. In decision unit enhancement (E) 246, the Governor recommends \$18 million in ARPA Coronavirus State Fiscal Recovery Funds to continue funding the base Unisys charges, vendor services, operating expenses, and Unisys scope increases. Unisys is the vendor responsible for providing computer programming and related services to replace the existing NCJIS used for storing and accessing criminal justice information in Nevada.

In decision unit E-247, the Governor recommends \$1.7 million in ARPA Coronavirus State Fiscal Recovery Funds, a reduction of \$434,009 of General Fund appropriations and an increase to the reserves of \$1.3 million over the 2023-2025 biennium to continue funding eight positions assigned to the NCJIS modernization project. This decision unit would substitute ARPA Coronavirus State Fiscal Recovery Funds instead of the Division's fee funding to support the existing positions.

In decision unit E-248, the Governor recommends \$1.1 million in ARPA Coronavirus State Fiscal Recovery Funds to fund six new NCJIS program specialist positions and one new NCJIS program specialist supervisor position to provide help desk services to noncriminal justice system users.

Currently, the Division of Enterprise Information Technology Services, Department of Administration provides all help desk services for criminal justice users while the agency handles noncriminal justice accounts through a manual process that includes phone calls, email, and mail. Since the agency would not rely as heavily on manual processes upon completion of the NCJIS project, the new positions would focus on evaluating issues presented by customers and provide technical assistance in the system's portal.

Due to the required operational hours of the Brady Point-of-Contact Firearms program, the seven new positions would be the minimum number of staff needed to provide service to support eight hours a day, seven days a week. The role of the NCJIS program specialist supervisor encompasses not only the responsibilities of the NCJIS program specialist, but also includes the management of the six new positions designated to the service desk.

In decision unit enhancement (E) 249, the Governor recommends \$76,015 in ARPA Coronavirus State Fiscal Recovery Funds in FY 2025 to fund the scope changes for Special Warrants and Records Validation program requirements. Fiscal staff would note this recommendation exceeds the ARPA Coronavirus State Fiscal Recovery Fund allocation approved by the IFC. The agency indicated it could offset these expenses through cost savings and ARPA Coronavirus State Fiscal Recovery Funds or by using its reserves.

During the March 16, 2023, hearing, the Subcommittees expressed interest in the agency's strategy concerning the new and existing positions that have been requested to support the NCJIS modernization project. In response, the agency provided information regarding its approach towards the management of these positions. The agency disclosed that the existing eight positions would be retained to support the NCJIS project through the biennium, indicating these positions are pivotal to providing support for NCJIS processes and ensuring the success of the modernization project.

Upon the completion of the NCJIS modernization project, the agency plans to reclassify the Deputy Administrator position to a Division Administrator and retain one business process analyst to facilitate ongoing enhancements, modernizations, and system changes driven by new legislation. The remaining six positions would be evaluated to determine whether they would be retained, eliminated, or transferred to the Director's Office to join the proposed research and planning technology team contingent upon approval.

The agency also emphasized that many of the wait-times that its customers currently face would be significantly reduced upon the completion of the NCJIS modernization project. However, despite the anticipated efficiencies, the agency stated that it would not be eliminating positions in this biennium or the 2025-2027 biennium. Instead, it would retain all its positions through the 2025-2027 biennium to evaluate how the completion of the modernization project would impact its internal processes and make determinations about eliminating positions that may be redundant given the NCJIS capabilities.

Fiscal staff would note that the Governor recommends \$76,015 in ARPA Coronavirus State Fiscal Recovery Funds in FY 2025 to fund scope changes for the Special Warrants and Records Validation program. Since the agency indicated it could offset these expenses through cost savings in the ARPA Coronavirus State Fiscal Recovery Funds or utilize its reserves, Fiscal staff recommends decision unit E-249 not be approved as budgeted.

There are some noted technical adjustments for the NCJIS project. Fiscal staff recommends a technical adjustment to align the agency's projected NCJIS expenses with the corresponding ARPA Coronavirus State Fiscal Recovery Funds authority in each fiscal year, which would result in a reduction of \$10.3 million of ARPA Coronavirus State Fiscal Recovery Fund authority in FY 2024, and a reduction of \$10.6 million of ARPA Coronavirus State Fiscal Recovery authority in FY 2025.

Additionally, during the April 6, 2023, IFC meeting, the IFC authorized the agency to use \$1.5 million of the \$20.9 million Coronavirus State Fiscal Recovery Funds allocated towards the NCJIS project in the 2023-2025 biennium. The IFC expressed interest in the agency utilizing available federal funding first before depleting its agency's reserves. Fiscal staff recommends an additional reduction of \$1.5 million of Coronavirus State Fiscal Recovery Funds budget authority in FY 2025 with a corresponding use of fee reserves. In decision unit E-247, Fiscal staff recommends a technical adjustment to eliminate the reduction of General Funds, which would result in an increase of \$434,009 in fee reserves.

If the continuation of the NCJIS modernization project is approved, the Subcommittees may wish to recommend the issuance of a letter of intent directing the agency to report on a semiannual basis to the IFC the status and progress of the modernization project and the expenditure of Coronavirus State Fiscal Recovery Funds over the 2023-2025 biennium, as Coronavirus State Fiscal Recovery Funds must be obligated by December 31, 2024, and expended by December 31, 2026.

There are three decisions for the Subcommittees to consider:

1. Do the Subcommittees wish to recommend approval of decision units E-246, E-247, and E-248 to support the continuation of the Nevada Criminal Justice Information System modernization project as recommended by the Governor including the noted technical adjustments?
2. Do the Subcommittees wish to not recommend approval of decision unit E-249, which in combination with the approval of decision #1 would result in a total of \$19.4 million in Coronavirus State Fiscal Recovery Funds and \$621,303 in fee reserves over the 2023-2025 biennium?

3. If so, do the Subcommittees wish to recommend the issuance of a letter of intent directing the agency to report on a semi-annual basis to the IFC to provide updates on the status and progress of the modernization project and the expenditure of American Rescue Plan Act, Coronavirus State Fiscal Recovery Funds over the 2023-2025 biennium?

Chair Watts:

Thank you for that overview. As we continue to go through this, I want to take time to recognize all the hard work that our staff put in on evaluating these budgets. I also want to recognize the Department of Public Safety for all their work with our Fiscal staff to figure out the best path forward. At the risk of oversimplifying all that work of where we are on this item, we want to make sure that we use those ARPA dollars that have an expiration date first and then go into reserves to cover any of the additional cost to get this completed.

We are excited about this. The remaining major modernization projects that have not been scrapped are before the Subcommittees. We hope that we get them all successfully landed over the next couple of years and are glad to provide whatever support is needed to make sure that happens. As we discussed with another one of these projects, we want to continue getting regular updates about those programs so that we do not have any surprises and we can understand how we are progressing toward that finish line. With that, members, do you have any questions on this item?

Assemblywoman Dickman:

What is a CCW Hot File on the table that has task names on page 26 [[Exhibit C](#)]?

**Julie Ornellas, Administrator, Records, Communications and Compliance Division,
Department of Public Safety:**

The CCW Hot File is a query that criminal justice agencies will run to determine if an individual has a CCW (concealed carry weapon) permit. It gives information about that individual like a CCW permit number, if a permit has been revoked, where it was issued, from what county, and that type of information.

Assemblywoman Dickman:

If there is some sort of infraction, would you run a query or is it just a random query? Why do you do these checks?

Julie Ornellas:

The CCW Hot File is done, for example, if an officer pulls over an individual in a traffic stop, the officer will run queries on who they pulled over to see whether there are any kind of warrants or anything like that. Through the queries, the officer could see if the individual has a CCW. If they do find a firearm or something like that, then the officer knows that the individual legitimately has a CCW permit.

Assemblywoman Dickman:

This chart says that is 17 percent complete. Does that mean you have lots to enter yet?

Julie Ornellas:

The CCW Hot File is considered one of our civil processes, and the civil process includes the CCW database, the CCW Hot File, and all our civil functions. It is not a criminal database. The first phase of modernization is all the criminal functions, and the CCW queries and everything having to do with that part of the project is at the end. That is due to be delivered in May or June of 2024. We may see it delivered in August. Right now, we are negotiating with the vendor on some changes, but it is in that particular time frame. That is why that percentage looks like that. It is in progress.

Chair Watts:

Are there any other questions?

Assemblywoman Gorelow:

Since you are talking about that chart, the Knowledge Management is only 16 percent complete, and it is supposed to be finished by June 2023. There is less than two months remaining. What is Knowledge Management? Are you confident you can get that complete in seven weeks?

Julie Ornellas:

Yes. The Knowledge Management is a compilation of knowledge articles from our vendor that they have compiled to assist our help desk services and our future service desk for civil matters. They are working to provide knowledge articles. If you phone the help desk with issues about the portal or questions on the civil databases or civil functions, when those come online or criminal justice issues that are going online next week, the Knowledge Management assists the help desk staff or service desk individual ask a series of questions to get to a resolution for that individual quickly. They are finalizing those, and we have gotten the first two big files about a week ago with a good majority, and we are reviewing those now.

Chair Watts:

It is worth noting as well that since these numbers were provided to us, the project is moving along constantly.

Julie Ornellas:

We are going live with the first phase on May 2nd. This week we are in control testing, and that is going well with all our federal partners, including the National Crime Information Center and the Interstate Identification Index, which is our criminal history. We have been doing testing and today is another test, and those are going well. We have fine tuning to do,

but everything is looking good and so far, we still plan to go live on that date. We are excited. We will start at 3 a.m. on May 2, 2023, doing our cutover and hope to have everything up and running by 6 a.m.

Assemblyman Hafen:

I have a question on the technical adjustments on page 30 [\[Exhibit C\]](#). This is the first time that I have noticed such a large technical adjustment of \$20.9 million. I would like to get a better understanding of what we are doing. Are we completely pulling all of that back, and then we are going to reallocate it later? Are we going to send it to IFC to allow the agency to come before us and have IFC approve the expenditures? That is a large number for a technical adjustment.

Daniel Miller:

What is occurring here is that in the agency's budget, the authority for their Coronavirus State Fiscal Recovery funds was double budgeted in FY 2024 and FY 2025. What this technical adjustment does is bring down the authority to align with the expenses that are budgeted in FY 2024 and FY 2025. It does not reduce the overall authority that was given to them by the IFC over the biennium. They would still receive the full \$20.9 million between FY 2023 to the end of FY 2025.

Chair Watts:

Members, are there any other questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF DECISION UNITS E-246, E-247, AND E-248 TO SUPPORT THE CONTINUATION OF THE NEVADA CRIMINAL JUSTICE INFORMATION SYSTEM MODERNIZATION PROJECT AS RECOMMENDED BY THE GOVERNOR INCLUDING THE NOTED TECHNICAL ADJUSTMENTS; AND NOT RECOMMEND APPROVAL OF DECISION UNIT E-249, WHICH WOULD RESULT IN A TOTAL OF \$19.4 MILLION IN CORONAVIRUS STATE FISCAL RECOVERY FUNDS AND \$621,303 IN FEE RESERVES OVER THE 2023-2025 BIENNIUM; AND RECOMMEND THE ISSUANCE OF A LETTER OF INTENT DIRECTING THE AGENCY TO REPORT ON A SEMI-ANNUAL BASIS TO THE INTERIM FINANCE COMMITTEE TO PROVIDE UPDATES ON THE STATUS AND PROGRESS OF THE MODERNIZATION PROJECT AND THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT, CORONAVIRUS STATE FISCAL RECOVERY FUNDS OVER THE 2023-2025 BIENNIUM.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 2 is excess reserves on page 31 [[Exhibit C](#)]. The Governor's recommended budget includes a \$10.2 million reserve balance by the end of FY 2025. The recommended \$10.2 million reserve balance at the end of FY 2025 is \$6.9 million, or 129 days, over the 60-day target of \$3.2 million.

During the March 16, 2023, hearing, the Subcommittees inquired about the agency's strategy to utilize its reserves that exceed the 60-day target reserve level. In response, the agency indicated it would need its reserves to fund ongoing NCJIS program maintenance, support, and positions in the 2025-2027 biennium. The agency indicated its reserves have grown due to its civil fee-funded programs and emphasized that its civil fee-funded programs are subsidizing nonfee funded criminal programs such as the Sex Offender Registry. Fiscal staff notes, *Nevada Revised Statutes* (NRS) 179A.140 indicates that money received or collected by the Department for furnishing information relating to records of criminal history must be used to defray the cost of operating the central repository. The current statute does not specify nonfee funded criminal programs must be fully state funded nor does it deter using fees collected from civil programs to support nonfee funded criminal programs.

The Subcommittees could recommend utilizing excess reserves to defray the cost of operating the central repository. During the hearing, the Subcommittees expressed interest in exploring options to adjust the recommended reserve levels and directed staff to bring forward options to the closing. The table on page 33 [[Exhibit C](#)] demonstrates the agency's projected reserve balance and the projected reserves above the 60-day target over the 2023-2025 biennium. Based on discussions between Fiscal staff and the agency, the agency expressed its intention to maintain its excess reserve balance in anticipation of the NCJIS maintenance expenditures of \$3.7 million in each fiscal year over the 2025-2027 biennium or to address any unknown cost increases from the implementation of the NCJIS modernization project.

During the budget hearing, there was discussion to bring down the \$3.50 applicant fee increase. However, pursuant to NRS 179A.140, the Division has the authority to charge a reasonable fee for information relating to records of criminal history and is not required to regulate its fees through the *Nevada Administrative Code*. Therefore, although the Subcommittees have the authority to reduce the authorization to receive these fees in the budget, the Legislature cannot eliminate the \$3.50 fee increase without a change in statute.

It has been a historical practice that if a budget is provided an unrestricted General Fund appropriation to supplement expenditures funded with fee revenues as would be the case if Major Closing Issue 3 is approved, any excess of eligible fee revenues would be expended prior to the utilization of General Fund, which may result in a General Fund reversion at the end of any applicable fiscal year. General Fund appropriations and fee revenues are not allowed to carry a reserve balance from year to year; instead, all unspent revenues would revert to the General Fund at the end of each fiscal year.

Therefore, if the Subcommittees wish to align the budgetary policy for the Records, Communications and Compliance Division with the practice applied to other similarly structured budgets, the following should occur to transition this budget to accepted budgetary practice over the 2023-2025 biennium.

- To ensure that this budget's current reserves are expended by the end of FY 2025, rather than providing a General Fund appropriation to replace court administrative assessment revenues as discussed in Major Closing Issue 3, the agency reserves should be utilized. This would result in a reduction of budgeted General Fund appropriations of \$9.3 million over the 2023-2025 biennium and reduce the projected reserve balance to zero by the end of FY 2025. Additionally, the intent should be that any fees not committed for expenditure by the end of FY 2025 would then revert to the General Fund, and the reserve category would be eliminated in future biennia.
- To ensure that current eligible fees are utilized prior to any newly received fees and that any newly received fees are utilized prior to any General Fund appropriations, the Subcommittees should direct staff to include additional back language indicating this policy in the Authorizations Act.
- Currently, fees received by the Division must defray the cost of operating the criminal repository. To require that new fees in excess of the authorized expenditures revert to the General Fund, the Subcommittees should direct staff to develop a budget implementation bill draft request to amend the applicable statutes to allow the use of fees for any purpose authorized by the Legislature, and require any fees not committed for expenditure to revert to the General Fund starting at the end of FY 2025.

In summary, applying the budgetary policy to the Records, Communications and Compliance Division, consistent with other similarly structured budgets, would require the Division to utilize its current fee reserves for eligible expenditures and eliminate the reserves by the end of FY 2025. In addition, this would provide the Division the opportunity to submit a proposal for an operating budget funded with a combination of General Fund appropriations and fees for consideration to the 2025 Legislature that is consistent with the existing budget policy.

Do the Subcommittees wish to recommend approval of applying existing budgetary policy regarding the treatment of fee revenues when budgeted in conjunction with General Fund appropriations to the Records, Communications and Compliance Division's budget, such that its budgeting is consistent with the practice applied to other similarly-structured budgets by adjusting the funding recommended in Major Closing Issue 3 from General Fund appropriations to utilizing reserves, with the intent to eliminate the budget's fee reserve by the end of FY 2025, and directing Fiscal staff to work with the Legal Division to draft enabling legislation to carry out the budget policy? This option would result in General Fund reductions of \$9.3 million over the 2023-2025 biennium and is contingent on the passage and approval of enabling legislation.

Chair Watts:

Before I open it up to questions from Committee members, I want to applaud the work of our staff as well as the agency in trying to work through some of these matters. We have budgets that are fee funded, and the backstop to make sure that they can meet their needs is to maintain sufficient reserves. Then we also have General Fund budget accounts, which can go to the IFC Contingency Account to make sure that they are made whole for any overruns. In this account, it was previously completely fee funded. This is something where we are transitioning over to General Fund to get away from some of those court administrative assessments, and it has significant reserves. We are looking to make that kind of transformation by spending down those reserves and move to the General Fund to replace those court administrative assessments moving forward as we have done with other budget accounts, with the IFC Contingency Account being available whenever needed like other General Fund budgets. I wanted to simplify a lot of hard work that went into this. With that, I would open it up to any questions from members of the Subcommittees.

Senator Goicoechea:

In 2019, we increased the fee by \$3.50, but then now we do not need it because we backfilled the budget with the ARPA Coronavirus money, and that created these huge reserves that we are going to now spend down. But my concern is where are we in 2025?

Chair Watts:

There are two pieces of that as far as where we are going to be in the next biennium. There will be General Fund coming in to support whatever is not met by fee revenues. I think the other part to your question is about fees, and there is some information in our backup [\[Exhibit C\]](#). The Department has the ability and broad statutory authority to modify their fees. We can either look at potentially addressing that in statute; otherwise we can ask them to review their fee structure and make sure that it is appropriate moving forward. Any reduction in that fee revenue will need to be balanced out with General Funds in future biennia.

Senator Goicoechea:

You believe there would be an option in 2025 to either decrease or increase that fee depending on what the needs are in the General Fund?

Chair Watts:

That is correct. That is something that we could discuss, and others can discuss and reach some sort of plan with the agency for that moving forward and what that appropriate level is. Whatever is not met by fee revenue, General Fund will come in to make sure that it is whole for their needs.

Senator Goicoechea:

I appreciate that. But again, as we look at this, this is going to give us a huge reduction in General Fund expenditures for this cycle. I caution you even though I will not be here, there will not be ARPA dollars either. We hope we do not have another Coronavirus pandemic.

Chair Watts:

Yes, that is correct. Hopefully, we will have the NCJIS modernization project complete, which is the big-ticket item in here. The expenditure needs will also be going down. I appreciate your comments.

Members, are there any other questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF APPLYING EXISTING BUDGETARY POLICY REGARDING THE TREATMENT OF FEE REVENUES WHEN BUDGETED IN CONJUNCTION WITH GENERAL FUND APPROPRIATIONS TO THE RECORDS, COMMUNICATIONS AND COMPLIANCE DIVISION'S BUDGET, SUCH THAT ITS BUDGETING IS CONSISTENT WITH THE PRACTICE APPLIED TO OTHER SIMILARLY-STRUCTURED BUDGETS, BY ADJUSTING THE FUNDING RECOMMENDED IN MAJOR CLOSING ISSUE 3 FROM GENERAL FUND APPROPRIATIONS TO UTILIZING RESERVES, WITH THE INTENT TO ELIMINATE THE BUDGET'S FEE RESERVE BY THE END OF FISCAL YEAR 2025, AND DIRECT FISCAL STAFF TO WORK WITH THE LEGAL DIVISION TO DRAFT ENABLING LEGISLATION TO CARRY OUT THE BUDGET POLICY. THIS OPTION WOULD RESULT IN GENERAL FUND REDUCTIONS OF \$9.3 MILLION OVER THE 2023-2025 BIENNIUM AND IS CONTINGENT ON THE PASSAGE AND APPROVAL OF ENABLING LEGISLATION.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 3 is the funding source change from court administrative assessments to General Fund appropriations. Since the Subcommittees decided to recommend approval of Major Closing Issue 2, this would be in conjunction with Major Closing Issue 2.

Do the Subcommittees wish to not recommend approval of \$9.3 million in General Fund appropriations but instead authorize \$9.3 million in budgeted reserves to fund the reduction in court administrative assessments? This decision is contingent upon the Subcommittees' recommendation to align the budgetary treatment of reserves in this budget with other similarly structured budgets as discussed in Major Closing Issue 2.

Chair Watts:

This is a companion item. Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO NOT RECOMMEND APPROVAL OF
\$9.3 MILLION IN GENERAL FUND APPROPRIATIONS BUT INSTEAD
AUTHORIZE \$9.3 MILLION IN BUDGETED RESERVES TO FUND THE
REDUCTION IN COURT ADMINISTRATIVE ASSESSMENTS.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are seven Other Closing Items in this budget account. Fiscal staff recommends Other Closing Items 1 through 6 be closed as recommended by the Governor and Other Closing Item 7 be closed with the noted technical adjustment, and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 6 BE CLOSED AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEM 7 BE CLOSED WITH THE NOTED TECHNICAL ADJUSTMENT, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - FIRE MARSHAL (101-3816)
BUDGET PAGE PUBLIC SAFETY-131

Daniel Miller, Program Analyst:

The next Department of Public Safety account is the Fire Marshal budget account 101-3816 on page 39 [[Exhibit C](#)]. There are two Major Closing Issues in this budget account. Major Closing Issue 1 is for a new administrative assistant position. The Governor recommends fee and transfer revenues of \$129,570 over the 2023-2025 biennium for a new administrative assistant position and associated expenditures. The administrative assistant position would be responsible for processing construction plans for review, tracking fire and life safety inspections across the state, maintaining current investigation files, managing public disclosure requests and burn injury notifications, monitoring vehicle usage and maintenance, and handling billing claims for inspections and plan reviews. If approved, the agency indicates the clerical tasks performed by the fire and safety inspectors would be managed by the new administrative assistant position, allowing the inspectors to maximize their time in the field to perform their assigned inspections.

Do the Subcommittees wish to recommend approval of a new administrative assistant position to assist with clerical duties for the Fire Protection Bureau and the Investigation and Enforcement Bureau, including the noted technical adjustment to replace the increase of \$129,570 of fee and transfer revenues with funding from budgeted reserves?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF A NEW ADMINISTRATIVE ASSISTANT POSITION TO ASSIST WITH CLERICAL DUTIES FOR THE FIRE PROTECTION BUREAU AND THE INVESTIGATION AND ENFORCEMENT BUREAU, INCLUDING THE NOTED TECHNICAL ADJUSTMENT TO REPLACE THE INCREASE OF \$129,570 OF FEE AND TRANSFER REVENUES WITH FUNDING FROM BUDGETED RESERVES.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 2 is the authorized reserve balance. The Governor's budget recommends authorizing a \$2 million reserve balance by the end of fiscal year (FY) 2025. The recommended \$2 million reserve balance at the end of FY 2025 is more than double the projected reserve balance at the end of FY 2023 and may exceed the amount necessary to fund the agency's current level of expenditures.

During the February 16, 2023, hearing, the Subcommittees sought information about the agency's higher reserve levels and questioned whether the agency could utilize more of its reserve to add additional full-time positions to help address its backlogs. The agency confirmed additional positions would help address its backlogs and identified it would need two additional fire and life safety inspectors in the southern region to reduce turnaround times to one week and be proactive with inspections in the southern region. Additionally, the agency indicated adding an additional fire plans examiner and fire and life safety inspector in the Carson City office would help the agency reach the industry standard turnaround time of less than ten days for its workload.

Following the hearing, the Office of Finance, Office of the Governor submitted budget amendment A230683816 on February 16, 2023, which recommends increasing fee and transfer revenues by \$388,921 over the 2023-2025 biennium to fund two additional fire and life safety inspector 2 positions in the Las Vegas office. According to the agency, there has been an increase in construction projects in the Clark County School District and across the state, causing delays in response times for inspections. Although the number of construction inspections the agency has conducted has continually increased from 2018, the agency has not added additional staffing to support the increase. According to the agency, adding two additional fire and life safety inspectors in the south will address backlogs in the Las Vegas office.

If all items presented in the Fire Marshal's budget account are approved, including budget amendment A230683816, and Fiscal staff's recommended technical adjustments throughout the budget, the agency's reserves would be reduced to \$1.4 million, aligning the agency's reserve level to 120 days of operating reserves by the end of fiscal year 2025.

Do the Subcommittees wish to recommend approving Budget Amendment A230683816, which would add two additional fire and life safety inspector 2 positions to the southern Nevada region, including the noted technical adjustment to replace the increase of \$388,921 of fee and transfer revenue with funding from budgeted reserves?

Chair Watts:

Before we move to questions, I want to take a moment to appreciate both staff as well as the Department of Public Safety for their work on this. You know, there was a robust conversation about the revenues coming in and the needs and timelines. I appreciate the work that has already been done to reduce those backlogs and timelines. I also want to express appreciation to the Office of Finance, Office of the Governor for preparing this amendment, which I think makes a lot of sense. It gets this budget to where it needs to be to improve the service levels and timelines for several counties throughout the state.

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF BUDGET AMENDMENT A230683816, WHICH WOULD ADD TWO ADDITIONAL FIRE AND LIFE SAFETY INSPECTOR 2 POSITIONS TO THE SOUTHERN NEVADA REGION, INCLUDING THE NOTED TECHNICAL ADJUSTMENT TO REPLACE THE INCREASE OF \$388,921 OF FEE AND TRANSFER REVENUE WITH FUNDING FROM BUDGETED RESERVES.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are 16 Other Closing Items in this budget account detailed on page 43 [[Exhibit C](#)]. Fiscal staff recommends Other Closing Items 1 through 13 be closed as recommended by the Governor, Other Closing Items 14 and 15 be closed with the noted technical adjustments,

Other Closing Item 16 be deferred for consideration and discussed during the statewide decision units closing when other statewide grade increases will be considered, and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 13 BE CLOSED AS RECOMMENDED BY THE GOVERNOR, OTHER CLOSING ITEMS 14 AND 15 BE CLOSED WITH THE NOTED TECHNICAL ADJUSTMENTS, OTHER CLOSING ITEM 16 BE DEFERRED FOR CONSIDERATION AND DISCUSSION DURING THE STATEWIDE DECISION UNITS CLOSING WHEN OTHER STATEWIDE GRADE INCREASES WILL BE CONSIDERED, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - PAROLE BOARD (101-3800)
BUDGET PAGE PUBLIC SAFETY-193**

Daniel Miller, Program Analyst:

The next Department of Public Safety account is the Parole Board, budget account 101-3800 on page 49 [[Exhibit C](#)]. There is one Major Closing Issue in this budget account. The Governor recommends State General Fund appropriations of \$255,133 over the 2023-2025 biennium to fund a new unclassified Executive Director position and associated costs. The agency indicates it is difficult to address the operational issues due to the current organizational structure of the State Board of Parole Commissioners, specifically because two or more board members form a quorum, and the Chairman is unable to consult with commissioners on operational concerns without conducting a public meeting.

Pursuant to *Nevada Revised Statutes* (NRS) 213.108, the Chairman, who is appointed by the Governor, is currently responsible for administering the activities and services of the Parole Board. The Office of Finance, Office of the Governor has submitted a bill draft request to amend NRS 213.108 to delegate operational responsibilities to the Executive Director, subject to the supervision of the Chairman. The Chairman would appoint the Executive Director, who would be responsible for overseeing several areas and would also manage the activities and services of the agency's fiscal unit, grant opportunities, and agency staff. An unclassified Executive Director position is recommended as it has been determined that no classified position meets the specifications established by the Division of Human Resource Management, Department of Administration that would not cause a salary compaction issue within the agency.

During the March 1, 2023, hearing, the Subcommittees questioned why the Parole Board would need an additional position as it is not facing a backlog in its operations. In response, the agency indicated that the Executive Director would be able to handle those administrative duties without triggering the Open Meeting Law. Additionally, the agency stated that 29 of 50 states have a position like an executive director.

The Governor's Finance Office submitted a bill draft request, later introduced as Assembly Bill 462, on April 3, 2023, to establish the statutory provision in support of this recommendation.

Do the Subcommittees wish to recommend approval of the new Executive Director position for the State Board of Parole Commissioners as recommended by the Governor, contingent on the passage and approval of Assembly Bill 462 or some other enabling legislation?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF THE NEW EXECUTIVE DIRECTOR POSITION FOR THE STATE BOARD OF PAROLE COMMISSIONERS AS RECOMMENDED BY THE GOVERNOR, CONTINGENT ON THE PASSAGE AND APPROVAL OF ASSEMBLY BILL 462 OR SOME OTHER ENABLING LEGISLATION.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are five Other Closing Items in this account detailed on page 51 [[Exhibit C](#)]. Fiscal staff recommends Other Closing Items 1 through 4 be closed as recommended by the Governor and Other Closing Item 5 not be approved and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 4 BE CLOSED AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEM 5 NOT BE APPROVED, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - DIVISION OF PAROLE AND PROBATION (101-3740)
BUDGET PAGE PUBLIC SAFETY-79**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is the Division of Parole and Probation, budget account 101-3740 [page 53, [Exhibit C](#)]. There are three Major Closing Issues in this account. Major Closing Issue 1 is the caseload changes. The Governor recommends staffing level adjustments resulting in the addition of nine positions supported by State General Fund appropriations of \$1.2 million over the 2023-2025 biennium based on caseload projections provided by the James F. Austin and Associates Institute (JFA). The JFA is a consultant contracted to review, analyze, and project caseloads for the Department of Corrections and the Division of Parole and Probation, Department of Public Safety.

During the March 1, 2023, hearing, the Subcommittees questioned whether the caseload adjustments as recommended by the Governor would result in any layoffs. In response, the agency indicated that three parole and probation specialist 4 positions recommended for elimination in decision unit maintenance (M) 201 did have incumbents and would result in

the incumbents having to take a voluntary demotion to a parole and probation specialist 3 position or the incumbents would be laid off. However, the agency has submitted its updated actual caseload information to JFA. Based on the updated projections provided by JFA using the agency's updated actual caseload data, there are various changes to position additions and eliminations.

The 2021 legislatively approved staff ratios, actual fiscal year (FY) 2022 caseloads, and projected caseloads for FY 2023, FY 2024, and FY 2025 based upon the JFA updated caseload projections received on March 27, 2023, are provided in the table on page 54 [\[Exhibit C\]](#).

Decision unit M-201 would adjust the nonsworn positions responsible for presentence investigations. In accordance with the caseload changes submitted to Fiscal staff and in alignment with the approved statewide staffing ratios, the caseload reflects the workload need of not eliminating three parole and probation specialist 4 positions, as recommended by the Governor, and the addition of one parole and probation specialist 3 position because of presentence investigation categories increasing over the 2023-2025 biennium. As a result of the revised caseload projections, Fiscal staff recommends a technical adjustment to adjust decision unit M-201 by removing the elimination of the three parole and probation specialist 4 positions and adding the new parole and probation specialist 3 position. If approved, decision unit M-201 would result in General Fund appropriations of \$45,945 and county reimbursements of \$107,205 over the 2023-2025 biennium as compared to the reduction of \$564,311 in General Fund appropriations recommended by the Governor.

Decision unit M-202 would adjust sworn and nonsworn positions responsible for offender supervision. In accordance with the caseload projections submitted to staff on March 27, 2023, and aligned with the 2021 legislatively approved statewide staffing ratios, the caseload reflects the addition of eight Department of Public Safety (DPS) officer 2 positions in FY 2024—an increase of two positions compared to the Governor's recommended budget—and an additional three DPS officer 2 positions in FY 2025—as recommended by the Governor. A total of 11 new officer 2 positions will be added. Additionally, based on the updated caseload, one DPS sergeant position is supported—a decrease of three positions compared to the Governor's recommended budget—over the 2023-2025 biennium because of regular supervision, very high-risk, and sex offender categories increasing over the 2023-2025 biennium. Comparably, three parole and probation specialist 3 positions would be eliminated due to low-risk supervision categories being projected as having a lower caseload over the 2023-2025 biennium—a decrease of one compared to the Governor's recommended budget. Lastly, one DPS lieutenant position would be eliminated over the 2023-2025 biennium to align with the supervision ratio of one DPS lieutenant per three DPS sergeants.

Regarding the elimination of one DPS lieutenant position based upon the updated caseload/supervisory projections, all lieutenant positions are currently filled, and eliminating this position would result in laying off the current incumbent. Due to the current vacancy rates of sworn staff, the Subcommittees may wish to recommend retaining this position over the 2023-2025 biennium and direct the agency to leave the position unfilled should this position become vacant unless revised projections demonstrate the supervisory need. Since the funding for this position is included in the base budget, no technical adjustments would be needed if this position is retained.

Decision unit M-204 adjusts nonsworn positions responsible for warrants and prerelease. In accordance with the JFA updated caseload projections received on March 27, 2023, and aligned with the 2021 approved statewide staffing ratios, the caseload reflects the addition of one parole and probation specialist 2 position because of prerelease categories increasing over the 2023-2025 biennium. The addition of the parole and probation specialist 2 position is consistent with the Governor's recommended budget. However, the updated caseload projections also support the elimination of one parole and probation specialist 4 position to align the caseload ratios of pardons investigation categories. If approved, decision unit M-204 would result in a net decrease of \$11,630 in General Fund appropriations over the 2023-2025 biennium. While all parole and probation specialist 4 positions are shown in the state's human resource data warehouse as currently filled, decision unit enhancement (E) 226 in Major Closing Issue 2 recommends the addition of new parole and probation specialist 4 positions.

The decisions for the Subcommittees are whether to recommend approval of:

- A. General Fund appropriations of \$1.4 million and county reimbursements of \$107,205 over the 2023-2025 biennium to fund caseload changes that would result in the net addition of nine positions over the 2023-2025 biennium based on the updated March 2023 caseload projections.
- B. General Fund appropriations of \$313,498 over the 2023-2025 biennium to retain the DPS lieutenant position recommended for elimination in decision unit M-202 with the intent that the agency would leave the position unfilled once the position becomes vacant, unless updated supervisory caseload projections support the need for the position.

Chair Watts:

We appreciate all the work that was done to get these caseload projections updated and make sure all the books are in order in this budget account. After all of that, there is one position that we have that is currently filled, that could be at risk of getting laid off or would have to

transfer to some other agency in the state. Given all the issues that we have had, we do not want to end up in that position. We want to make sure that we can maintain that position through the biennium despite these caseload adjustments. That is really what we have in this item.

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF GENERAL FUND APPROPRIATIONS OF \$1.4 MILLION AND COUNTY REIMBURSEMENTS OF \$107,205 OVER THE 2023-2025 BIENNIUM TO FUND CASELOAD CHANGES THAT WOULD RESULT IN THE NET ADDITION OF NINE POSITIONS OVER THE 2023-2025 BIENNIUM BASED ON THE UPDATED MARCH 2023 CASELOAD PROJECTIONS, AND GENERAL FUND APPROPRIATIONS OF \$313,498 OVER THE 2023-2025 BIENNIUM TO RETAIN THE DEPARTMENT OF PUBLIC SAFETY LIEUTENANT POSITION RECOMMENDED FOR ELIMINATION IN DECISION UNIT MAINTENANCE 202 WITH THE INTENT THAT THE AGENCY WOULD LEAVE THE POSITION UNFILLED ONCE THE POSITION BECOMES VACANT, UNLESS UPDATED SUPERVISORY CASELOAD PROJECTIONS SUPPORT THE NEED FOR THE POSITION.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion?

Senator Goicoechea:

We are still looking at recruitment and retention, and we are not really talking about the vacancy rate. We are looking at maintaining this one lieutenant position in place because we do not want to lose anybody. Is the agency going to be able to fill these nine positions?

Chair Watts:

Thank you for that, Senator. Obviously, that has been a recurring conversation with the Department across many of these different divisions and budget accounts in our hearings. It is a concern. We are making our best attempt with the two-grade increase for officers as well as trying to make some significant across-the-board investments to improve take home pay both in the cost-of-living adjustments and some of the Public Employees' Retirement System changes. Honestly, we are shortly going to reach a decision unit where the issue of the ability to fill vacancies is going to become extremely clear. But I think, when it comes to this one, we are going to follow our historic practice of modifying what the positions are, based

on vacancies. We will make sure that when we have a position filled, that we are not going to lay somebody off. We hope that some of the other things that we are doing and some of the other recruitment and retention initiatives that the Division of Parole and Probation and the Department are putting forth, will help us get these positions filled so that we can meet the needs that we have.

Senator Goicoechea:

We all appreciate that. It is just a concern that I want to get on the record.

Chair Watts:

I understand and appreciate that. Are there any other questions or discussions? [There were none.] We have a motion, and we will take the vote.

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 2 is on page 56 [[Exhibit C](#)]. The Governor recommends General Fund appropriations of \$1 million over the 2023-2025 biennium to fund the addition of six new parole and probation specialist 4 positions and associated costs and adjust the previously approved 1:8 supervision ratio of parole and probation specialists 3 to 1:4.

The 2021 Legislature approved funding for a study on the workload of the agency's ten parole and probation specialist 4 positions in the court services unit. The purpose of this study was to determine the appropriate workload ratio for these positions. The results of the study indicated that the current staffing ratio was inadequate, which did not allow enough time for writing surplus presentence investigation reports, training the agency's 64 current parole and probation specialist 3 positions, and handling administrative tasks in the court services unit.

According to the staffing study report, if the Division were to fill all 64 parole and probation specialist 3 authorized base budget positions and fully train them, it would need a total of 17 parole and probation specialist 4 positions, which would be seven new positions to read all the reports and write surplus presentence investigation reports. During the March 1, 2023, hearing, the Subcommittees questioned how adjusting the supervision ratio of parole probation specialist 4s to parole and probation specialist 3s to 1:4 from 1:8 would improve the agency's ability to deliver presentence investigation reports in a timely manner. In response, the agency indicated that its current staff has been working overtime to submit presentence investigation reports 15 days prior to a defendant's court sentencing date and has been communicating with district courts to try and delay the sentencing dates of

out-of-custody defendants to allow the agency more time to complete its presentence investigation reports. However, the agency has had mixed success coming to an agreement with various district courts and indicates the additional parole and probation specialist 4 positions would be needed to meet the demand of the current presentence investigation reports workload. The agency stated, if approved, it plans to fill as many of the new positions as it can by promoting internally but mentioned it would take the time to hire and train new incumbents to fill the roles of the parole and probation specialist 3 positions that were promoted. Since the parole and probation specialist 3 positions are the primary presentence investigation report writers, the agency anticipates delays in services as it works to fill those positions.

There is a caseload adjustment associated with this decision unit based on the Subcommittees' recommendation for approval of decision unit M-201. The Subcommittees may wish to also consider aligning the number of positions needed to maintain the new staffing ratio with the updated caseload projections, which would result in three additional positions beyond what is included in the Governor's recommendation for the court services unit. Based on the updated caseload projections, an additional two parole and probation specialist 4 positions would be needed to establish a supervision ratio of 1:4 parole and probation specialist 3 positions.

Additionally, the agency would need an additional parole and probation specialist supervisor position to align the supervision ratio of 1:8 parole and probation specialist 3 and 4 positions. The additional positions would result in a General Fund appropriation of \$151,141 and county reimbursement of \$352,665 over the 2023-2025 biennium.

If the noted technical adjustments and caseload adjustments were approved, eight new parole and probation specialist 4 positions and one new parole and probation supervisor position would be added over the 2023-2025 biennium, resulting in a total of \$460,676 in General Fund appropriations and \$1.1 million in county reimbursements over the 2023-2025 biennium.

Do the Subcommittees wish to recommend approving a new supervision ratio of parole and probation specialist 4 positions to parole and probation specialist 3 positions of 1:4 in the court services unit, including the noted technical adjustments and caseload adjustment to align the number of positions and funding sources, resulting in General Fund appropriations of \$460,676 and county reimbursements of \$1.1 million over the 2023-2025 biennium?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF A NEW SUPERVISION RATIO OF PAROLE AND PROBATION SPECIALIST 4 POSITIONS TO PAROLE AND PROBATION SPECIALIST 3 POSITIONS OF 1:4 IN THE COURT SERVICES UNIT, INCLUDING THE NOTED TECHNICAL ADJUSTMENT AND CASELOAD ADJUSTMENTS TO ALIGN THE NUMBER OF POSITIONS AND FUNDING SOURCES, RESULTING IN GENERAL FUND APPROPRIATIONS OF \$460,676 AND COUNTY REIMBURSEMENTS OF \$1.1 MILLION OVER THE 2023-2025 BIENNIUM.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 3, starting on page 58 [[Exhibit C](#)], would reestablish the state-funded House Arrest program. The Governor recommends a \$1 million General Fund appropriation over the 2023-2025 biennium to reestablish the state-funded House Arrest program originally approved by the 2017 Legislature to reduce the number of offenders in Nevada's prisons. The House Arrest program was originally initiated in 2018, however, it was not funded over the 2021-2023 biennium due to reductions caused by the COVID-19 pandemic. The agency seeks to reinstate and broaden the scope of the state-funded program, which serves as an intermediary penalty for individuals who violate the terms of their parole or probation.

During the March 1, 2023, hearing, the Subcommittees sought additional details about the state-funded House Arrest program including how much the Division would pay for each offender on the program, the offender's income requirements, and the vendor's accepted methods of payment. In response, the agency indicated that the cost per offender ranges from \$7.75 to \$13.75 per day for house arrest devices and monitoring. Additionally, the agency is in the process of modifying its existing financial hardship form for the purpose of determining income requirements to qualify for the state-funded House Arrest program. However, the agency did clarify offenders with an income below 200 percent of the federal poverty level would automatically qualify and those who make between 200 percent to 300 percent of the federal poverty level would be assessed on a case-by-case basis.

Do the Subcommittees wish to recommend approval of \$1 million in General Fund appropriations over the 2023-2025 biennium to fund the reinstatement and expansion of the state-funded House Arrest program as recommended by the Governor?

Chair Watts:

Thank you to the Division of Parole and Probation, Department of Public Safety for providing some additional clarity on how offenders qualify for financial hardship to get support with some of those costs.

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF \$1 MILLION IN GENERAL FUND APPROPRIATIONS OVER THE 2023-2025 BIENNIUM TO FUND THE REINSTATEMENT AND EXPANSION OF THE STATE-FUNDED HOUSE ARREST PROGRAM AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are six Other Closing Items detailed on page 60 [[Exhibit C](#)]. Fiscal staff recommends Other Closing Items 1 through 4 be closed as recommended by the Governor, Other Closing Items 5 and 6 be deferred for consideration until other statewide grade increases are considered and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 4 BE CLOSED AS RECOMMENDED BY THE GOVERNOR, OTHER CLOSING ITEMS 5 AND 6 BE DEFERRED FOR CONSIDERATION UNTIL OTHER STATEWIDE GRADE INCREASES ARE CONSIDERED, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - HIGHWAY SAFETY PLAN & ADMIN (101-4688)
BUDGET PAGE PUBLIC SAFETY-158

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is Highway Safety Plan and Administration, budget account 101-4688 [page 63, [Exhibit C](#)]. There is one Major Closing Issue in this account. The Governor recommends \$186,465 in federal fund transfers from the Traffic Safety budget over the 2023-2025 biennium for a new grants and projects analyst 3 position and associated expenditures. The agency anticipates the approval of the new grants and projects analyst position would aid in overseeing both current and new program planning, subrecipient grants, and the performance of grant criteria.

Do the Subcommittees wish to recommend \$186,465 in federal funds for a new grants and projects analyst 3 position in the programs office as recommended by the Governor?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND \$186,465 IN FEDERAL FUNDS FOR A NEW GRANTS AND PROJECTS ANALYST 3 POSITION IN THE PROGRAMS OFFICE AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

There are six Other Closing Items in this budget account detailed on page 64. Fiscal staff recommends Other Closing Items 1 through 5 be closed as recommended by the Governor and Other Closing Item 6 be closed with the technical adjustment, and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 5 BE CLOSED AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEM 6 BE CLOSED WITH THE TECHNICAL ADJUSTMENT, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next budget.

PUBLIC SAFETY

DEPARTMENT OF PUBLIC SAFETY

DPS - NEVADA HIGHWAY PATROL DIVISION (201-4713)

BUDGET PAGE PUBLIC SAFETY-52

Daniel Miller, Program Analyst:

The next budget for the Department of Public Safety is the Nevada Highway Patrol Division, budget account 201-4713, starting on page 67 [[Exhibit C](#)]. There are three Major Closing Issues in this budget account. Major Closing Issue 1 is 28 new sworn positions. The Governor recommends a \$5.5 million State Highway Fund appropriation to fund 22 new Department of Public Safety (DPS) officer 2 positions and 6 new DPS sergeant positions and associated costs over the 2023-2025 biennium.

Due to the increase in population and job growth in Nevada, the agency indicates the 28 new sworn positions would be needed to increase coverage of four different districts throughout Nevada. During the March 16, 2023, hearing, the Subcommittees raised concerns regarding the ability of the agency to fill 28 new sworn positions given the high vacancy rates. In response to this concern, the agency acknowledged the recruitment and retention challenges were significant but believes that it has a responsibility to address actual coverage needs. Furthermore, the agency expressed optimism that the compensation issues, which are the primary reasons for retention challenges, would be addressed this legislative session leading to an improvement in hiring efforts and subsequent reduction in vacancy levels.

The Training Division currently operates four Peace Officers' Standards and Training Commission (POST) certified academies for new cadets each fiscal year, including two academies in the north in Carson City and two in the south in Las Vegas. The Training

Division indicates it has the capacity to accommodate up to 164 cadets per year between both locations. However, over the 2021-2023 biennium, the Training Division reports the number of cadets who have successfully completed the POST academy total 95, which represents a graduation rate of 77.2 percent. Of the 95 cadets who completed the academy, 47 were allocated to the Nevada Highway Patrol Division.

As seen in the table on page 69 [\[Exhibit C\]](#), the Nevada Highway Patrol Division currently has 134 vacant DPS officer 2 positions as of April 22, 2023. If the additional 22 DPS officer 2 positions recommended by the Governor were approved, this would bring the current number of vacant DPS officer 2 positions to 156.

In order to fill all of Nevada Highway Patrol Division DPS officer 2 positions over the 2023-2025 biennium, the Training Division would need to exceed its full capacity of 164 cadets per year based on its current graduation rate of 77.2 percent and increase the percentage of cadets assigned to the Nevada Highway Patrol—which is currently 49.5 percent of graduates, or recruit officers who are already POST-certified to the Division.

There are a few decisions for the Subcommittees, including whether to recommend approval of:

- A. \$5.5 million in State Highway Fund appropriations over the 2023-2025 biennium to fund the addition of 22 new DPS officer 2 positions and 6 new DPS sergeant positions to expand law enforcement coverage, as recommended by the Governor.

Or

- B. Approve the Governor's funding recommendation but allocate the \$5.5 million Highway Fund appropriation to the Interim Finance Committee's Contingency Account as a restricted allocation, which would require the Division to demonstrate to the Interim Finance Committee that the agency has filled or is in the process of filling existing vacancies prior to receiving the funding for additional positions.

Or

- C. Not recommend approval of the Highway Fund appropriations of \$5.5 million over the 2023-2025 biennium to fund 22 new DPS officer 2 positions and 6 new DPS sergeant positions and request that the Division return next legislative session with a proposal for additional positions for consideration.

Chair Watts:

We are going to ask somebody from the Nevada Highway Patrol Division to come up so that we can discuss this a bit. I know that we already had some of this conversation previously. I know that there is a proposal to add sergeants. The last information we had was that there

were 6 sergeant vacancies out of 60, but there were 123 DPS officer 2 vacancies and a 31 percent vacancy rate. I am trying to figure out what it would take to remedy the problem. It seems like it is outside the current academy capacity for us to be able to fill those 123 vacancies. While I understand the needs for those positions, it sounds like you are already going to be recruiting and trying to figure out where you can put officers to best meet your needs that are already currently established before we get to the point of adding additional positions, particularly with the officer 2 positions. There are considerations about utilization of Highway Funds for other things, including making sure that we get the two grade increases for officers, cost of living adjustments, and some of the PERS rates. There are some other needs that we could potentially assist with if we move those dollars. That is the concern that we have at this point on this decision. I would turn it over to the Nevada Highway Patrol to provide some additional context.

Sheri Brueggemann, Deputy Director, Department of Public Safety:

I agree with you wholeheartedly. The issue for us is that we have gone through so many years without telling this Committee and the Assembly that we were not staffed anywhere near what we need to be. We do not believe funding for those positions is necessary because we agree with you. We will not get to that number, but we would like the tick marks. We would like the position control numbers (PCNs) so that in the next biennium there will be no problem moving forward with getting those positions.

We are interested in option B, rather than no funding and no positions for that purpose. Otherwise, we must go through the discussions with the new Legislature next biennium and start all over again. It would be helpful to have a hand up.

Senator Harris:

I appreciate the idea of being able to have the fight now and let us all agree the positions are needed and not have to have the fight later. My question, however, is about the impact of holding onto that \$5.5 million in the Highway Fund knowing that we are not going to be able to use it for this given purpose right now. Could you discuss why it might be worth it?

Sheri Brueggemann:

I agree that in my world, I would not hold on to the funds either. What we would like is just the PCNs to remain vacant and remain unfunded for this biennium, but they are up for funding in the next biennium depending on our ability to fill them.

Senator Harris:

Would there be any potential negative impact of not being able to use that \$5.5 million otherwise, because we are holding that for these positions that are vacant. My worry is that there are other things we need to use that money for now instead of holding it for positions we know we will not fill.

Sheri Brueggemann:

I agree with you. I do not believe you need to hold the money. I do not believe there is any chance that we are going to get to that number and need those positions. What we would like is for the PCNs to exist vacant and unfunded so that by the next biennium, those positions are in place, and we can be ready to fill them.

Assemblyman Hafen:

This may end up being more of a statement than a question. I do like funding these positions and respectfully disagree. Hopefully we can address the compensation issues that are currently going on with DPS. That is a huge problem and that is why you are not able to hire staff for these positions and they continue to be vacant. I think that if we do address that and make these jobs more attractive, you are going to need to come back to IFC and ask us for additional funds. There is a difference of opinion here with my colleagues. No disrespect, but I do feel that if we get there regarding pay issues you will be filling these positions, and then you will be coming back to us begging us for additional funds that we will not be able to allocate if we do not do it here. To me, option B would be the way that I would feel more comfortable going in respectful disagreement, because I do feel hopeful that we are going to address pay issues down the road.

Chair Watts:

Obviously, we are having some robust discussions on this right now trying to figure out all the different options. One of the things that I will say is that I do not think there is a big disagreement or difference of opinion. One of the issues is when we looked at some of the backup information, I believe that what we are going to do for state employees and for officers is going to help them, and it is going to help reduce the vacancy rate. We do not have the academy capacity to fill all the vacant positions over this next biennium. We would have to increase the size of the academy, the graduation rate of the academy, and/or the percentage of those academy graduates who are going into the Nevada Highway Patrol. Some combination, or a mix of all the above, is needed to fill what we need, let alone build. We all agree that we want to make sure we are set up both with the compensation structure and some of the other efforts to get to that point. I think, we are not going to be able to get all of that done and move into filling some of these additional proposed positions during this biennium.

Sheri Brueggemann:

My financial manager suggested that we would never get to these positions until the second year of the biennium. We do not need the positions funded for the first year at all. We could reduce the cost by half right away or even get it down to a quarter if that gives us a little miracle bump. But I do agree that we will not get all the positions filled by this biennium and certainly not right away in the first year.

Chair Watts:

That is something that I know Senator Harris and I were considering doing, and we want to make it clear that we do want to see these positions built in. That has been the intent no matter what. We do understand the concern that even if we provide direction for that, potentially that is still something that must get built in as a budget enhancement in the next cycle, and you will go through this discussion with potentially a whole different cast of characters.

Senator Goicoechea:

As I look at option B, it is a restricted allocation, and it is not a bad place to have \$5.5 million because even though it is restricted, it still must go to IFC. Technically, those funds could only be allocated to DPS. Would that not also give us the ability to use or transfer some of these funds into the Division of Parole and Probation because it is all the Department of Public Safety? It is not a bad place to have \$5.5 million that we control, that is uncommitted, and in reserve.

Chair Watts:

I appreciate that. Obviously, if we actually allocate the funds, then with those vacancy savings, it could be moved to other things. I think this \$5.5 million can help us do the pay increases that we need to do to help fill these vacancies. Every little bit helps when it comes to doing some of those things. I do understand that. Yes, if we did budget that, then it could be shifted through work programs to potential other needs either within this budget or elsewhere.

Senator Goicoechea:

I have my Levi's on, and they are a little cheaper than the rest, so I am just trying to save money.

Chair Watts:

In conversations with some Fiscal staff trying to figure this out, there might be the opportunity to figure out a way that we can create these positions but not fund them. We need some additional time to figure that out. To do that, I think what we are going to do is defer this decision to the full joint meeting of the Committees. I have made my intention clear. I think Senator Harris will also make it clear in a motion that we want to get this settled, and we are hoping that we can find a way to settle the debate about the need for those positions this session and ensure we have the flexibility to take that funding and put it where we need it right now.

Assemblyman Hafen:

Historically, we have never failed the Nevada Highway Patrol. This is more for fiscal. But if we do as my senator said, we will have those funds sitting there. I know a lot of times the Nevada Highway Patrol will call the local county to assist with problems to fulfill the needs of the communities. I do not know whether sometimes those funds are then allocated to the

counties or not. Would there be an opportunity for the counties to apply for some of those funds if they were doing the Nevada Highway Patrol portion of the work in their counties that lack Nevada Highway Patrol coverage?

Chair Watts:

I will say that sounds like a whole other concept. I think the answer to that is no, but I appreciate your creativity.

Alex Haartz, Senate Principal Deputy Fiscal Analyst:

For clarification on the discussion that is taking place regarding if the funding under option B was allocated as a restricted allocation to the IFC Contingency Account, it would be limited to the Nevada Highway Patrol. If you wanted to make those funds available to the Department as a whole, as Senator Goicoechea intimated regarding the Division of Parole and Probation or some other component of the Department, then you would want to do a restricted allocation to the Department, not just the Nevada Highway Patrol.

Chair Watts:

We need more time to figure this out. I think we should defer this decision but make our intention clear so that we all get on the same page by the time we get done with this. With that, I would like to turn it over to Senator Harris if you have any remarks and then to attempt a motion.

Senator Harris:

No remarks, but I will see if I can summarize our discussion in a succinct motion and Fiscal staff can correct me if I am doing something that is impossible.

Chair Watts:

Members, are there any other questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF
28 POSITIONS TO BE ALLOCATED BUT NOT FUNDED AND DEFER
THE FINAL DECISION TO THE FULL COMMITTEES.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Alex Haartz:

I believe that works in terms of what Fiscal staff understands. The decision then to go to the full Committees for consideration would be the funding component of it. Is that what I understand the motion to be in terms of funding? Fiscal staff will need to determine whether the position control numbers as requested by the Department can be established. That is the first test before we can go further.

Chair Watts:

I will say my understanding of the motion is we are going to defer this decision right now to see if we can clearly establish these positions but do that in a way where we do not have to obligate funds to them. We will then provide some of that direction, and if we can figure out the way to do that, we will do that. If not, we are just going to defer this overall decision to the full Committees to figure out the best path forward.

Senator Harris:

A bit of additional clarification is helpful. We would like to recommend that we take that option if it is possible. If it is not possible, then the full Committees will have to consider a variety of other options.

Chair Watts:

Is there any further discussion on the motion? [There was none.]

THE MOTION CARRIED UNANIMOUSLY.

We will move to the next item.

Daniel Miller:

Major Closing Issue 2 starts on page 70 [\[Exhibit C\]](#). The Governor recommends State Highway Fund appropriations of \$449,268 over the 2023-2025 biennium and an increase of \$32,760 in cost allocation reimbursements in FY 2025 to fund two new communications systems specialist 2 positions and one new equipment mechanic 4 position and associated costs over the 2023-2025 biennium.

The agency is in the process of preparing for the adoption of new digital P25 radios as part of a statewide initiative headed by the Department of Transportation. The agency states that it does not currently have the capacity to perform this annual maintenance without the addition of two communications specialist positions. The agency is also proposing the creation of a new equipment mechanic position to assist with the increasing workload of vehicle maintenance and repair in the southern fleet shop. There is a technical adjustment noted on page 71 for this issue.

Do the Subcommittees wish to recommend approval of two new communications specialist positions and one new equipment mechanic position to support the agency's fleet shops as recommended by the Governor including the noted technical adjustment to increase cost allocation reimbursements by \$5,840 with a corresponding decrease in Highway Fund appropriations in FY 2025?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF TWO NEW COMMUNICATIONS SPECIALIST POSITIONS AND ONE NEW EQUIPMENT MECHANIC POSITION TO SUPPORT THE AGENCY'S FLEET SHOPS AS RECOMMENDED BY THE GOVERNOR, INCLUDING THE NOTED TECHNICAL ADJUSTMENT TO INCREASE COST ALLOCATION REIMBURSEMENTS BY \$5,840 WITH A CORRESPONDING DECREASE IN STATE HIGHWAY FUND APPROPRIATIONS IN FISCAL YEAR 2025.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED. (ASSEMBLYMAN HAFEN WAS ABSENT FOR THE VOTE.)

We will move to the next item.

Daniel Miller:

Major Closing Issue 3 begins on page 71 [\[Exhibit C\]](#). The Governor recommends a \$171,052 Highway Fund appropriation over the 2023-2025 biennium to fund a new management analyst position and associated costs to support grants, permits, contract services, and programs. According to the agency, fiscal oversight has been historically performed by sworn staff. However, ongoing sworn staff turnover has resulted in late fiscal reports and the loss of institutional knowledge leading to missed opportunities to apply for grants. The agency states that the addition of the management analyst position would allow for necessary programmatic oversight to ensure all reporting and performance period deadlines are met.

Do the Subcommittees wish to recommend approval of \$171,052 of Highway Fund appropriations over the 2023-2025 biennium to fund a new management analyst position to oversee fiscal operations, grant management, and program activities at the Nevada Highway Patrol headquarters office as recommended by the Governor?

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND APPROVAL OF \$171,052 OF STATE HIGHWAY FUND APPROPRIATIONS OVER THE 2023-2025 BIENNIUM TO FUND A NEW MANAGEMENT ANALYST POSITION TO OVERSEE FISCAL OPERATIONS, GRANT MANAGEMENT, AND PROGRAM ACTIVITIES AT THE NEVADA HIGHWAY PATROL DIVISION HEADQUARTERS OFFICE AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED. (ASSEMBLYMAN HAFEN WAS ABSENT FOR THE VOTE.)

We will move to the next item.

Daniel Miller:

There are 13 Other Closing Items in this account detailed on page 73 [\[Exhibit C\]](#). Fiscal staff recommends Other Closing Items 1 through 11 be closed as recommended by the Governor and Other Closing Items 12 and 13 be deferred to the statewide decision units closing where other statewide grade increases will be considered, and requests authority for staff to make other technical adjustments as necessary.

Chair Watts:

Members, are there any questions on this decision? [There were none.] I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND OTHER CLOSING ITEMS 1 THROUGH 11 BE CLOSED AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEMS 12 AND 13 BE DEFERRED TO THE STATEWIDE DECISION UNITS CLOSING WHERE OTHER STATEWIDE GRADE INCREASES WILL BE CONSIDERED, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED. (ASSEMBLYMAN HAFEN WAS ABSENT FOR THE VOTE.)

We will move to the next item.

Daniel Miller:

I will now begin presenting the budgets that the Subcommittees have not previously reviewed for the Department of Public Safety. Fiscal staff is responsible for developing closing recommendations for these budgets. I will pause following my presentation of each budget to allow for questions. When I have presented the last budget in this group, the Chair may wish to ask for a single motion for closing consideration on all budgets for which Fiscal staff is responsible for developing recommendations.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - TRAINING DIVISION (101-3775)
BUDGET PAGE PUBLIC SAFETY-34**

Daniel Miller, Program Analyst:

The Department of Public Safety Training Division is budget account 101-3775 on page 75 [[Exhibit C](#)]. There are eight Other Closing Items in this budget account detailed on pages 75 and 76. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - CIG FIRE SAFE STD & FIREFIGHTER SUPPORT (101-3819)
BUDGET PAGE PUBLIC SAFETY-143**

Daniel Miller, Program Analyst:

The next budget account will be for the Cigarette Fire Safety Standards and Firefighter Support, budget account 101-3819, on page 79 [[Exhibit C](#)]. There is one Other Closing Item in this budget account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - TRAFFIC SAFETY (101-4687)
BUDGET PAGE PUBLIC SAFETY-166**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is Traffic Safety, account 101-4687, on page 81 [[Exhibit C](#)]. There are no Major Closing Issues in this account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - MOTORCYCLE SAFETY PROGRAM (101-4691)
BUDGET PAGE PUBLIC SAFETY-169**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is the Motorcycle Safety Program, budget account 101-4691, on page 83 [[Exhibit C](#)]. There are five Other Closing Items in this account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - RECORDS COMMUNICATIONS AND COMPLIANCE (101-4702)
BUDGET PAGE PUBLIC SAFETY-115**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is Records Communications and Compliance, budget account 101-4702, on page 85 [[Exhibit C](#)]. There are five Other Closing Items in this account. I will take any questions on this account.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - FORFEITURES - LAW ENFORCEMENT (101-4703)
BUDGET PAGE PUBLIC SAFETY-40

Daniel Miller, Program Analyst:

The next account for the Department of Public Safety is Forfeitures-Law Enforcement, budget account 101-4703, on page 87 [[Exhibit C](#)]. There is one Other Closing Item in this account. I will take any questions at this time.

Chair Watts:

Members, are there any questions at this time?

Senator Harris:

I was hoping we could have the Department tell us what the agency uses these funds for and how much in forfeitures you are receiving each year in the biennium?

Sheri Brueggemann, Deputy Director, Department of Public Safety:

Each year, forfeitures have been decreasing. As you may recall, it was two or three sessions ago, the state forfeiture restrictions increased. Now, if there is a forfeiture, that offender must have gone through the entire trial and been found guilty before any assets can be seized. We are seeing fewer forfeitures, and most of the forfeitures are coming from the federal side instead of the state side.

As to how much we receive, I would be guessing, but I could get it to you. Regarding what we are spending it on, it is usually training. We pay for the significant types of training, including high-end schools where usually a lieutenant is going to a management police academy for a great length of time, or the Federal Bureau of Investigation Academy, or a number of those types of trainings that are available. As an example, if the Division of Parole and Probation has been notoriously short on training, we will bring on a class and pay for that out of forfeitures.

The forfeiture guidelines are clear about what the funds can be spent on, and it must be items that are not budgeted. As requests come up—individually, as a division, or as the Department—review them against what funds we have available because we cannot budget forfeitures. We must encumber everything that we are going to use them for—for instance the significant canine expense. Then we make sure that the funding is never overspent, which may be the question or the point. The bottom line is forfeitures are helpful for things when the state is in a difficult fiscal situation. Funding for firearms and new technology has been supported through forfeitures.

Chair Watts:

Are there any other questions on this budget account? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - NEVADA OFFICE OF CYBER DEFENSE COORDINATION (101-4704)
BUDGET PAGE PUBLIC SAFETY-9**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is Nevada Office of Cyber Defense Coordination, budget account 101-4704, on page 89 [[Exhibit C](#)]. There are two Other Closing Items in this account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - NHP K-9 PROGRAM (101-4705)
BUDGET PAGE PUBLIC SAFETY-66**

Daniel Miller, Program Analyst:

The Department of Public Safety's NHP K-9 Program is budget account 101-4705 on page 91 [[Exhibit C](#)]. There is one Other Closing Item in this budget account. I will take any questions.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - OFFICE OF PROF RESPONSIBILITY (201-4707)
BUDGET PAGE PUBLIC SAFETY-23**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is the Office of Professional Responsibility, budget account 201-4707, on page 93 [[Exhibit C](#)]. There are eight Other Closing Items in this account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - JUSTICE ASSISTANCE ACT (101-4708)
BUDGET PAGE PUBLIC SAFETY-184**

Daniel Miller, Program Analyst:

The next account for the Department of Public Safety is Justice Assistance Act, budget account 101-4708, on page 95 [[Exhibit C](#)]. There are no Major Closing Items or Other Closing Items in this budget account. I will take any questions.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - CHILD VOLUNTEER BACKGROUND CHECKS TRUST ACCT (101-4710)
BUDGET PAGE PUBLIC SAFETY-120**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is Child Volunteer Background Checks Trust Account, budget account 101-4710, on page 97 [[Exhibit C](#)]. There is one Other Closing Item in this budget account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - HIGHWAY SAFETY GRANTS ACCOUNT (201-4721)
BUDGET PAGE PUBLIC SAFETY-68**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is the Highway Safety Grants Account, budget account 201-4721, on page 99 [[Exhibit C](#)]. There are ten Other Closing Items in this account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - CAPITOL POLICE (710-4727)
BUDGET PAGE PUBLIC SAFETY-148**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is Capitol Police, budget account 710-4727. There are ten Other Closing Items in this account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - STATE EMERGENCY RESPONSE COMMISSION (201-4729)
BUDGET PAGE PUBLIC SAFETY-126**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is the State Emergency Response Commission, budget account 201-4729, on page 105 [[Exhibit C](#)]. There are three Other Closing Items in this account. I will take any questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - JUSTICE ASSIST GRANT TRUST ACCOUNT (101-4734)
BUDGET PAGE PUBLIC SAFETY-187**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is the Justice Assistance Grant Trust Account, budget account 101-4734, on page 107 [[Exhibit C](#)]. There are no Major Closing Issues or Other Closing Items in this budget account.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - JUSTICE GRANT (101-4736)
BUDGET PAGE PUBLIC SAFETY-178**

Daniel Miller, Program Analyst:

The next Department of Public Safety account would be Justice Grant, budget account 101-4736, on page 109 [[Exhibit C](#)]. There are five Other Closing Items in this budget account. I will take questions at this time.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - ACCOUNT FOR REENTRY PROGRAMS (101-4737)
BUDGET PAGE PUBLIC SAFETY-189**

Daniel Miller, Program Analyst:

The next Department of Public Safety account is the Account for Reentry Programs, budget account 101-4737, on page 111 [[Exhibit C](#)]. There are no Major Closing Issues or Other Closing Items in this budget account. I will take any questions.

Chair Watts:

Are there any questions on this budget? [There were none.] We will move to the next budget.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - DIGNITARY PROTECTION (101-4738)
BUDGET PAGE PUBLIC SAFETY-43**

Daniel Miller, Program Analyst:

The next budget account for the Department of Public Safety is Dignitary Protection, budget account 101-4738. There are five Other Closing Items in this budget account. I will take any questions at this time.

Chair Watts:

Are there any questions on Dignitary Protection? We are about to move on to the summary, so I am going to go ahead and ask whether anybody has any questions on any of the staff-close budgets before we move toward a motion?

Assemblywoman Anderson:

On budget account 101-4737, the Account for Reentry Programs, the money that is listed is only for donations. Is there other money that is given to help individuals who are coming back into society? This is only for donations—is that what I am understanding in this account?

Daniel Miller:

That is the only revenue source coming into this budget account at this time.

Assemblywoman Anderson:

To verify, is there a different account that has to do with reentry programs for individuals coming back into society after they leave the criminal justice system?

Daniel Miller:

To my knowledge, this is the only account that is established for reentry programs in the Department of Public Safety.

Assemblywoman Anderson:

I might do some follow up later with the Department.

Chair Watts:

Please do follow up with them offline.

Senator Goicoechea:

I have a comment on Assemblywoman Anderson's last question. I assume the reentry programs would be through the Department of Corrections rather than the Department of Public Safety?

Chair Watts:

I see some heads nodding. Yes, it is likely it is a different state agency involved in some of those reentry programs, and we will be closing the Department of Corrections budgets soon. We can also potentially discuss some of that then. I encourage you all to follow up offline to get your questions answered. Members, are there any additional questions on any of the staff-close budgets? [There were none.] I will turn it back to Mr. Miller.

Daniel Miller:

As previously noted, Fiscal staff is responsible for developing recommendations for the following budgets. To assist with the closing, Fiscal staff has identified the budgets that are recommended to be closed as recommended by the Governor, along with the identified technical adjustments that are recommended below.

Fiscal staff recommends that the following budgets be closed as recommended by the Governor, with the technical adjustments noted, and requests authority for staff to make other technical adjustments as necessary:

- 101-3775: DPS–Training Division, including technical adjustments noted for Other Closing Item 6, and deferral of Other Closing Items 7 and 8, which includes Budget Amendment A232383775, for consideration when all other statewide decision units, including compensation, are discussed.
- 101-3819: DPS–Cigarette Fire Safe Standard and Firefighter Support.
- 101-4687: DPS–Traffic Safety.
- 101-4691: DPS–Motorcycle Safety Program.
- 101-4702: DPS–Records Communications and Compliance.
- 101-4703: DPS–Forfeitures–Law Enforcement.
- 101-4704: DPS–Nevada Office of Cyber Defense Coordination.
- 101-4705: DPS–NHP K-9 Program.
- 201-4707: DPS–Office of Professional Responsibility, with deferral of Other Closing Items 7 and 8, which includes Budget Amendment A232474707, for consideration when all other statewide decision units, including compensation, are discussed.
- 101-4708: DPS–Justice Assistance Act.
- 101-4710: DPS–Child Volunteer Background Checks Trust Account, inclusive of continuing language in the 2023-2025 Appropriations Act to allow General Fund appropriations to be transferred between fiscal years.

- 201-4721: DPS-Highway Safety Grants Account, including technical adjustments noted for Other Closing Items 8 and 9, and deferral of Other Closing Item 10 for consideration when all other statewide decision units, including compensation, are discussed.
- 710-4727: DPS-Capitol Police, including technical adjustments noted for Other Closing Items 9 and 10, and deferral of Other Closing Items 7 and 8, which includes Budget Amendment A230694727, for consideration when all other statewide decision units, including compensation, are discussed.
- 201-4729: DPS-State Emergency Response Commission.
- 101-4734: DPS-Justice Assistance Grant Trust Account.
- 101-4736: DPS-Justice Grant, including Budget Amendment A231054736 which eliminates Other Closing Item 5.
- 101-4737: DPS-Account for Reentry Programs.
- 101-4738: DPS-Dignitary Protection, including technical adjustments noted for Other Closing Item 5, and deferral of Other Closing Item 4 for consideration when all other statewide decision units, including compensation, are discussed.

Chair Watts:

I would accept a motion.

SENATOR HARRIS MOVED TO RECOMMEND THAT THE FOLLOWING BUDGETS BE CLOSED AS RECOMMENDED BY THE GOVERNOR, WITH THE TECHNICAL ADJUSTMENTS NOTED, AND AUTHORIZE FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY:

- 101-3775: DPS-TRAINING DIVISION, INCLUDING TECHNICAL ADJUSTMENTS NOTED FOR OTHER CLOSING ITEM 6, AND DEFERRAL OF OTHER CLOSING ITEMS 7 AND 8, WHICH INCLUDES BUDGET AMENDMENT A232383775, FOR CONSIDERATION WHEN ALL OTHER STATEWIDE DECISION UNITS, INCLUDING COMPENSATION, ARE DISCUSSED.
- 101-3819: DPS-CIGARETTE FIRE SAFE STANDARD AND FIREFIGHTER SUPPORT.

- 101-4687: DPS–TRAFFIC SAFETY.
- 101-4691: DPS–MOTORCYCLE SAFETY PROGRAM.
- 101-4702: DPS–RECORDS COMMUNICATIONS AND COMPLIANCE.
- 101-4703: DPS–FORFEITURES–LAW ENFORCEMENT.
- 101-4704: DPS–NEVADA OFFICE OF CYBER DEFENSE COORDINATION.
- 101-4705: DPS–NHP K-9 PROGRAM.
- 201-4707: DPS–OFFICE OF PROFESSIONAL RESPONSIBILITY, WITH DEFERRAL OF OTHER CLOSING ITEMS 7 AND 8, WHICH INCLUDES BUDGET AMENDMENT A232474707, FOR CONSIDERATION WHEN ALL OTHER STATEWIDE DECISION UNITS, INCLUDING COMPENSATION, ARE DISCUSSED.
- 101-4708: DPS–JUSTICE ASSISTANCE ACT.
- 101-4710: DPS–CHILD VOLUNTEER BACKGROUND CHECKS TRUST ACCOUNT, INCLUSIVE OF CONTINUING LANGUAGE IN THE 2023-2025 APPROPRIATIONS ACT TO ALLOW GENERAL FUND APPROPRIATIONS TO BE TRANSFERRED BETWEEN FISCAL YEARS.
- 201-4721: DPS–HIGHWAY SAFETY GRANTS ACCOUNT, INCLUDING TECHNICAL ADJUSTMENTS NOTED FOR OTHER CLOSING ITEMS 8 AND 9, AND DEFERRAL OF OTHER CLOSING ITEM 10 FOR CONSIDERATION WHEN ALL OTHER STATEWIDE DECISION UNITS, INCLUDING COMPENSATION, ARE DISCUSSED.
- 710-4727: DPS–CAPITOL POLICE, INCLUDING TECHNICAL ADJUSTMENTS NOTED FOR OTHER CLOSING ITEMS 9 AND 10, AND DEFERRAL OF OTHER CLOSING ITEMS 7 AND 8, WHICH INCLUDES BUDGET AMENDMENT A230694727, FOR CONSIDERATION WHEN ALL OTHER STATEWIDE DECISION UNITS, INCLUDING COMPENSATION, ARE DISCUSSED.

- 201-4729: DPS-STATE EMERGENCY RESPONSE COMMISSION.
- 101-4734: DPS-JUSTICE ASSISTANCE GRANT TRUST ACCOUNT.
- 101-4736: DPS-JUSTICE GRANT, INCLUDING BUDGET AMENDMENT A231054736 WHICH ELIMINATES OTHER CLOSING ITEM 5.
- 101-4737: DPS-ACCOUNT FOR REENTRY PROGRAMS.
- 101-4738: DPS-DIGNITARY PROTECTION, INCLUDING TECHNICAL ADJUSTMENTS NOTED FOR OTHER CLOSING ITEM 5, AND DEFERRAL OF OTHER CLOSING ITEM 4 FOR CONSIDERATION WHEN ALL OTHER STATEWIDE DECISION UNITS, INCLUDING COMPENSATION, ARE DISCUSSED.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION CARRIED. (ASSEMBLYMAN HAFEN WAS ABSENT FOR THE VOTE.)

Members, that concludes our business for the day. We have one item left on our agenda, which is public comment. I will open public comment. [There was none.]

Assembly Committee on Ways and Means
Senate Committee on Finance
Subcommittees on Public Safety, Natural Resources, and Transportation
April 26, 2023
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Again, I want to take time to recognize that it is Administrative Professionals Day. I want to recognize all the hard work that is done by our Fiscal staff, particularly the work that was done today that allowed us to close these 28 budgets efficiently and effectively, as well as all the individuals who work in our agencies to help make this possible. With that, I would ask, after I gavel out, that we give them a round of applause for appreciation. Thank you all for your time.

There being no further business before the Subcommittees, we are adjourned [at 10:26 a.m.].

RESPECTFULLY SUBMITTED:

Janice Wright
Committee Secretary

APPROVED BY:

Assemblyman Howard Watts, Chair

DATE: _____

Senator Dallas Harris, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a document titled "Public Safety, Natural Resources, and Transportation Joint Subcommittee Closing List #5," dated April 26, 2023, presented by Daniel Miller, Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau.