

MINUTES

MEETING OF THE BOARD OF EXAMINERS

June 8, 2010

The Board of Examiners met on June 8, 2010, in the Annex on the second floor of the Capitol Building, 101 N. Carson St., Carson City, Nevada, at 10:00 a.m. Present were:

Members:

Governor Jim Gibbons
Attorney General Catherine Cortez Masto
Secretary of State Ross Miller
Clerk Andrew K. Clinger

Others Present:

Rich Gilden – Department of Public Safety, Records and Technology Division
Tamara Nash – Department of Employment, Training and Rehabilitation
Kelly Karch – Department of Employment, Training and Rehabilitation
Dawn Rosenberg – Department of Corrections
Miles Celio – Office of the Military
Rick Gimlin – Department of Public Safety, Division of Parole and Probation
Julie Chapman – Department of Public Safety, Division of Parole and Probation
Bill Kirby – Department of Health and Human Services, Division of Mental Health and Developmental Services
Lori Myer – Department of Business and Industry, industrial Relations
Wes Bills – Office of the Controller
Bill Anderson – Department of Employment, Training and Rehabilitation
Jim Lawrence – Department of Conservation and Natural Resources, Division of State Lands
Romaine Gilliland – Department of Health and Human Services, Division of Welfare and Supportive Services
Jason Holm – Department of Health and Human Services, Division of Welfare and Supportive Services
Johnean Morrison – Department of Public Safety, Division of Highway Patrol
Dave Prather – Department of Health and Human Services, Division of Mental Health and Developmental Services
Karen Daly – Department of Public Safety
Tony Almaraz – Department of Public Safety, Division of Highway Patrol
Kimberlee Tarter – Department of Administration, Purchasing Division
Linda Deloach – Department of Administration, Purchasing Division
Carolyn Misumi – Department of Taxation
Kent Robinson – Nevada System of Higher Education
Mary Philips – University of Nevada Reno
Day Dugan – University of Nevada Reno
Mark Costa – Department of Cultural Affairs
Peter Barton – Department of Cultural Affairs, Library and Archives, Division of Museums and History
Vic Redding – Nevada System of Higher Education

Jerry Seevers – Department of Public Safety, Investigations Division
Tina Burke – Office of Energy
Katie Armstrong – Attorney General’s Office
Kathy Yonkers – Department of Employment, Training and Rehabilitation
Maureen Cole – Department of Employment, Training and Rehabilitation
Greg Weyland – Department of Personnel
Mark Taylor – Controller’s Office

Press:

***1. APPROVAL OF THE MAY 11, 2010 BOARD OF EXAMINERS' MEETING MINUTES**

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: Good morning everyone the Board of Examiners meeting scheduled for today, June 8, 2010 at 10:00 a.m. will come to order. We have a very lengthy agenda; we will begin with agenda item number 1, Mr. Clerk will you take the roll?

Clerk: Governor, I will note for the record all members present.

Governor: Thank you. Agenda item number 1 is the approval of the May 11, 2010 Board of Examiners' meeting minutes.

Attorney General: Move for approval.

Governor: There is a motion to approve.

Secretary of State: Second.

Governor: Seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that agenda item number 1 was approved.

***2. REQUEST TO WRITE OFF BAD DEBT**

NRS 353C.220 allows agencies, with approval of the Board of Examiners, to write off bad debts deemed uncollectible.

A. State Controller's Office - \$5,609.05

The State Controller's Office is requesting authority to write off debt that totals \$5,609.05. The reported debt is specifically related to payroll accounts. Two accounts are uncollectible, three accounts represent debt incurred prior to November 2003, past the statute of limitations for collections pursuant to NRS 353C.140, four accounts represent debtors who have claimed hardships, and two accounts represent deceased participants.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: We will move to agenda item number 2 which is a request to write off bad debt. 2A is for the State Controller's Office for \$5,609.05; Mr. Clerk.

Clerk: Thank you Governor. Item 2 is a request from the State Controller's Office. They are requesting to write off debts totaling \$5,609.05. The debt is specifically related to payroll accounts. Two accounts are uncollectible, three accounts represent debt incurred prior to November 2003, which is past the statute of limitations for collections, and four accounts represent debtors who have claimed hardships, and two accounts represent deceased participants.

Governor: Any comments or questions with regard to agenda item 2A?

Attorney General: I move to approve agenda item 2A.

Secretary of State: Second.

Governor: It has been moved for approval by the Attorney General, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that agenda item 2A passed with a unanimous vote.

***3. STATE VEHICLE PURCHASE**

Pursuant to NRS 334.010, no automobile may be purchased by any department, office, bureau, officer or employee of the State without prior written consent of the State Board of Examiners.

A. Department of Administration – Buildings and Grounds Division – Not to exceed \$7,620.00

The Division is requesting authority to purchase two replacement vehicles not to exceed \$7,620.00. These vehicles are needed to replace current vehicles deemed unsafe or are not operational, exceeding the anticipated failure rate of current vehicles used in building the FY 10-11 budget.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: We move to Agenda item number 3, state vehicle purchases, Mr. Clerk.

Clerk: Thank you Governor. Item 3 on the agenda is a request to approve vehicle purchases pursuant to NRS 334.010, no automobile may be purchased by any department, office, bureau, officer or employee of the State without the prior written consent of the Board of Examiners. We do have on the agenda today a request from four different agencies for eleven vehicles with an amount not to exceed, of all agencies, of \$247,865.50. This is a new process; this was a statute that we discovered just recently, that these items were supposed to be coming to the Board in the past and they have not, so this will be the first instance of us bringing these types of requests before the Board.

Governor: Okay, I notice that there is a wide range of disparity between the per vehicle cost of each of the agencies, I presume that it a requirement for the various utilization of the vehicle?

Clerk: That is correct Governor. Some of these vehicles are used vehicles, some of them are new, and the statute does not distinguish on when the Board of Examiners enters an approval, it just states that no one may purchase, so we are bringing all new or used before the Board.

Governor: If bringing this motion or this information to the Board of Examiners is required, what is an inter-agency transfer, because it is a new vehicle to that agency?

Clerk: I am not sure on that question, Governor. That is something you would have to look into possibly with the Attorney General's Office to see if there is a statute for it, I'm not sure.

Governor: I am just wondering because some of these that are used may consider transferring the vehicle from one agency to the other.

Clerk: In some of these cases I think these vehicles are being purchased from surplus property but in that case we would take an interpretation that they are being purchased.

Governor: Any other questions or comments with regard to agenda item number 3 state vehicle purchase?

Attorney General: I move for approval.

Governor: It has been moved for approval by the Attorney General, is there a second?

Secretary of State: Second.

Governor: Seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect agenda item number 3 passed the Board unanimously.

B. Department of Public Safety – Investigation Division – Not to exceed \$130,000.00

The Investigations Division is requesting authority to purchase five new vehicles not to exceed \$130,000.00. The requested vehicles are needed to transport detectives throughout the state to investigate child sexual predator crimes, locate unregistered sex offenders, track and apprehend fugitives wanted for sex offenses and verify the address of registered sex offenders. The vehicles will also be used by polygraph examiners throughout the state to address the sex offender maintenance program.

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

C. Public Utilities Commission – Not to exceed \$34,756.00

The Public Utilities Commission of Nevada is requesting authority to purchase two new replacement vehicles not to exceed \$34,756.00. These vehicles were requested in the 2009-11 Governor's recommended budget and approved by the 2009 Legislature.

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

D. Department of Wildlife – Administration – Not to exceed \$75,489.50

The Department of Wildlife is requesting authority to purchase two vehicles not to exceed \$75,489.50. The vehicles requested will be used for the Hunter Education Program in the eastern region, and for big game trapping, transplant and monitoring, biological surveys and mule deer studies.

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

***4. SALARY ADJUSTMENTS**

A. Distribution of Salary Adjustments to Departments, Commissions and Agencies, pursuant to Chapter 391, Senate Bill 433, Sections 6, 7, 8 of the 2009 Legislative Session.

The 2009 Legislative Session made appropriations from the General Fund and the Highway Fund to the Board of Examiners to meet certain salary deficiencies for fiscal year 2010 and 2011 that might be created between the appropriated money of the respective departments, commissions, and agencies and the actual cost of the personnel of those departments, commissions, and agencies that are necessary to pay for salaries. Under this legislation, the following amounts from the General Fund and/or Highway Fund are recommended:

BA#	BUDGET ACCOUNT NAME	GENERAL FUND ADJUSTMENT	HWY FUND ADJUSTMENT
4151	Conservation Districts	\$3,546	
4150	DCNR – Administration	\$13,629	
3143	HHS – Child and Family Services – UNITY/SACWIS	\$31,988	
	Total	\$49,163	

Clerk's Recommendation: I recommend approval.

Comments:

Governor: Move on now to salary adjustments. Mr. Clerk, 4A is the distribution of salary adjustments to departments, commissions and agencies, pursuant to Chapter 391, Senate Bill 433.

Clerk: Thank you Governor. Agenda item 4A before the Board today is for salary adjustment funds. These were funds that were appropriated to the Board of Examiners for allocations to state agencies. The amounts allocated to the Board represent the difference between the Governor's recommended executive budget at 6% salary reductions, and the legislatively approved furloughs which are 4.6%, with a difference of the 1.4% in salary that was appropriated to the Board of Examiners for allocation to the agencies. There are three items on the agenda today for a total of \$49,163. The Board will see on the next Board of Examiners a breakdown of more of these.

Governor: Any comments or questions?

Attorney General: Move for approval.

Secretary of State: Seconded.

Governor: It has been moved for approval by the Attorney General and seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that the motion carries unanimously.

5. STATE LAND LEASE*A. Department of Conservation and Natural Resources – Division of State Lands**

Pursuant to NRS 321.001(2), the Nevada Division of State Lands (NDSL) is requesting approval, on behalf of the Department of Employment, Training and Rehabilitation, to enter into a lease for parking space with HMK II, LLC. The purpose of the lease is to allow the state to lease needed available parking space adjacent to the DETR facility located in Las Vegas. Currently, the lessor has unused parking capacity (20 parking spaces) at one of its facilities located at 3355 Maryland Parkway, which is directly adjacent to the DETR facility.

Clerk's Recommendation: I recommend approval.

Comments:

Governor: Move on now to agenda item number 5. 5A is a state land lease for the Department of Conservation and Natural Resources, Division of State Lands, Mr. Clerk.

Clerk: Thank you Governor. The Division of State Lands is requesting approval on behalf of the Department of Employment, Training and Rehabilitation to enter into a lease for parking spaces with HMK II, LLC. The purpose of this lease is to allow the state to lease needed

available parking space which is adjacent to the DETR facility located in Las Vegas. The current Lessor has unused parking capacity at one of its facilities, which is directly adjacent to the DETR facility. The total cost of this lease will be \$900.99

Governor: Any comments or questions? Hearing none, is there a motion to approve agenda item number 5?

Attorney General: Move for approval.

Secretary of State: Second.

Governor: It has been moved for approval by the Attorney General, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect agenda item 5 passed the Board unanimously.

***6. REQUEST FOR GENERAL FUND ALLOCATION FROM THE INTERIM FINANCE COMMITTEE (IFC) CONTINGENCY FUND**

Pursuant to NRS 353.268, an agency or officer shall submit a request to the State Board of Examiners for an allocation by the Interim Finance Committee from the Contingency Fund.

A. Office of the Military – National Guard Benefits – \$7,500.00

The Agency is requesting an allocation of \$7,500 from the Interim Finance Committee Contingency Fund to provide projected tuition reimbursements to qualified guardsmen for the remainder of FY 2010.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: Agenda item number 6 is the request for general fund allocations from the Interim Finance Committee Contingency Fund. There are a series of requests in here and we will take them consecutively beginning with 6A, Mr. Clerk.

Clerk: Thank you Governor. Just for the Board's information, the current balance in the unrestricted portion of the Interim Finance Contingency Fund is 11.2 million. This is the fund that we use for the balance of the interim period for unforeseen expenses including fire suppression costs, so this 11.2 million needs to last us until the next legislative session. Item 6A on the agenda this morning Governor, is a request from the National Guard for \$7,500.00. This is for the Nevada System of Higher Education summer classes. The summer classes are self-funded. This is the tuition waiver program for guardsmen. The agency, the Nevada System of Higher Education, receives a General Fund appropriation to provide tuition reimbursement for regular classes but not summer classes. Applications for reimbursements exceed the budgeted levels. This request is to receive additional funds from the Interim Finance Contingency to provide full reimbursements for the additional applicants.

Governor: Any comments or questions?

Attorney General: Move for approval.

Secretary of State: Seconded.

Governor: It has been moved for approval by the Attorney General, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye.

B. Department of Corrections – \$3,401,708.00

The Department of Corrections requests an allocation of \$3,401,708 from the IFC Contingency Fund to support operating expenditures in FY 2010.

\$2,321,074	B/A 3706 Prison Medical Care – Personnel Services and Medical
\$371,551	B/A 3717 Northern Nevada Correctional Center – Personnel Services
\$314,518	B/A 3738 Southern Desert Correctional Center – Personnel Services
\$394,565	B/A 3760 Casa Grande Transitional Housing – Revenue shortfall

The department has experienced an increase in inmate driven medical costs; room, board and transportation charges have been lower than the legislatively approved amount; and salary costs have exceeded legislatively approved amounts in the Prison Medical Care, Southern Desert Correctional Center and Northern Nevada Correctional Center.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: Move on to agenda item 6B which is the Department of Corrections in the amount of \$3,401,708.00, Mr. Clerk.

Clerk: Thank you Governor. This request from the Department of Corrections breaks down, as you can see on the agenda, \$2,321,074 is for Prison Medical Care, \$371,551 is for the Northern Nevada Correctional Center, \$314,518 for the Southern Desert Correctional Center; \$394,565 is for the Casa Grande Transitional Housing. The department has experienced an increase in inmate driven medical costs; room, board and transportation charges have been lower than the legislatively approved amount; and salary costs have exceeded legislatively approved amounts in the accounts that I mentioned. This request will close out fiscal year 2010 for the Department of Corrections. These are basically identifying shortfalls for the balance of this fiscal year so this is necessary to close the votes on fiscal year 10. They are also anticipating a shortfall in fiscal year 11 and are exploring options to cover that shortfall.

Governor: Mr. Clerk, \$2,321,074 for unanticipated, I presume, increase in the inmate driven medical costs for such a large amount; has the Department of Corrections determined why there was such an increase in that amount?

Clerk: Governor, I would ask the Department of Corrections to come up and address that question.

Governor: Good morning, please identify yourself for the record.

Dawn Rosenberg: Good morning, this is Dawn Rosenberg and I am the Chief of Purchasing for the Department of Corrections. I apologize I am not fully briefed on all the specifics of this and I will have to get back to you regarding the shortfalls.

Governor: Are there any other questions? Hearing none, is there a motion?

Secretary of State: Governor, is there no one else that can address the questions? I was hoping for a little bit more of an explanation, this is a significant sum of money coming out of the Contingency fund.

Dawn Rosenberg: I'm sorry; I am the only one here.

Clerk: Governor, if I may for the Board, the only thing I can do is point out to the Board members in your packet under item 6B on page 3, there is a memo from the Department of Corrections which does break down into a little more detail on this request. You can see for the Prison Medical Care account with the shortfall of 2.3 million, \$556,496 of that is related to personnel services. The bulk of the request is related to what is referred to as inmate drivens in medical of 1.76 million dollars. In the memo it states that the department is experiencing a shortfall in the Inmate Driven category of the Medical Division in the amount of 1.76 million due to the HOPES contract pricing revision concerning the purchase of HIV drugs and increased over the counter supplies.

Governor: So what we are seeing here is a combination of personnel issues as well as pricing revisions from the contractor for medical services to the state.

Clerk: That is what it appears based on the explanation given from the agency that is correct.

Governor: Any other questions? Hearing none, is there a motion to approve agenda item 6B?

Attorney General: I will move to approve.

Governor: It has been moved by the Attorney General for approval, is there a second?

Secretary of State: Second.

Governor: Seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect that agenda item 6B passed the Board.

C. Department of Cultural Affairs – State Library and Archives Division – \$58,332.00

The Department of Cultural Affairs, State Library & Archives Division (NSLA), Nevada State Library is requesting an allocation of General Funds from the Interim Finance Committee Contingency Fund in the amount of \$58,332 for FY 2011 to fund an Administrative Assistant II

position currently being funded by the Nevada State Library – Literacy Program. General Fund appropriations supporting this position were eliminated pursuant to AB6 of the 26th Special Session.

Clerk’s Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: The Department of Cultural Affairs, State Library and Archives Division, \$58,332.00, Mr. Clerk.

Clerk: Thank you Governor. The Department of Cultural Affairs, the State Library and Archives Division, is requesting an allocation from the Interim Finance Committee Contingency Fund to fund an Administrative Assistant II position currently funded by the Nevada State Library Literacy Program. The department has offset this allocation by maintaining a State Archives Manager position by keeping that position vacant and by partially eliminating an Administrative Assistant II position as well. We do have the Director of the Department of Cultural Affairs here if the Board has further questions on this.

Governor: Okay, any questions under agenda item 6C?

Attorney General: I move for approval.

Secretary of State: Second.

Governor: It has been moved for approval by the Attorney General, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that agenda item 6C passed unanimously.

D. Department of Cultural Affairs – Division of Museums and History – \$25,790.00

The Department of Cultural Affairs, Museums & History Division, Nevada State Museum is requesting an allocation from the Interim Finance Committee Contingency Fund in the amount of \$25,790 in FY 2010 due to a projected increase in utility costs associated with opening the new Dema Guinn concourse.

Clerk’s Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: We will move to agenda item 6D which is the Department of Cultural Affairs, Division of Museums and History for the amount of \$25,790.00, Mr. Clerk.

Clerk: Thank you Governor. This request is to cover a projected increase in utility costs. This projected increase in utility costs is associated with the opening of the new Dema Guinn

concourse. The agency did not receive additional funds from the Legislature for increased utilities in anticipation of this concourse.

Governor: Were we projecting this increase in the budget?

Clerk: We were not.

Governor: Any other comments or questions?

Attorney General: Move for approval.

Secretary of State: Second.

Governor: It has been moved by the Attorney General for approval, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye.

E. Nevada System of Higher Education – Trust Fund for the Education of Dependent Children -- \$25,000.00

The Board of Regents of the Nevada System of Higher Education (NSHE) request an allocation of \$25,000 in FY 2011 from the IFC Contingency Fund to cover the payment of educational expenses for eligible dependents of a police officer, firefighter, Nevada highway patrol officer, volunteer ambulance driver or attendant killed in the line of duty.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: We will move on to agenda item 6E which is the Nevada System of Higher Education, Trust Fund for the Education of Dependent Children, \$25,000.00, Mr. Clerk.

Clerk: Thank you Governor. The Board of Regents is requesting this allocation to cover the payment of educational expenses for eligible dependents of a police officer, firefighter, Nevada highway patrol officer, or a volunteer ambulance driver or attendant killed in the line of duty. For the record, dependents, according to the Nevada System of Higher Education, eighteen students have received assistance from the Trust Fund. There are currently six students accessing assistance from the Fund. The projected balance at the close of fiscal year 2010 is estimated at \$108.00, after eligible costs are included for the spring 2010 semester.

Governor: Mr. Clerk do you know if this Trust Fund applies only to the University of Nevada System of Higher Education, or is this applicable to cost of tuition or other expenses outside of the State of Nevada?

Clerk: Governor, I am not positive but I am assuming that it is just for the System of Higher Education. I am not sure if there is a representative here from NSHE that can answer that question?

Governor: There is someone here, if you would approach the table and identify yourself.

Dave Redding: Good morning, for the record Dave Redding with the Nevada System of Higher Education, Chancellor's Office. Yes, this applies to all in state institutions, both universities, Nevada State College and the four community colleges.

Governor: So Mr. Redding, it does not apply to any other institution outside the borders of this state and back?

Dave Redding: That is correct.

Governor: Any other comments or questions with regard to agenda item 6E? Is there a motion for approval?

Attorney General: I will make a motion to approve.

Governor: Moved by the Attorney General, is there a second?

Secretary of State: Seconded.

Governor: Seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect agenda item 6E passed unanimously.

F. Controller's Office - \$125,980.00

The State Controller requests an allocation from the Interim Finance Committee Contingency Fund of \$125,980 for FY 2011 to fund one position and associated costs to comply with ARRA of 2009 reporting requirements.

Clerk's Recommendation: I recommend approval.

Motion By: Secretary of State **Seconded By:** Attorney General **Vote:** 2-1

Comments:

Governor: Move on to agenda item number 6F, the Controller's Office in the amount of \$125,980.00, Mr. Clerk.

Clerk: Thank you Governor. The Controller's Office is requesting this allocation to fund one position and associated costs. This position is the ARRA Reporting and Accountability Officer within the Controller's Office. Funding for this position was provided for fiscal year 2010. However, there is no funding currently for fiscal year 2011 and that is the request before the Board today.

Governor: Mr. Clerk, there is in the Executive Branch an ARRA position for reporting grants, is this equivalent to or the same as that position?

Clerk: Governor I am not sure what the different duties are between the different offices. There is an ARRA Director which is under your office that coordinates the reporting and the

accountability. I am not sure what the difference is between that position and the one in the Controller's Office.

Governor: Is there someone from the Controller's Office that can come up and tell us what this position entails?

Mark Taylor: Thank you, for the record Mark Taylor, Assistant Controller, State of Nevada. The position that we are discussing is one that was created in August of 2009 at the IFC that asked for, primarily those duties that she does is kind of an auditing and assisting with the director that is within the Department of Administration. They work quite extensively together related to the tracking of the funds. She also does a lot of work relating to working with sub-recipients in helping them with their tracking and reporting responsibilities.

Governor: I know that we had a little bit of a discussion about whether or not the position should be in the Governor's Office or the Controller's Office over the course of last year. Is there a job duty description that is available so that we can look at and have a record of what her duties are compared to what the duties are of the ARRA Reporting Chief of the Executive Branch?

Mark Taylor: Absolutely. I don't have it here with me.

Governor: Well what I am trying to do is trying to avoid duplication. \$125,000.00 is a lot of money for a new position to be starting at. I want to make sure that the duties are commensurate to the cost for that position. So if we have a written description of those duties, we can compare, so that we are not duplicating at tax payers expense the duties of this position.

Mark Taylor: Governor we would be happy to provide that. It is a classified position within the classified system for the state so that is available to you and we will be happy to bring it and have that available for you.

Governor: Are there any other questions?

Secretary of State: Move for approval.

Attorney General: Second.

Governor: It has been moved for approval and seconded by the Attorney General. I am going to oppose this because I don't know the difference yet between the duties of the position in the Controller's Office versus the Governor's Office and until I am confident that we are not duplicating services and costing the taxpayers an additional \$125,980.00 I will reserve my right to change my vote later on, but right now I am going to oppose it. Any other comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye, opposed, nay. Let the record reflect that the motion passes with the Governor voting no.

G. Controller's Office - \$86,268.00

The State Controller requests an allocation from the Interim Finance Committee Contingency Fund of \$86,268 for FY 2011 to fund the Chief Accountant for Debt Collection. General Fund

appropriations supporting this position were eliminated pursuant to AB 6 of the 26th Legislative Special Session.

Clerk's Recommendation: I recommend approval.

Motion By:

Seconded By:

Vote:

Comments:

Governor: Move on now to agenda item 6G, again the Controller's Office in the amount of \$86,268.00, Mr. Clerk.

Clerk: Thank you Governor. Item 6G is again as you stated a request from the state Controller's Office. This request is to restore one of four positions that were cut during the 26th Special Session of the Legislature. This is a Chief Accountant for Debt Collection within the State Controller's Office. Based on the memo from the State Controller's Office the Controller's Office believes that restoring this position will be more than paid for by the increased debt collections that can be realized. The amount that they are requesting is \$86,268.00.

Governor: I realize that there is a recognition of the return on investment here, my concern is that the legislative intent under AB6 removed this money as it swept the account back in the legislative session. My belief is that only the Legislature can restore \$86,000.00 rather than the Board of Examiners and the IFC. Any other comments or questions?

Secretary of State: Mr. Clerk I had similar concerns and had exchanged some voicemails with the Controller's Office. They indicated on those voicemails to me that the position was not in fact eliminated pursuant to the Special Session, but in fact merely had the funding eliminated and through their conversations with LCB and their request for an interpretation, they believe that we did have the legal authority to approve the restoration of the funds for that position and that the IFC would similarly have the same authority. Does that conflict with any of the information that you have?

Governor: Well my belief is that if this were the case Ross, is that every department, every agency would be coming back to us after the legislature changed the funding status in the budgetary process requesting complete changes and stepping around the legislative intent and that's why I think this does pose significant questions. I am still in firm belief based on what our general counsel and our analysis says that it is the legislative intent here AB6 was passed by the Legislature and therefore the legislature can restore.

Secretary of State: Just to clarify Governor, when you say your General Counsel did you confer with your offices counsel or is that the position of the Attorney General's Office?

Governor: No, that would be my General Counsel.

Secretary of State: Now does the Attorney General's Office or this Board's counsel have an opinion as to whether or not we would have the authority to restore the funding for the position?

Katie Armstrong: Thank you Ross, I haven't had a chance to look at this. It is definitely something I can look at and bring it back to the next Board, if you desire.

Attorney General: And that's what I request as well. I know this from experience in my office that either positions were unintentionally eliminated or the budget was eliminated with positions still there unintentionally. So I would like clarification on this position as well, because I know there were some issues that we dealt with personally in my office and I have worked with other agencies with similar types of concerns. So if we could get clarification that would be helpful, I would be willing to defer this to the next agenda if that is possible.

Clerk: Governor if I may just point out for the Board that the Interim Finance Committee meets on June 24 and we will have to take this item up before then if they are allocating money at that meeting, so we would have to have a special meeting sometime before the 24th to take this up. The Interim Finance Committee does not meet again until September, so we will be three months into the next fiscal year before they can receive an allocation to do this. So as a time frame we would have to meet before the 24th IFC.

Attorney General: Or, we have done in the past where it has gone to IFC before it has come to us and then it comes to us afterwards.

Clerk: Madam Attorney General, not on IFC Contingency Fund requests. Statute states that the Board makes the recommendation to the Interim Finance Committee and then the IFC has their independent evaluation and action.

Governor: Well I recognize the time constraints that are here, but I also want to make sure we are not violating legislative intent for the statutory requirements for funding whether or not the IFC has that authority as well.

Clerk: And we can certainly schedule a special meeting I just wanted to make the Board members aware.

Governor: Alright, for the purposes of agenda item 6G we will table that item until the subsequent Board of Examiners meeting or an Interim Finance meeting.

H. Secretary of State's Office – \$4,552,339.00

Pursuant to Assembly Bill 146, Section 45.5.1 of the 2009 Legislative Session, the Secretary of State's Office is requesting \$4,552,339 appropriation to develop and implement a State Business Portal to facilitate transactions between businesses and state agencies.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: Move on to agenda item 6H which is the Secretary of State's Office in the amount of \$4,552,339.00, Mr. Clerk.

Clerk: Thank you Governor. Just for the Board members information on this item I stated at the beginning when we started covering these Contingency Fund items that there was 11.2 million in unrestricted balance of the Contingency Fund. The 4.5 million that is being requested here is from a 6.5 million appropriation specifically for this purpose, so it does not come out of that 11.2

that 11.2 million. This is money that was set aside specifically for the state's business portal. The Secretary of State's Office did request, at the September 2009 IFC meeting, 1.9 million of the 6.5 million funds. They are now requesting the balance of \$4,552,339.00 to finalize a contract which will establish the business portal's infrastructure and architecture as well as fund sixty hours of proposed regulation review by the Legislative Counsel Bureau.

Governor: Any comments or questions?

Attorney General: Move for approval.

Secretary of State: Second.

Governor: It has been moved for approval by the Attorney General, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that agenda item 6H passed the Board unanimously.

***7. REQUEST FOR AN EXTENSION OF THE ALLOCATION FROM THE INTERIM FINANCE COMMITTEE (IFC) CONTINGENCY FUND**

A. Department of Health and Human Services – Director's Office – Administration

The DHHS Director's Office is requesting an extension to the reversion date of the \$234,754 Contingency Fund Allocation for the Health Information Technology (HIT) Blue Ribbon Panel approved at the August 3, 2009 Interim Finance Committee meeting. This extends the allocation to June 30, 2011.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: Move on to agenda item 7 which is a request for an extension of the allocation from the Interim Finance Committee Contingency Fund. 7A is the Department of Health and Human Services, Director's Office, Administration, Mr. Clerk.

Clerk: Thank you Governor. The Interim Finance Committee of August 3, 2009 meeting allocated \$234,754 from the Contingency Fund to the Director's Office of Health and Human Services for the Health Information Technology Blue Ribbon Panel. That allocation expires on June 30, 2010. The Director's Office is requesting an extension of those funds through the end of the biennium, June 30, 2011.

Governor: So in essence it carries this on through the end of the legislative session.

Clerk: That is correct. It will carry forward; otherwise the money will have to revert at the end of this fiscal year. If the Board approves this recommendation funding will revert at the end of next fiscal year.

Governor: Any other comments or questions with regard to agenda item 7?

Attorney General: Move for approval.

Secretary of State: Second.

Governor: Moved for approval, seconded by the Secretary of State. All those in favor signify by saying aye. Let the record reflect that agenda item 7 passed unanimously.

***8. STATE ADMINISTRATIVE MANUAL REVISIONS**

The State Administrative Manual (SAM) is being submitted to the Board of Examiners' for approval of revisions in the following Chapter: **Records – Chapter 0400.**

The Department of Cultural Affairs is requesting approval of revisions proposed for obsolete sections of Chapter 0400 of the State Administrative Manual. Specifically, revisions have been made to 0402.0, Agency Responsibility for Records; 0406.0, Electronic Records; 0408.0, Electronic Imaging; 0409.0, Electronic Records Committee; 0410.0, CD ROM Records; 0412.0, Archives & Records, State Library and Archives.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: We move now to agenda item 8, State Administrative Manual revision, Mr. Clerk.

Clerk: Thank you Governor. This request is to amend the State Administrative Manual, specifically Chapter 0400 which deals with records. In your packet under item 8 there is a summary of the changes. The changes that are being requested are fairly minimal and just clean up the State Administrative Manual. Also included in your backup is the detailed information related to those Administrative Manual changes that are being requested.

Governor: Any comments or questions with regard to this agenda item? Hearing none, is there a motion for approval?

Attorney General: I will move for approval.

Governor: Moved for approval by the Attorney General, is there a second?

Secretary of State: Second.

Governor: Seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect agenda item 8 passed unanimously.

***9. LEASES**

Six statewide leases were submitted to the Board for review and approval.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: Move to agenda item 9 which are leases, Mr. Clerk.

Clerk: Thank you Governor. There are six statewide leases for the Board's review and consideration.

Governor: Any comments or questions with regards to the six leases that are before the Board at this time?

Attorney General: Move for approval.

Secretary of State: Second.

Governor: It has been moved by the Attorney General for approval, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect that agenda item 9 leases passed unanimously.

***10. CONTRACTS**

One hundred and sixty independent contracts were submitted to the Board for review and approval.

Clerk's Recommendation: I recommend approval.

Motion By: Secretary of State Seconded By: Attorney General Vote: 3-0

Comments:

Governor: Move to agenda item 10 contracts, Mr. Clerk.

Clerk: Thank you Governor. There are one hundred and sixty independent contracts on the agenda this morning for the Board's review and consideration and I have no changes to any of the contracts.

Governor: Any comments or questions with regard to the contracts before the Board of Examiners? Hearing none, is there a motion for approval for the one hundred and sixty contracts before the Board?

Secretary of State: Move for approval.

Governor: Moved by the Secretary of State, is there a second?

Attorney General: Second.

Governor: Seconded by the Attorney General. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect the contracts before the Board were approved.

***11. MASTER SERVICE AGREEMENTS**

Sixteen master service agreements were submitted to the Board for review and approval.

Clerk's Recommendation: I recommend approval.

Motion By: Attorney General Seconded By: Secretary of State Vote: 3-0

Comments:

Governor: We will move to agenda item 11 master service agreements; it appears we have sixteen master service agreements before the Board at this time, Mr. Clerk.

Clerk: That is correct Governor and I have no changes to those sixteen items.

Governor: Any comments or questions with regard to agenda item number 11 master service agreements?

Attorney General: Move for approval.

Secretary of State: Second.

Governor: Moved by the Attorney General for approval, seconded by the Secretary of State. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect that agenda item 11, the sixteen master service agreements passed the Board unanimously.

12. BOARD MEMBERS' COMMENTS/PUBLIC COMMENT

Governor: Move on to agenda item 12. Any Board member comments that wish to be made at this time?

Secretary of State: Yes, can I put in a formal request that at the November Board of Examiners meeting we had fewer than two hundred action items on the agenda; it's not working out so well for me on primary day.

Governor: We are all suffering on this primary day. Any other comments or questions wishing to come before the Board? Any member of the public wishing to make a comment before the Board of Examiners?

***13. ADJOURNMENT**

Comments:

Governor: Hearing none, we are down to the famous, infamous, agenda item 13 which is adjournment.

Attorney General: Move to adjourn.

Governor: There is a motion to adjourn is there a second?

Secretary of State: Second.

Governor: Seconded by the Secretary of State. All those in favor signify by saying aye. Let the record reflect that we are adjourned.

Respectfully submitted,

ANDREW K. CLINGER, CLERK

APPROVED:

GOVERNOR JIM GIBBONS, CHAIRMAN

ATTORNEY GENERAL CATHERINE CORTEZ MASTO

SECRETARY OF STATE ROSS MILLER