

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS
AND THE
SENATE COMMITTEE ON FINANCE
JOINT SUBCOMMITTEE ON PUBLIC SAFETY/NATURAL
RESOURCES/TRANSPORTATION**

**Seventy-Third Session
March 10, 2005**

The Assembly Committee on Ways and Means and the Senate Committee on Finance, Joint Subcommittee on Public Safety/Natural Resources/Transportation was called to order at 8:04 a.m., on Thursday, March 10, 2005. Chairman Dean A. Rhoads presided in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

SENATE COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chairman
Senator Bob Beers
Senator Dina Titus

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Mr. Mo Denis
Mrs. Heidi S. Gansert
Mr. Joseph M. Hogan
Mrs. Ellen Koivisto
Ms. Valerie Weber

COMMITTEE MEMBERS ABSENT:

Ms. Kathy McClain, Chairwoman

STAFF MEMBERS PRESENT:

Steve Abba, Principal Deputy Fiscal Analyst
Bob Guernsey, Principal Deputy Fiscal Analyst
Mark Krmpotic, Senior Program Analyst
Mindy Braun, Program Analyst
Leslie Johnstone, Program Analyst
Anne Bowen, Committee Secretary
Lila Clark, Committee Secretary

**DEPARTMENT OF PUBLIC SAFETY
HOMELAND SECURITY (101-3675) – BUDGET PAGE – PS-47**

George Togliatti, Director, Department of Public Safety, identified himself for the record and introduced Dr. Dale Carrison, Director, Homeland Security Commission, Major General Giles E. Vanderhoof, The Adjutant General, Homeland Security Administrator, and Frank Siracusa, Chief, Division of Emergency Management, Department of Public Safety.

Frank Siracusa, Chief, Division of Emergency Management, Department of Public Safety, stated he would present an overview of the relationship and the partnership that existed between the Homeland Security Commission, the Office of Homeland Security, and the Division of Emergency Management, Department of Public Safety. Mr. Siracusa said he believed the Subcommittee members would have a much better understanding of how those three agencies shared programs and initiatives after his presentation.

Mr. Siracusa said the primary focus of the Division of Emergency Management was to look at measures of preparedness, response, and recovery to any emergency or disaster that might occur anywhere in the state of Nevada. The Division followed an "all hazards" approach, which included fire, flood, earthquake, and terrorist event. An example of how the Division accomplished that was by initiating programs in planning, training, and exercising of first responders and public officials statewide.

Mr. Siracusa stated that the Office of Homeland Security focused on the prevention, detection, and deterrence of a potential terrorist event; initiatives that could prevent and deter a terrorist event from occurring anywhere in the state of Nevada. One example of how the Office of Homeland Security accomplished that would be by gathering, analyzing, and sharing intelligence with those who needed to know. Another example would be assessing critical infrastructure sites throughout the state and determining measures and planning processes to improve those facilities.

The Homeland Security Commission was created during the 2003 Legislative Session, according to Mr. Siracusa, and was a body appointed by the Governor. The focus of the Homeland Security Commission was to look at the entire state of Nevada in order to make recommendations to the Governor regarding improvement of processes to deal with a terrorist event statewide. Those processes included prevention, deterrence, detection, preparedness, response, and recovery. Mr. Siracusa said the Homeland Security Commission investigated initiatives and made recommendations for developing policies.

Chairman Rhoads commented that one of the best ways for a terrorist to attack the United States would be through agriculture and the food supply. He further commented that the Homeland Security Commission used to have a member representing agriculture but no longer did.

Dr. Dale Carrison, Director, Nevada Commission on Homeland Security, responded that previously there had been a committee on agriculture; however, the number of committees presented a difficulty because there had to be three Commission members on each committee. The focus had been changed and the Commission was appointing task forces. Dr. Carrison stated the Commission fully recognized the importance of protecting agriculture and planned to implement an agriculture task force. The task force would report to the Commission with recommendations.

Mr. Siracusa continued with his presentation and stated he would be presenting an overview of Budget Account 3673, Budget Account 3674, and Budget Account 3675.

Chairman Rhoads requested that Mr. Siracusa begin his presentation with Budget Account 3675 because there were people who needed to leave the hearing.

Major General Giles E. Vanderhoof identified himself for the record. General Vanderhoof stated that most of Budget Account 3675 was concerned with five new employee positions. The positions in question were the Homeland Security Administrator, Grants and Programs Analyst Supervisor, Grants and Programs Analyst II, and two Administrative Assistants. General Vanderhoof said all the requested positions were funded with federal grant money except for one of the Administrative Assistant positions, which was funded 100 percent with State funds. The Grants and Programs Analyst Supervisor and the Homeland Security Administrator were both funded by grant monies from the Office of Domestic Preparedness (ODP) and the Center for Disease Control (CDC). The Grants and Programs Analyst II and one Administrative Assistant were both funded by grants from the Office of Domestic Preparedness.

Chairman Rhoads asked if his understanding was correct when he stated that four of the positions were funded by the federal government and one was funded by the State. General Vanderhoof said that was correct, but explained that all the federal money would flow through the State to Nevada Homeland Security.

Chairman Rhoads asked if the salaries for the proposed positions included the 2 percent salary increase recommended in The Executive Budget. General Vanderhoof replied that he believed the increases were included.

General Vanderhoof stated that the rest of Budget Account 3675 was concerned with general expenses that would be associated with any office. Because the Office of Homeland Security was formerly under the Governor's Office and was being transferred to the Department of Public Safety beginning in the next biennium, it appeared as though Budget Account 3675 was brand new.

Senator Beers asked why the Office of Homeland Security was being moved to be under the auspices of the Department of Public Safety. General Vanderhoof replied that in 2004 the Governor had removed the Homeland Security Administrator from a seat on the Homeland Security Commission. General Vanderhoof stated he had agreed with the Governor's action as he believed he functioned better working with the Commission without being a Commission member. General Vanderhoof said he believed that he, along with Dr. Carrison, Mr. Siracusa, and George Togliatti, Director of the Department of Public Safety, were the "front four." General Vanderhoof maintained that they had a partnership that was unique in that they were interested in homeland security first and accomplishing the job that was required of them. Everything else was secondary. General Vanderhoof said there was an excellent working relationship between the entities and the Governor had believed that the Department of Public Safety was a logical placement for the Office of Homeland Security.

Senator Beers asked if the Office of Homeland Security would be changing their physical location. General Vanderhoof replied that he could not do that at the present time because he was a cabinet officer as the Adjutant General of Nevada. In June 2005, the Adjutant General would be required to retire from the military because he would reach the maximum age for service. After the middle of June 2005, General Vanderhoof's only job would be Homeland Security Administrator and he would be physically located at the Department of Public Safety at that time.

Chairman Rhoads asked if the lines of communication would remain intact when the General retired and went to the new position. General Vanderhoof assured the Subcommittee that the lines of communication would continue to be open. General Vanderhoof continued by saying that there was much more to the Homeland Security than he had realized. The Homeland Security Administrator and the Homeland Security staff were the State's contact with the United States Department of Homeland Security. General Vanderhoof stated that the grant money received came with many strings attached, many plans required, and many reports required. The Office of Homeland Security had already submitted quite a bit of information on a wide variety of subjects. General Vanderhoof said he was in the process of writing a State Strategic Plan that would be lengthy and comprehensive. All those tasks were required by the Department of Homeland Security in order for the State to receive grants.

Chairman Rhoads asked if funds for Nevada Homeland Security were beginning to disappear. General Vanderhoof replied that funds were not beginning to disappear at present. However, if there were no terrorist attack in the United States within the next two to three years funds could conceivably begin to "dry up." He likened it to the military after a war, when there appeared to be no threat the military budget would be severely cut.

Chairman Rhoads questioned if the President's budget was still favorable toward Homeland Security. General Vanderhoof replied that it was, but he did not believe Nevada received the amount of funds that it should have, especially in the last cycle. However, he thought the State had been making headway in convincing the Office of Homeland Security that the United States Census report did not provide an accurate picture of Nevada's population.

Chairman Rhoads commented that Las Vegas had been mentioned many times as a possible terrorist target and asked if the Office of Homeland Security had a plan in place for Las Vegas. General Vanderhoof replied that there was enhanced security in Las Vegas as the city was a primary concern. Many National Guard resources had been devoted to Las Vegas, particularly when large groups of people were there, such as on New Year's Eve. General Vanderhoof noted that during the past 2 New Year's Eve celebrations in Las Vegas, over 600 people from the National Guard had been actively engaged in a variety of ways and another 600 people had been placed on standby status as part of the "all hazards" plan. According to General Vanderhoof, such National Guard security coverage would remain the same whether or not he was Adjutant General. The National Guard had two missions, one state and one federal. General Vanderhoof said he saw those missions as equal, because he was just as concerned with security in Nevada as he was with mobilizing troops to fight the nation's wars.

Chairman Rhoads asked General Vanderhoof to explain the Citizen Corps program. General Vanderhoof deferred the question to Frank Siracusa for explanation.

Mr. Siracusa explained that the Citizen Corps program was one of many programs from the Department of Homeland Security that had been initiated by the President several years ago. The intent of the program was to involve citizens in emergency preparedness and homeland security. There were not enough public safety or law enforcement professionals to address all the issues. Mr. Siracusa stated that much of the general public had experience in many areas of security and those people would volunteer their services in a multitude of functions. The Citizen Corps program had been created for the purpose of

developing citizen councils at the local government level to encourage citizens to get involved in various types of programs. Mr. Siracusa said there was minimum funding available from the federal government to get the program started.

Chairman Rhoads asked why the Chief of Homeland Security position was unclassified and in what salary tier the position would be placed. General Vanderhoof replied that he believed the position was unclassified because the Governor still had a direct interest in Homeland Security even though it would be part of the Department of Public Safety. He further stated that it was his understanding that the position had been included in The Executive Budget for a salary of \$104,000 per year, the same salary that the Adjutant General would receive for the biennium. General Vanderhoof informed the Subcommittee that although much of the work of the Office of Homeland Security entailed working with the federal Department of Homeland Security and dealing with all of their requirements, he believed Nevada was in the forefront of "deter and prevent." The Office of Homeland Security had established an outstanding program whereby every intelligence agency in Nevada shared information. A working group of intelligence analysts met every week regarding any intelligence received. General Vanderhoof commented that any organization, whether local, state, or federal, with an intelligence section, was able to receive a common picture from the different types of shared intelligence. He was very proud of the system that had been installed and had received total cooperation from all agencies involved.

Chairman Rhoads asked why seven new positions were needed, especially the full-time administrative assistants. General Vanderhoof replied that two of the seven positions were committed to the Homeland Security Commission. Those two positions had been approved in the 2003 Legislative Session. The other five positions were necessary for the Office of Homeland Security to continue intelligence analysis with other organizations, to manage the day-to-day functions of the office, and to provide reports and essential documents to the Department of Homeland Security. General Vanderhoof said when he accepted the position of Administrator of the Office of Homeland Security the office had been backlogged in some of those areas, which had placed grant money in jeopardy. He stated the very first thing he had done was to go to Washington, D.C., and meet with officials of the Department of Homeland Security to explain that the job of administrator had been vacant and only one person had been working in the office. General Vanderhoof said he had informed the Department of Homeland Security that a plan had been formulated and they had been willing to work with the Office of Homeland Security.

Chairman Rhoads noted that three administrative assistant positions for four staff positions seemed a little excessive.

Dr. Carrison stated that he had asked himself several times why he was continuing as the director of the Homeland Security Commission simply because there had been no dedicated resources. He said he typed his own letters and had recruited people he knew to attend meetings on his behalf. Dr. Carrison said he averaged 30 to 40 hours per week attending to Nevada Homeland Security information and, realistically, he could not continue because he had a real job. The Commission could not operate efficiently without some resources. There were a number of issues before the Commission, such as coordinating of committees and task forces, and without resources those tasks could not be accomplished. Dr. Carrison said two of the new administrative assistant positions would be dedicated to the Office of Homeland Security, although they

would certainly work with the Commission on Homeland Security as necessary. Without resources, Dr. Carrison maintained that the Commission would be just a group of people who got together to meet, but nothing would happen.

Chairman Rhoads asked why the Homeland Security Commission should be a separate office since it was not a federal requirement. Dr. Carrison responded that it was not a separate office, everyone had the same mission, but there were different roles for each of the agencies. The Commission's role was responsibility for resources distributed by the federal government, such as making recommendations as to how those resources were allocated. The Homeland Security Commission did not spend the funds; they made recommendations as to how the funds should be spent. Dr. Carrison said he believed it was more efficient to have a nonpartisan chairman of the Commission and have a state employee as the Governor's homeland security advisor. He indicated that he had done everything in his power to remove politics from the Homeland Security Commission, because homeland security should not be political.

Chairman Rhoads asked why the position of Grants and Projects Analyst Supervisor was only a grade 37 when the position entailed so much responsibility. General Vanderhoof responded that a variety of issues were being considered for the Office of Homeland Security and at some point the office staff would have to be reorganized. All the requested positions would be classified positions except for the Administrator of the Office of Homeland Security. An attempt was being made to match position descriptions in the State as closely as possible with the requested positions for the Office of Homeland Security. There were a couple of positions in the State that did not quite match the requested positions and General Vanderhoof said they would probably be reclassified sometime in the future. At this point the General did not feel that reclassification was appropriate or timely. When an office was being built from the ground up it was inevitable that changes would be made. General Vanderhoof said the person who would occupy the position of Grants and Projects Analyst Supervisor was Gwen Hadd. She would become the institutional memory of the Office of Homeland Security, and would also function as the primary deputy to the Administrator.

Mr. Siracusa stated for clarification that the Office of Homeland Security had been approved for a capital improvement project during the 2003 Legislative Session for construction of a new State Operations Center. Mr. Siracusa said that construction should begin within the next few months and the Office of Homeland Security, the Office of Emergency Management, the Military Civil Support Team, the State Operations Center, and a centralized Nevada Highway Patrol Dispatch would all be housed within that facility.

Senator Beers asked when the new facility would be ready. Mr. Siracusa stated completion was anticipated for around April 2006 if everything went as planned. Senator Beers asked where the new facility would be located. Mr. Siracusa replied that the building would be located on the same property as the National Guard facility on Fairview Drive in Carson City.

Mr. Siracusa said another point he wanted to clarify was that Budget Account 3675 included the Commission on Homeland Security. All operating expenses for both the Office of Homeland Security and the Commission on Homeland Security were contained in Budget Account 3675. However, the Commission was appointed by the Governor and, although the budget was

managed within the Department of Public Safety, the Commission reported directly to the Governor.

Chairman Rhoads mentioned that he had heard on a news broadcast that the unemployment rate in Nevada was 3.6 percent and going down, and he wondered how the Office of Homeland Security would be able to fill all seven of the proposed positions by July 2005 as planned. Chairman Rhoads further commented that he had discussed the employment situation with a few Nevada sheriffs and they had been unable to find qualified people. General Vanderhoof acknowledged it was a difficult proposition and he had been surprised to find that counties and cities paid significantly more for a comparable job in State service. He said he had been focusing on people who had retired from the National Guard and had some experience because their entire careers had been spent, at least part of the time, performing homeland security functions. While the salaries that could be offered made it somewhat difficult, the Office of Homeland Security had been actively recruiting for candidates to fill the proposed positions. According to General Vanderhoof, retirees from the National Guard had an interest in the field and had dedicated most of their lives to protecting Nevada. General Vanderhoof disclosed that the two positions that would be assigned to the Committee on Homeland Security had been offered space in the North Las Vegas Armory, at no charge, to get things started. More than half the people assigned to the North Las Vegas Armory had been mobilized so there was space available as well as equipment that went along with an office.

Chairman Rhoads inquired as to how many National Guardsmen were currently deployed to Iraq. General Vanderhoof replied there were a little over 500 men and women from the Nevada National Guard serving in Iraq. The figure changed daily and presently the majority serving were from the Army National Guard; however, in the next month or two quite a few Air National Guard members would be deployed. General Vanderhoof stated the Nevada National Guard had mobilized nearly 1,000 people, of which close to 500 had served in Iraq and had been released.

Chairman Rhoads asked the number of staff in Las Vegas who worked for the Division of Homeland Security. General Vanderhoof replied that no staff worked in Las Vegas and that was the problem. He said when he saw what was involved in setting up for Commission meetings, preparing agendas, making proper notifications, and arranging for transcripts and tapes, he realized that it was much more work than one would think. Another problem, according to General Vanderhoof, was that the Commission on Homeland Security had no public face for the community. The Nevada National Guard office and individual members of the Commission were besieged with calls about a variety of matters. General Vanderhoof said the members of the Commission on Homeland Security held very responsible positions in the community and it was very difficult for those members to respond to those inquiries, so he felt it was essential for the Commission to have two employees to handle the office.

Chairman Rhoads said Las Vegas was mentioned quite prominently as a terrorist target, sometimes being rated in the top five, and he wondered if General Vanderhoof was comfortable with the protection offered for the Las Vegas area. General Vanderhoof replied that he would never be comfortable, but he believed the Office of Homeland Security was responding to the best of their ability, and he was pleased with the cooperation between the different agencies. The Las Vegas Metropolitan Police Department and the Nevada National Guard worked together very closely. General Vanderhoof acknowledged that

Chairman Rhoads was correct; Las Vegas was mentioned often as a target for terrorists. However, the General did not believe he could afford to emphasize one area of the state to the detriment of the rest of the state, because when one place was made a very "hard target" that opened up other "soft targets." There was quite a bit in a state as large as Nevada to be concerned about, such as pipelines, railroad tracks, and highways that connected the rest of the nation to the west coast. General Vanderhoof explained that while the emphasis would remain on Las Vegas as a terrorist target, it did not mean that the rest of the state would be ignored.

Dr. Carrison indicated that for the coming weekend approximately 350,000 visitors would be attending the Las Vegas Motor Speedway. Dr. Carrison was the medical director of the Speedway and in that position had been involved in the planning of the three-day event. The difference in planning since September 11, 2001, had been dramatic, according to Dr. Carrison. There had been multiple meetings that included fire, police, state law enforcement agencies, federal law enforcement agencies, the Joint Terrorism Task Force, and Nellis Air Force Base personnel. Dr. Carrison said he believed the Subcommittee would have been pleased at the planning that had gone into the event, because it would be the largest single gathering of people ever held in the state of Nevada. The steps that had been taken and the cooperation between the agencies had been very impressive.

Mr. Hogan stated that it occurred to him that a lot of the information distributed to Commission members and staff members would possibly be significant in terms of national security. He wondered how long it would take to get the necessary security clearances for staff, and whether that process would impede sharing of information with other agencies in the Public Safety community.

General Vanderhoof replied that the military people that he had been able to involve already had security clearances, and his security clearance was at a very high level. Because agencies did not necessarily recognize other agencies' security clearances, all the Office of Homeland Security clearances were going through the Department of Homeland Security. General Vanderhoof said, as might be expected, there was a tremendous backlog of applications for security clearances with the Department of Homeland Security, and if someone did not have a previous security clearance, it could take as long as a year to get one. General Vanderhoof stated the people who were involved with intelligence sharing had all received security clearances and at least half, possibly more, of the sharing that the Office of Homeland Security was performing was at the classified level. Different agencies might receive similar, but different, information, and the General stressed how valuable it was for the Office of Homeland Security to meet on a weekly basis with other agencies to compare information and arrive at a common picture as it related to Nevada.

Dr. Carrison used himself as an example of one of the people who did not have a security clearance since he had not been in the Federal Bureau of Investigation (FBI) for approximately 20 years. When Dr. Carrison had been appointed to the Commission on Homeland Security in September 2004 he had applied for his security clearance in October 2004, and had received it at the end of February 2005.

Mr. Siracusa presented an overview of Budget Account 3673 and Budget Account 3674.

Decision Unit E-251 requested two new positions; an Administrative Services Officer (ASO) III, and a Grants and Projects Analyst II. Mr. Siracusa said the request for the ASO III was as a result of a dramatic increase in the Division's grant management processes, as well as the complexity and technicality of the grants and grant programs. Mr. Siracusa noted that currently the Office of Homeland Security was managing in excess of \$174 million in various grant programs. In FY2000 the Governor had appointed the Division of Emergency Management as the State administrative agency for management and oversight of all Homeland Security grants for the state of Nevada.

Mr. Siracusa commented that at the present time the state of Nevada was under three major Presidential declarations. Two Presidential declarations were for snow emergencies that occurred during the period from December 29, 2004, through January 5, 2005. Another Presidential declaration was for both Clark and Lincoln Counties as a result of major flooding. Mr. Siracusa said because of those three major Presidential declarations, the Division of Emergency Management would have management oversight of an additional \$30 million. The ASO III position would be a higher level position to examine complex issues and be able to ensure that the proper auditing and tracking of those dollars was performed. Mr. Siracusa stated that although the grant dollars were passed on to local governments and tribal nations, the state of Nevada retained responsibility as the grantee. The ASO III position would be funded 50 percent with Federal Emergency Management Agency (FEMA) funds, and 50 percent with General Fund dollars.

Mr. Siracusa addressed the other position requested in Decision Unit E-251, a Grants and Projects Analyst II. The position would basically serve as a planner and trainer within the Division of Emergency Management. Because the Division of Emergency Management was a small agency, the people employed with the agency were diversified. Mr. Siracusa said the Grants and Projects Analyst II position would be focused in the planning area in order to meet some of the federal requirements. Managing grants involved fiscal, administrative, and program components. There were major program requirements attached to Homeland Security funds. Mr. Siracusa said certain types of plans were required, and first responders and public administrators had to be trained to certain levels. The Grants and Projects Analyst II position would focus on planning initiatives, particularly under the National Incident Management System (NIMS), which would become a mandate for state, local, and tribal nations for receipt of federal funds by federal FY2007. Mr. Siracusa said the Grants and Projects Analyst II position would work in concert with local governments, tribal nations, and State agencies to ensure that all entities were NIMS compliant in order to meet the federal time lines. The Grants and Projects Analyst II position would be 100 percent federally funded.

Chairman Rhoads commented that in June 2003 the Interim Finance Committee (IFC) approved 4 new positions for the Division of Emergency Management, increasing staff by 33 percent, from 18 positions to 24 positions. He wondered why those new positions were necessary.

Mr. Siracusa responded that the Division had been fortunate enough to receive funding for those four positions from the IFC, and at that time the Division had received significant increases in grants and grant programs and had requested four positions in order to address those issues. Two positions were program

positions, one position was a fiscal position, and one was a program support position. Mr. Siracusa said that since that time, grants had again increased significantly, as well as the criteria and complexity of the grants. Grant criteria continually changed and placed more requirements on the Division. It was difficult to manage \$174 million in grants effectively, with only two people responsible for the task. Mr. Siracusa said the Department of Homeland Security grants were some of the most complex grants available.

Chairman Rhoads asked, of the four positions previously approved by the IFC, and the two positions requested in Decision Unit E-251, which were federally funded. Mr. Siracusa advised the Subcommittee that five and one-half of the positions were federally funded.

Chairman Rhoads asked how much federal funding the state of Nevada received because of the heavy snow at the end of 2004 and beginning of 2005. Mr. Siracusa responded that the state had received three major Presidential declarations in the past two to three weeks. Snow emergency declarations were unique and the Division of Emergency Management did not have a final number, only an estimate. The Division was currently working with local governments and tribal nations to compile project worksheets which identified what was eligible for reimbursement. Mr. Siracusa said the federal government reimbursed 75 cents on the dollar, which covered all snow removal and all emergency protective measures as they related to the snow storms. For example, if law enforcement were performing additional patrols, if transportation systems were performing additional work as a result of major snow storms, those costs would be eligible for reimbursement at 75:25 ratio. Mr. Siracusa said the Division was estimating, along with FEMA, that \$13 million to \$19 million in snow-related costs would be eligible for reimbursement to local government.

Chairman Rhoads explained the reason he had asked the question was because he had a call from one of his constituents in Charleston, who was snowed in and running out of propane, and had 30 miles of road that needed to be plowed. Chairman Rhoads wondered if there was such a program. Mr. Siracusa replied there was such a program in place; within 3 to 5 days, FEMA had established a field office and brought in 50 federal workers to augment the Division of Emergency Management staff and work in partnership with the staff.

Mr. Siracusa continued with his presentation and addressed Decision Unit E-525. The decision unit requested new equipment and costs for relocation of the Division of Emergency Management to the new Emergency Operation Center on Edmonds Drive in Carson City.

Chairman Rhoads asked why seven plasma display screens were needed. Mr. Siracusa replied that the plasma display screens would be collocated throughout the Emergency Operation Center. Two operation centers, back to back, would be located in the Emergency Operation Center. The first operation center would serve as the overall state operations center where state government would function during an emergency. Mr. Siracusa explained that the plasma screens would be used to broadcast information coming in from the automated information systems because everything done within the operations center was automated. All event logs, status boards, and recordings were displayed on the plasma screens so that everyone within the building could get a feel for what was happening. Additional plasma screens would be placed in an operations center adjoining the state's operation center, which would be coordinated and managed through the National Guard. Mr. Siracusa said that

on New Year's Eve 2004 the operation center had been able to monitor the situation in Las Vegas by a live feed, as well as in Lake Tahoe.

Chairman Rhoads asked why the request for equipment had not been included in the capital improvement project. Mr. Siracusa replied that originally, when the CIP had been compiled, federal requirements did not allow for certain types of equipment. Computers, monitors, and displays were not eligible when the Division of Emergency Management had applied for the grant so they had been required to request those items in The Executive Budget.

Chairman Rhoads asked if the new facility would be completed by January 2006. Mr. Siracusa said the Public Works Board and the architect for the project were estimating the completion of the building for April 2006.

Chairman Rhoads asked Mr. Siracusa to tell the Subcommittee about the new facility in Las Vegas. Mr. Siracusa stated that no personnel would be transferred from northern Nevada to Las Vegas. Through attrition in northern Nevada, positions would be filled in southern Nevada. Mr. Siracusa noted that employees of the Division spent a considerable amount of time in southern Nevada, particularly in Clark County, attending meetings, attending workshops, providing technical assistance, planning, and training. Many of the Division activities were in the southern part of the state, and it made it more cost-effective to have an office in southern Nevada, as well as provide a presence for the general public. Mr. Siracusa said General Vanderhoof had been very gracious and had provided the Division with office space in Las Vegas free of charge. However, once National Guard troops returned from Iraq and the National Guard facility began to fill up, the Division would need to find another facility. The Division had various places for relocation of the office and those facilities were being investigated. Mr. Siracusa stated the reason for the office was to have a presence in southern Nevada, and work in concert with the two employees who would be working with the Commission on Homeland Security.

Assemblyman Denis asked, if the Division of Emergency Management presently had equipment, was that equipment being moved to the new facility or was the new equipment replacing the old equipment, and what would be done with the old equipment. Mr. Siracusa replied that some of the equipment was in fairly good condition and would be moved to the new facility. Some of the older equipment was not compatible with new technology and would be replaced. The equipment that was replaced would be sold at surplus or be donated to local governments.

Chairman Rhoads asked Mr. Siracusa to explain why requested salary increases for unclassified personnel were above the 2 percent cost-of-living adjustment recommended in The Executive Budget. Mr. Siracusa said that the Division of Emergency Management had a staff of 22, including the Chief's position. Currently, the Chief was the only unclassified position in the Division, but as part of the Governor's budget there was a proposal to make the Deputy Chief an unclassified position as part of a statewide initiative. Mr. Siracusa stated that part of the process was to upgrade the unclassified positions to be comparable to the level of responsibility and the complexity of the job.

Mr. Siracusa commented on Budget Account 101-3674. Mr. Siracusa stated Budget Account 3674 was a pass-through budget account created at the direction of the State Budget Office to consolidate all pass-through grants to local government under one budget account. Chairman Rhoads asked if this was a new budget account and Mr. Siracusa replied that it was.

The hearings on Budget Account 3673 and Budget Account 3674 were closed.

DEPARTMENT OF PUBLIC SAFETY
TRAINING DIVISION (101-3775) BUDGET PAGE – PS-135

Mr. Togliatti introduced Rick Keema, Chief, Public Safety Training, Department of Public Safety.

Senator Titus asked Mr. Togliatti about the recent decision by FEMA to deny benefits for flood victims in southern Nevada.

Mr. Togliatti responded that in his conversations with Mr. Siracusa, he had been informed that there would be funds from the federal government for the infrastructure, but no funds for the individual families. The federal government had made the decision to help with roads, but not individual families. Mr. Togliatti further stated he had no idea how FEMA had arrived at that decision.

Senator Titus asked Mr. Togliatti if he was saying that those people whose homes had washed away would not be eligible for any low interest loans or benefits such as those given to the hurricane victims in Florida. Mr. Togliatti replied that it was his understanding that the money from FEMA would be distributed to the counties and municipalities rather than individuals.

Mr. Siracusa asked Senator Titus if her question was in reference to individual assistance from the Presidential declaration. She replied that was correct. Mr. Siracusa explained that when the Office of Emergency Management had gone to Clark County and Lincoln County and performed a preliminary damage assessment, the recommendation to the Governor had been to request a major Presidential declaration that would include three programs:

- Public assistance to provide relief at 75 cents on the dollar for roads, bridges, and public facilities.
- Mitigation program to provide a percentage of the total disaster costs to be used for programs to develop measures to mitigate future flooding.
- Individual assistance program for private homeowners and small businesses in low interest loans or total grants.

Mr. Siracusa stated a letter had been prepared for the Governor and that letter had been submitted to the President of the United States. The State did not receive any funds for individual assistance because the federal government had based the per capita damage on the overall population of Clark County, rather than on the Overton area, or the Mesquite area. Mr. Siracusa added that Arizona had requested the same individual assistance funds and had also been denied.

Mr. Siracusa said the Office of Emergency Management had a Disaster Field Office in southern Nevada which was working with the FEMA to reassess the damage and to request an appeal of the denial for individual assistance dollars. Senator Titus asked if the Governor was attempting to exert any influence in Washington, D.C., to receive individual assistance funds. Mr. Siracusa said he did not know, but the Governor had been instrumental in working with the White House and the Congressional delegation to gain approval of the Presidential declaration. It had become more and more difficult over the past few years for state and local governments to receive Presidential declarations,

according to Mr. Siracusa. Senator Titus noted that Florida had not seemed to have any problem. Mr. Siracusa replied that the damage in Florida had been very significant and reiterated that an appeal would be submitted to the Governor and then to the President to attempt to secure individual assistance funds. In the meantime, the Small Business Administration had two field offices established in southern Nevada, which were providing low-interest loans to homeowners as well as small businesses.

Senator Titus said she appreciated what the Division of Emergency Management was doing, but it was distressing that every budget that came before the Legislature was being cut by the federal government. Mr. Siracusa agreed that dealing with the federal government was very frustrating. He said that even two or three years ago applying for a Presidential declaration entailed the Governor sending a letter to the President, and within a maximum of 48 hours an answer would have been received, usually favorable to the request. It was nearly one month before the Division was informed that the most recent Presidential declaration had been approved. Mr. Siracusa said it was a tremendous bureaucracy to deal with and the appeal process would be just as daunting.

Senator Beers asked if the rather dramatic television footage of the house falling into the raging river had been filmed in southwestern Utah during the series of storms that caused so much damage. Mr. Siracusa replied that the television coverage had been filmed in Utah. Senator Beers asked if Utah had received individual assistance funds from the federal government and Mr. Siracusa replied that they had not. Mr. Siracusa commented that the federal government had not been granting individual assistance funds to any of Nevada's sister states. After Arizona had been denied, the Division immediately began working with the Small Business Administration in an attempt to gain some relief for the flood victims.

DEPARTMENT OF PUBLIC SAFETY
TRAINING DIVISION (101-3775) – BUDGET PAGE – PS-135

Rick Keema, Chief, Public Safety Training, Department of Public Safety, identified himself for the record, and also introduced Commander Paul Pabon, Public Safety Training, Department of Public Safety.

Mr. Keema presented an overview of Budget Account 101-3775, with a PowerPoint presentation in conjunction with [Exhibit B](#).

Mr. Keema stated the primary functions of the Training Division were divided into three major sections. Section one was law enforcement Basic Academy training for newly hired department law enforcement officers, and In-Lieu Academy training for law enforcement officers joining the Department of Public Safety from outside the state of Nevada. Division Specific Academy training was for the officers of the Nevada Highway Patrol, Capitol Police, Investigation Division, Parole and Probation, and the State Fire Marshal.

Section two dealt with continuing in-service training. Mr. Keema stated in-service training was for both sworn and non-sworn personnel. The Training Division was responsible for assisting with the instruction and coordination of the yearly mandated training required by the Commission on Peace Officers' Standards and Training (P.O.S.T.). P.O.S.T. training included firearms, defensive tactics, emergency vehicle operations, impact weapons, and other high liability issues. Mr. Keema said the Training Division was active in

providing continuing education training for all its employees as well. Of great importance was the reduction of civil litigation against the Department brought on because of the actions and behavior of Department employees. Mr. Keema suggested that many undesirable actions and behaviors could be corrected through career development programs and continuous in-service training.

Mr. Keema explained that Section three addressed pre-employment background investigations. The Background Investigation Unit was responsible for the pre-employment background investigation of potential candidates for the Department of Public Safety. Mr. Keema said further details would be revealed in Decision Unit E-240.

Chairman Rhoads asked the difference between sworn candidates and non-sworn candidates. Mr. Keema replied that sworn employees were law enforcement officers and non-sworn employees were secretarial and fiscal staff.

Mr. Keema said that before explaining the two most significant decision units in Budget Account 3775, he wanted to point out some of the accomplishments of the Training Division over the past biennium. Those accomplishments were represented on graphs contained in [Exhibit B](#). The accomplishments of the Academy were best reflected in a graph on page 3 of [Exhibit B](#) denoting the number of students who had been trained in the various disciplines.

Mr. Keema said the Training Division's in-service accomplishments, with respect to both total number of students instructed, and the number of classes presented, were reflected in a graph on page 4 of [Exhibit B](#). A substantial increase in the number of students taught had occurred in FY2004 and FY2005.

Senator Beers requested an explanation of the difference between basic students, in-lieu students, and specific students. Mr. Keema responded that basic students were brand new, coming into the Department with no prior law enforcement experience. Basic academy training was the longest training at 16 to 23 weeks.

In-lieu students were students who had been certified as law enforcement professionals by other states, moved to Nevada, and wanted to join the Department of Public Safety. Mr. Keema commented that Nevada P.O.S.T. had reciprocity agreements with other states and recognized some academy training outside of the state. There were still requirements that had to be met, and in-lieu students had to attend 80 hours of P.O.S.T. training. In-lieu training brought those students "up to speed" on Nevada laws and regulations.

Specific students attended specific training to each of the disciplines, according to Mr. Keema. For example, the Nevada Highway Patrol had a six-week specific academy which typically followed the basic academy. The basic academy was set by P.O.S.T. and all law enforcement agencies and all academies in the state of Nevada were regulated by P.O.S.T. guidelines. After basic academy training the Nevada Highway Patrol students would move into specific training and learn specifics about traffic enforcement and investigation that would not be taught in the basic academy.

Chairman Rhoads referred to page 3 of [Exhibit B](#) and asked why there were so few accomplishments registered for basic students and specific students in FY2003. Mr. Keema responded that a self-imposed hiring freeze had been in place in FY2003 under the direction of the previous director of the Department of Public Safety. The hiring freeze dictated that no law enforcement officers

would be hired until the Training Division had been completely revamped in the areas of hiring practices, curriculum, and background investigation. Mr. Keema said that no one was being hired; therefore, no one had been trained during FY2003.

Chairman Rhoads asked if the numbers depicted on page 3 of [Exhibit B](#) represented actual bodies, or was a percentage. Mr. Keema replied that the figures represented actual bodies.

Senator Beers asked if the new Director of the Department of Public Safety was happy with the revamped Training Division. Mr. Togliatti replied that he was very happy with the new direction being taken by the Training Division.

Mr. Hogan wondered if the rapid increase in the number of students completing training reflected ethnic and gender diversity. Mr. Keema replied that the figures did reflect diversity. Mr. Keema had been employed by the Training Division since February 2004, and in that time he had seen a significant increase in the number of female and Hispanic students. Mr. Keema said he believed adding that diversity had done nothing but improve the entire process.

Assemblyman Denis inquired as to what the Training Division had done differently to recruit Hispanics to enter law enforcement. Mr. Keema replied that while he could not speak to what had been done to recruit Hispanics, he could address what happened when they arrived for academy training. Mr. Keema went on to say that he knew the Department had made a concerted effort to recruit by using television and radio spots aimed at the Hispanic community, and he believed the subject would be covered in more depth later in the day.

Mr. Keema continued his presentation by referring to the graph on page 4 of [Exhibit B](#) which depicted the types of in-service classes provided, the number of law enforcement division students, and the number of non-law enforcement division students. There had been substantial increases in FY2004 and year-to-date FY2005, compared to the previous biennium. Mr. Keema stated that the final graph on page 5 of [Exhibit B](#) depicted the number of in-service training hours delivered by the Division.

Decision Unit E-239 was a request for three full-time Department of Public Safety officers, and one full-time Administrative Assistant position for the expansion of training in the Las Vegas area and related costs associated with that expansion. Mr. Keema explained that the Department of Public Safety sought to establish a southern training presence because it would be more cost-effective due to the large number of Department law enforcement and non-law enforcement employees in that area of the state. A southern Nevada training presence would save on travel, lodging, overtime, and per diem for participants, as they would not be required to travel to Carson City for training, as they did currently. Mr. Keema commented that as the state continued to grow, the need for the Training Division to establish a training presence in the Las Vegas area grew as well. The Department of Public Safety anticipated proportional growth in the Las Vegas area. The creation of the Las Vegas training center, which mirrored the training center in Carson City, would address the following benefits:

- The ability to attract potential candidates from the Las Vegas area which was the most competitive market in the state of Nevada

- Presence in both northern and southern Nevada in the form of regional training centers

Mr. Keema informed the Subcommittee that Decision Unit E-240 requested an enhancement to the Training Division budget to establish a Background Investigation Unit. The Executive Budget recommended the addition of two full-time positions as well as four intermittent part-time positions to establish a dedicated Background Investigation Unit for the Department. Mr. Keema stated the Background Investigation Unit was of utmost importance because it affected the progression of recruitment for the academies and, ultimately, for the Department. The Department of Public Safety anticipated multiple benefits from formalizing the Background Investigation Unit.

Chairman Rhoads referred to the outsource portion of Decision Unit E-240 and asked how the Department of Public Safety monitored contractors. Mr. Keema responded that any vendor selected would be required to provide a comprehensive report and the Department would be performing spot checks on the submitted data. Mr. Keema said the Department would be taking a representative sample from the reports and contacting parties to verify information.

Senator Beers asked how many applicants for employment in 2004 had been eliminated from consideration due to the results of background checks. Mr. Keema said that in the sworn ranks the Department was experiencing approximately a 70 percent failure rate. A 60 to 80 percent failure rate was considered normal just for automatic disqualifiers, deceptions, and omissions throughout the process.

Senator Beers asked if the Training Division had prepared the budget with the knowledge that the Legislature was considering a two-step salary increase for sworn officers, if that possibility had been included in the budget, and also if that raise would increase the applicant pool. Mr. Keema responded that the budget for the Training Division had not been prepared in anticipation of the proposed salary increase; however, he had since learned that the two-step increase had been added into The Executive Budget. He also said that the salary increase would definitely aid in recruiting applicants for the sworn officer positions.

Mr. Keema commented that with the approval of the requested decision units, a level of efficiency would be created within the Training Division that had never before been realized. With said approval the overall efficiency of the Department of Public Safety, with respect to recruitment, employee background investigations, basic training, in-service training, and career enhancement training, would be greatly improved.

Senator Titus asked if the Department, in their recruitment efforts, was getting many applicants coming out of the military. Mr. Togliatti responded that the Department had focused in that area because most applicants were young, aggressive, and had already passed a background check in the military. The military had been a major focus in the Department's recruitment effort.

Senator Titus asked Mr. Togliatti if he could think of anything the legislative body could do to help with recruitment, such as an added benefit. She commented that there were several proposed bills that would allow someone to "buy into" the Public Employees' Retirement System (PERS) by using military time served. Mr. Togliatti replied that anything along those lines would be

helpful. He noted that he had been allowed to use his military time with the federal government's retirement program when he had worked for the Federal Bureau of Investigation (FBI) and had considered it an incentive to work there.

Senator Titus asked if time served by members of the Nevada National Guard could be applied to a PERS retirement if they went to work for the State.

Mark Krmpotic, Senior Program Analyst, LCB, responded that staff had no information regarding PERS, but would investigate and report back to the Subcommittee.

Senator Beers asked if the Department of Public Safety had any employees presently on full-time duty with the National Guard. Mr. Togliatti replied that he was aware of four employees from the Nevada Highway Patrol serving on active duty with the Nevada National Guard.

Chairman Rhoads requested information regarding the Management Analyst II position requested in Decision Unit E-252. Mr. Keema said at present the Division employed an Administrative Assistant III position that was charged with helping to build the budget, among other duties. If the budget for the Training Division was approved as submitted, it would more than double, creating more responsibility and work for the present Administrative Assistant III position. Additionally, the Division would be required to provide Nevada Homeland Security training to all 800 sworn officers within the Department, as well as training for non-sworn personnel. Mr. Keema stated the Division had not been responsible for the coordination and administration of grant monies from the Department of Homeland Security. The Office of Emergency Management had been administering the grants and was planning to give that responsibility to the Training Division. Mr. Keema summarized that the budget for the Training Division would be increasing to the point where it would be necessary to have a person with the correct skills in the position to do the job.

Chairman Rhoads asked if there would be federal funding for the proposed Management Analyst II position. Mr. Keema replied that he did not believe so.

PEACE OFFICERS' STANDARDS AND TRAINING

PEACE OFFICERS' STANDARDS & TRAINING COMMISSION (101-3774) **BUDGET PAGE – POST-1**

Richard Clark, Executive Director, Commission on Peace Officers' Standards and Training (P.O.S.T.), identified himself for the record, and introduced Tim Bunting, Deputy Director, P.O.S.T., Heather Elliott, Fiscal Manager, P.O.S.T., and Gene Hill, Chairman, P.O.S.T. Commission.

Mr. Clark gave an overview of Budget Account 3774 for the Subcommittee ([Exhibit C](#)). As in other states, the Commission on Peace Officers' Standards and Training was the regulatory commission for Nevada. The Commission was statutorily mandated by NRS 289, NRS 500, and NRS 510, to establish and enforce the professional standards that governed the selection, hiring, basic and in-service training, and the certification of over 9,200 peace officers in the state of Nevada. Mr. Clark said the Commission's mission statement reflected twofold responsibilities; to develop and deliver professional training and ensure that all Nevada peace officers and their agencies complied with established statutes and regulations. That was important in order to protect constitutionally guaranteed freedoms and enhance the safety of the residents and visitors to the state. In 1999, the P.O.S.T. Commission was reestablished as a stand-alone

commission under the Governor's Office with all regulatory, training, and certification responsibilities reaffirmed. The P.O.S.T. was not a General Fund agency as funding was provided almost 100 percent by administrative assessments and a small amount of registration fees.

The P.O.S.T. played a vital role in the quality of public safety that was enjoyed throughout the state, both in the level of professional service and the safety of peace officers, citizens, and visitors. Mr. Clark stated that considering current threats of increased crime and domestic terrorism, balanced with the need to protect individual rights, peace officers must be held to the highest standards of professionalism. Steady population growth and the proposed increase in the hiring of approximately 2,000 peace officers for Clark County, required a strong, viable, regulatory agency that built and maintained professional standards. Mr. Clark said in recent years the Commission had continued to update basic training to reflect shifting social problems and trends. During the past fiscal year the P.O.S.T. had accomplished many things, as follows:

- P.O.S.T. Academy graduated 42 cadets with 18 currently in training
- Updated statewide law enforcement training needs assessment with 10 of the highest priority training topics
- Researched new P.O.S.T. facilities and selected Building No. 6 in the Stewart complex, located in Carson City
- Made numerous improvements on the P.O.S.T. website
- Successfully completed an operations audit by the Department of Administration with only minor corrections noted
- Completed two academy audits
- Completed a curriculum review by Excelsior College
- Completed a survey of P.O.S.T. Academy user agencies with a scale of 4.4 on a scale of 1-5
- Revised, improved, and streamlined the certification process for reserve peace officers
- Granted 1,578 P.O.S.T. Basic and Professional certificates
- Conducted, facilitated, and/or managed 71,856 student hours of continuing education training
- Provided 40,898 student hours of basic training
- Administered 1,257 P.O.S.T. certification exams
- Processed 9,649 Personnel Action Reports
- Certified 111 P.O.S.T. Physical Fitness Test Administrators

Mr. Clark said those accomplishments had stretched P.O.S.T. resources. Projected court assessments would be sufficient to support the budget request. Mr. Clark explained if "The Executive Budget for P.O.S.T. is approved it would enable us to build a stronger foundation and fulfill our complete legislatively mandated responsibilities by acquiring the necessary equipment and resources."

Mr. Clark stated the projected enhancement budget request for the next biennium was approximately \$172,000 in FY2006, and \$250,000 in FY2007.

Decision Unit E-250 requested funding to convert a part-time Facilities Manager position to full time at a cost of \$8,208 in FY2006 and \$23,504 in FY2007.

Mr. Clark explained that Decision Unit E-275 requested technology upgrades as followed:

- Acquire software for records backup and maintenance for compliance with NRS 239.051 at a cost of \$16,135 in FY2006

- Development of CD-Rom Interactive Computer Training Program for Reserve and In-lieu peace officers basic training at a cost of \$13,000 in FY2006
- Software upgrade and enhancement for database building and interactive data sharing with criminal justice agencies at a cost of \$7,500 in FY2006
- Acquire a complete Use of Force decision-making training system at a cost of \$85,000 in FY2007

Decision Unit E-326 requested funds in the amount of \$10,000 in FY2006 and \$10,000 in FY2007 to provide honorariums and travel for P.O.S.T. Academy criminal justice instructors, according to Mr. Clark.

In Decision Unit E-710 the replacement of 3 SUVs in the amount of \$89,721 and 5 sedans in the amount of \$115,310 was requested.

Mr. Clark stated Decision Unit E-730 requested \$5,000 to develop an area for practical exercises, and \$24,000 to acquire a Card Key Lock security system for the dormitory and office facilities.

Chairman Rhoads asked if the P.O.S.T. Commission had moved into a new facility at the Stewart complex and, if so, how that was working out. Mr. Clark replied that the P.O.S.T. Commission had moved into the new facility in the last week of January 2005 and, while the move had been fairly stressful, the new space was functioning well.

Chairman Rhoads asked if the academy had 42 people currently in training. Mr. Clark explained that 42 people had been graduated, 18 people were currently in training.

Chairman Rhoads asked if the request for a full-time Facility Manager was reasonable in light of the fact that 13.51 full-time employees had trained only 42 people in FY2003-04.

Tim Bunting, Deputy Director, P.O.S.T. Commission, replied that last session the Commission had been given the part-time Facility Manager's position, which had been requested to relieve training officers of additional duties, such as building maintenance, vehicle maintenance, and range, classroom, gymnasium scheduling. Since the Facility Manager's position was part-time, the relief given to the training officers had been part-time as well. Mr. Bunting said after a year of dealing with a part-time Facility Manager, it was becoming necessary to have a full-time position to relieve the training officers.

Chairman Rhoads asked how recruitment was handled since Nevada had low unemployment and high wages being paid at the mines in the rural areas. Mr. Clark replied that the P.O.S.T. was a service agency that provided basic training for agencies that did the hiring and the recruiting. Lyon County, for instance, had four positions scheduled to participate in the current academy and had to cancel because they were unable to hire officers. Mr. Clark said he knew hiring had been difficult for police agencies, but had no idea what the answer was. The P.O.S.T. had developed the in-lieu training process because peace officers retiring from other states could work in Nevada with minimal training. Mr. Clark noted that the process was working very well. Another helpful solution had been in changes made in the Reserve program training to make it more amenable to people working in the community full time, who would like to serve as part-time support to law enforcement officers.

Chairman Rhoads asked for information regarding the microfilming project. Mr. Bunting responded that three years before the Department of Information Technology (DoIT) had done a study of the P.O.S.T. and had found the agency not to be in compliance with the requirement to have two forms of each file. The microfilming project had been initiated at that time. Initially, State Archives had agreed to scan and microfilm the files, but it was discovered that State Archives used inmate labor and inmates could not handle peace officer records. The P.O.S.T. had purchased software and hardware to allow for on-site imaging. According to Mr. Bunting, the funds requested in Decision Unit E-275 would "build a truss" between the P.O.S.T. server and the State Archives server to transfer data to State Archives where it would be placed on microfilm. The P.O.S.T. would then have a data image file and a microfilm file, which would put the agency in compliance with the *Nevada Revised Statutes*.

Chairman Rhoads asked how long until the microfilm project would be completed. Mr. Bunting replied that all records would be scanned and data imaged by the end of FY2005. By the end of FY2006 the entire project would be completed and only maintenance would be required.

Chairman Rhoads asked what agency was paying for the microfilming. Mr. Bunting replied that the P.O.S.T. was.

Chairman Rhoads asked for information regarding the firearms training simulator. Mr. Bunting responded that the current system used by P.O.S.T. was called the Firearms Training Simulator (FATS) and the system was used by quite a few police agencies. The FATS was scenario-based and interactive, but was restricted to the laser disc technology built ten years ago. The system requested in Decision Unit E-275, a "Use of Force" trainer, had one feature that no other systems on the market had; it allowed the P.O.S.T. to film their own scenarios. Mr. Bunting said that even local agencies could film a scenario to fit their specific needs. The system came with 84 built-in scenarios and also came with the capability of using many different weapons. Mr. Bunting said the system was referred to as a Use of Force trainer and not as a marksmanship trainer. Because it taught decision making, an officer could begin at the lowest use of force and move up to lethal force.

Chairman Rhoads noted that the P.O.S.T. Academy had had one audit, but ten audits had been projected for FY2003 and FY2004. Mr. Bunting replied that the same people who worked on the imaging project were responsible for audits and compliance, and they had simply not had the time to attend to both functions.

Chairman Rhoads said Decision Unit E-326 recommended increasing in-state travel from \$8,000 to almost \$25,000 for each year of the coming biennium, and he wondered what the reason was for the increase. Mr. Bunting said the requested increase was primarily for expenses for instructors at the academy, and for the agency to catch up on performing audits. Chairman Rhoads noted that the agency had previously managed with \$8,000 per year, and asked why they now needed \$25,000 per year. Mr. Clark interjected that the proposed \$25,000 figure included honorariums for instructors.

Chairman Rhoads asked for an explanation of why Decision Unit E-710 requested eight new vehicles to be purchased and used for training purposes, and wondered why used vehicles would not work just as well. Mr. Bunting explained that one of the training activities was emergency vehicle operation, which produced a lot of stress upon a vehicle. The training vehicles were

subjected to braking, sharp curves, and teaching officers how to drive under emergency conditions. Mr. Bunting said that the last thing the P.O.S.T. wanted to do was place an officer in an unsafe vehicle. The current vehicles used for training were used Nevada Highway Patrol vehicles acquired in the late 1990s, all with well over 100,000 miles on the odometer. The P.O.S.T. put 1,000 miles on each vehicle each training session, and in five days of training the vehicle would wear out at least one set of tires.

Chairman Rhoads asked about the key card entry system that the agency had requested for the dormitory and office facilities. Mr. Bunting replied that when the agency had used paper files there had been no security problem, all files were placed in one room, the room was locked, an alarm was installed, and the room was safe. Now that the agency was using a data image system, access to certain areas in the building had to be limited, and the most efficient way to handle access was with a key card system. The cards could be programmed so that only certain cards granted access to different doors and areas. Mr. Bunting noted that anytime keys to the exterior of the building were lost it cost the agency \$169 to replace those keys; with a key card the replacement cost was 57 cents.

Chairman Rhoads asked if the Las Vegas Training Program was competing with the P.O.S.T. Academy training. Mr. Clark replied that the P.O.S.T. was not in competition with any of the 20 other training facilities in the state. The P.O.S.T. Commission certified, monitored, audited, and set the curriculum for all the training centers in the state.

Chairman Rhoads asked if the P.O.S.T. recruited out of state. Mr. Clark replied that the P.O.S.T. did not recruit out of state, but law enforcement agencies did recruit out of state.

Chairman Rhoads asked Sheriff Gene Hill if Humboldt County went out of state to recruit officers.

Sheriff Hill, who also served as the Chairman of the P.O.S.T. Commission, replied that Humboldt County did recruit from out of state because when the economy was good, applications for law enforcement positions decreased.

Chairman Rhoads asked how many vacancies the Humboldt County Sheriff's Office had at the present time. Sheriff Hill replied that there were 4 openings for patrol deputies out of a total of 17 positions, 3 openings in detention out of a total of 13 positions, and 3 openings in dispatch out of a total of 9 full-time positions and 1 part-time position. Sheriff Hill said that at the present time no one had applied for any of those vacant positions.

Senator Beers asked if the P.O.S.T. certified training academies throughout the state as well as running their own academy. Mr. Clark replied that was correct, but the P.O.S.T. Commission had the responsibility to set professional standards and requirements for the selection, hiring, training, curriculum, continuing education requirement, and also audit and monitor all academies in Nevada.

Senator Beers asked how many academies there were in Nevada. Mr. Clark said there were 20 training academies.

Senator Beers wondered if, at approximately \$35,000 per trainee in 2004, the State would have been better off training those people at other academies. Mr. Clark responded that he believed the cost per cadet was closer to \$11,000.

Senator Beers asked if all the other activities provided in training cost the remaining \$24,000 per cadet, because the total budget divided by the number of cadets graduating in 2004 was over \$36,000. Mr. Bunting replied that was correct, but two bureaus were responsible for different functions. One bureau was regulatory and worked with compliance and audits while the training bureau was responsible for the academy. Senator Beers noted that in FY2004 only one audit had been accomplished. Mr. Bunting replied that was because of the imaging project. Mr. Bunting said there were 14 full-time employees at the P.O.S.T. Senator Beers asked how many of those employees were involved in audit and imaging functions. Mr. Bunting replied there were two employees involved in the audit and compliance function as well as the imaging project. There were also two employees who handled certification and records in the Commission Activities Bureau. Senator Beers commented that he counted four employees. Mr. Bunting added to the count, the bureau chief of the Commission Activities Bureau, a Training Bureau chief, two training officers, one clerical employee, and a part-time facilities employee, as well as a full-time employee and part-time employee assigned to the Nevada Police Corps.

Senator Beers asked if the figures added up to half of the 14 employees being involved in the academy. Mr. Bunting replied that in 2004, it took \$447,000 to run the academy; that figure included salary, benefits, supplies, and rent. Senator Beers commented that it appeared from the organization chart on page 8 of [Exhibit B](#) that approximately half of the employees were assigned to the Basic Training Bureau. Mr. Bunting explained that if the total number of employees was broken down, one-third would be assigned to the Basic Training Bureau, one-third to Commission Activities Bureau, and one-third to administration.

Senator Beers commented that since there were 20 other academies around the state he would be interested in knowing what they would charge if the money earmarked for the Training Academy was turned into scholarships. He said, while he did not think the academy was doing a bad job, it did not appear that the volume was there to make the academy a practical application. Mr. Bunting noted that not all of the 20 other academies were category 1 training academies. Many of the academies were category 3, corrections and detention, some were only for their own departments, and each prison had their own training academy. Mr. Bunting explained that the category 1 academies in Nevada were at the 3 community colleges, in Carson City and Las Vegas for the Department of Public Safety, in Nye County for their own agencies, and the P.O.S.T. Academy in Carson City.

Senator Beers said he believed the problem was number of cadets being trained. Mr. Bunting replied if, for example, Sheriff Hill from Humboldt County were to send one of his employees to Western Nevada Community College for training the cost would be prohibitive. Sheriff Hill commented if he were to send one of his employees to Western Nevada Community College for training it would not only take more than 31 weeks to complete that training, the employee would have to be paid a per diem rate in addition to lodging. He continued and said that the rural counties relied heavily on the P.O.S.T. Commission for certified training of their employees. Senator Beers stated that he recognized the importance of the academies but wished there was some way to consolidate academies for the sake of economy.

Senator Titus stated last session P.O.S.T. had agreed to upgrade the curriculum regarding racial profiling and she wondered if that had been accomplished. Mr. Bunting replied that the racial profiling study had been integrated into the

training, but the academy did not teach racial profiling, they taught people to be professional law enforcement officers. Senator Titus asked if the answer was no, and the P.O.S.T. had done nothing about racial profiling since last session. Mr. Bunting responded that the academy had introduced situational awareness. Senator Titus asked if in addition to teaching professional attitude, the academy had introduced anything specific to the curriculum regarding racial profiling. Mr. Bunting replied that diversity training was given to cadets.

Senator Titus asked if a program existed with the P.O.S.T. Academy whereby someone who was not in law enforcement could pay to attend the academy. Mr. Bunting replied that the academy did not accept "non-sponsored" participants. Senator Titus asked if the P.O.S.T. Commission had considered adopting a program of that type for the training of security guards, because that had been a problem in the private sector, and it might be a means of generating revenue. Mr. Clark replied that in the past the Legislature had taken a dim view of P.O.S.T. being involved in training anyone but peace officers. Senator Titus asked if training people from outside of the law enforcement community would pose too many difficulties. Mr. Clark replied that the academy would have the resources to build curriculum and do training, but they would be operating outside of established guidelines.

Mr. Hogan asked if the P.O.S.T. Commission had ever conducted a study regarding disparities in selection rates or rejection rates along racial or gender lines. He believed that was something that should be considered from time to time. Mr. Hogan noted that it had not been long ago that physical and strength standards excluded women. Those standards had been adjusted over the years to the benefit of everyone. Mr. Hogan commented that some standards and requirements might inadvertently exclude people who otherwise would be good candidates for law enforcement. Mr. Clark said selection standards were reviewed and changed periodically and it was very important to ascertain that applicants were not arbitrarily eliminated because of the standards.

Sheriff Hill commented that as an employer of law enforcement personnel it had been his experience, as well as with many of his contemporaries, that the problem was with passing background checks. Physical fitness did not seem to be a big issue and gender was certainly not an issue, according to Sheriff Hill. Background investigations were very extensive, and particularly polygraph examinations seemed to uncover hidden issues that the background package had not asked.

Chairman Rhoads asked if there was anything further regarding Budget Account 3774.

Sheriff Hill commented that he wanted to thank the Subcommittee and any other legislators who were involved in consolidating the P.O.S.T. staff. From Sheriff Hill's point of view, as the Chairman of the P.O.S.T. Commission, when he was in Carson City to conduct business it was much easier to go to one location.

PEACE OFFICERS' STANDARDS AND TRAINING
POLICE CORPS PROGRAM (101-3772) BUDGET PAGE – POST-9

Chairman Rhoads said he understood that Budget Account 3772 had been federal funded, was no longer, and requested clarification. Mr. Clark responded the program had recently received notification that funding would last through federal FY2005, but after that funding would be questionable. That type of

statement led the P.O.S.T. to believe that funding was winding down, according to Mr. Clark. He further stated that the federal funds in question amounted to approximately \$40,000.

Chairman Rhoads asked what the function of the program was. Mr. Clark replied that the Police Corps Program was originally a federally funded program for men and women who had a college degree in any field, and agreed to serve four years as police officers. Participants in the program would be given \$15,000 reimbursement for tuition. Mr. Clark said the objective of the Police Corps Program was to provide law enforcement agencies with quality people who would remain in law enforcement for more than the four years of the program. Unfortunately, it appeared as if the program would be discontinued.

Chairman Rhoads asked if the Police Corps Program had worked well. Mr. Clark replied that it had worked well, but again, problems had arisen with recruiting.

The hearing on Budget Account 3772 was closed.

Chairman Rhoads opened the hearing on Budget Account 201-4714.

DEPARTMENT OF PUBLIC SAFETY
ADMINISTRATIVE SERVICES (201-4714) BUDGET PAGE – PS-6

Mr. Togliatti introduced David Ellison, Administrative Services Officer IV, Division of Administrative Services, Department of Public Safety.

Mr. Ellison informed the Subcommittee that Budget Account 4714 provided administrative services, financial services, and personnel services. Budget Account 4714 contained two primary issues, cost allocation and recruiting.

Kimberley King, Personnel Officer III, Department of Public Safety, informed the Subcommittee of the accomplishments of the Department of Public Safety with regard to recruitment. In the past, biennium posters, brochures, a recruiting packet, trading cards, and trinkets used at job fairs had been developed. In the past year, 13 job fairs had been attended by representatives of the Department of Public Safety, 6 in Nevada and 7 outside of Nevada. Ms. King said representatives had also been to different universities as well as military bases.

Ms. King explained that funding requested in The Executive Budget would be used for travel and job fair booths outside of the state of Nevada for the next biennium.

Chairman Rhoads inquired as to how many vacancies the Department had at the present time. Ms. King responded that there were 31 vacancies in the Nevada Highway Patrol sworn officers' ranks and most were in the rural areas. Chairman Rhoads asked how many sworn officers there were in the Nevada Highway Patrol and Ms. King replied there were 432.

Chairman Rhoads commented that the vacancies still existed although the Department recruited in so many places. Ms. King agreed, but explained that in the academy class that began in February 2005 there were 12 cadets in the north and 28 cadets in the south, a total of 40 cadets being trained.

Ms. King said the requested funding would supplement the additional recruitment items needed for job fairs. The Department had been utilizing Nevada JobConnect with America's Job Bank and had been very successful.

Mr. Togliatti commented that he believed recruitment efforts had been enhanced by the existence of the southern Nevada training facility. He said when he had first become the Director of the Department of Public Safety he had talked to several people who were hesitant to join the Department because they would have to leave their families and be trained in Carson City. Mr. Togliatti said regional training was necessary in order to be competitive in recruitment. Preliminary inquiries had been made to the University of Nevada, Reno (UNR), to explore the possibility of utilizing their fire facility near Elko for in-service training at a very modest cost to the Department.

Chairman Rhoads commented that information provided to the Subcommittee indicated that out-of-state travel in FY2003-04 had not been for recruitment, but for other purposes. Mr. Togliatti replied that some of the out-of-state travel had been for diversity training.

Chairman Rhoads asked if other western states were having as much difficulty recruiting for law enforcement positions as Nevada. Ms. King replied that the Department was focusing on bringing more diversity into the workplace and, with that goal in mind, had been featuring minorities and women in the recruitment brochures.

Senator Beers asked if the fire training center Mr. Togliatti had mentioned was near Elko, in Carlin, Nevada. Mr. Togliatti replied that it was.

Senator Beers asked if the Department had positions in Elko they were having difficulty filling. Mr. Togliatti replied that the Department had not determined the cost-effectiveness of training in a rural facility. The Department had contacted the University of Nevada, Reno, because there was a possibility that the Carlin facility was not being totally utilized. Mr. Togliatti said if the Department could use the Carlin facility, rather than bring everyone into Carson City for training, it could alleviate some of the strain of trainees having to leave their families.

Senator Beers asked if it turned out that the Carlin facility made sense and could be used, would the Department need to come before the Interim Finance Committee (IFC) to rearrange their budget. Mr. Togliatti said the cost was so minimal that it could easily be included in the present budget. It would be necessary to have a substantial number of candidates from rural areas in order to have a basic course in Carlin, but it could be used for in-service training, or for something that could be offered to local law enforcement.

Mr. Hogan said he was particularly interested in what success the Department had had in recruiting from military sources, and asked for an explanation of that aspect of the program. Ms. King responded that the Department had success in the San Diego area at career fairs, as well as actually testing candidates while Department personnel were in the area. With that strategy, the Department could immediately discover if a candidate met the minimum qualifications or whether or not a candidate could pass the written test and a physical examination. Background checks were initiated even before the candidate left the facility.

Chairman Rhoads asked about the Department's contract with Ogilvy Public Relations. Mr. Togliatti responded that he had minimal information about the contract as it was the purview of the Public Information Officer (PIO).

Chairman Rhoads asked when the Department of Public Safety had entered into the contract with Ogilvy Public Relations. Mr. Togliatti said he did not know, but could get that information. Chairman Rhoads requested performance indicators to determine the effectiveness of the recruitment support materials developed by Ogilvy Public Relations. Mr. Togliatti replied that he would provide those performance indicators.

Ms. King commented that Ogilvy Public Relations provided materials used in recruitment, such as posters and advertisements. Ogilvy Public Relations was not the only supplier used, according to Ms. King, because it had been discovered that recruitment cards could be obtained through another source at a cheaper price.

Chairman Rhoads asked where Ogilvy Public Relations was based. Ms. King replied they were based in California.

Mr. Ellison commented that Ogilvy Public Relations was a nationwide company, but the office that the Department of Public Safety used was in southern California.

Chairman Rhoads asked what the recruitment strategy was going to be for Parole and Probation officers. Ms. King replied that the Department was basically using the same recruitment procedures for Parole and Probation officers as for other sworn officers.

Mr. Ellison commented that at another meeting the Department of Public Safety model and the two-grade pay increase had been discussed; Rick Keema had discussed the training center in southern Nevada, and currently, increasing the recruitment budget was being discussed. Mr. Ellison said he believed all those items were a package, critical for the Department to attract and retain people.

Chairman Rhoads asked if the Department could compete with the metropolitan areas in salary and benefits. Mr. Togliatti replied that he did not think the Department would ever be able to compete with the Las Vegas Metropolitan Police Department (Metro) in regard to salary and benefits; however, the Department offered diversity and challenging positions throughout the entire state.

Senator Beers asked if anyone had ever considered charging Metro for the cost of P.O.S.T. training if Metro hired a Highway Patrol trooper within two years of that training. He said he believed it was only fair since Metro would be avoiding their expense for P.O.S.T. certification. Mr. Togliatti said he had heard that something of that nature had been proposed in past legislation. He had heard informally from Sheriff Bill Young that Metro was now requiring any personnel from the Nevada Highway Patrol to finish the Metro academy from start to finish rather than allowing a lateral transfer. Mr. Togliatti said that requirement might discourage some people from seeking transfer to Metro.

The hearing was closed on Budget Account 4714.

Chairman Rhoads opened the hearing on Budget Account 4738.

Mr. Togliatti introduced Col. David S. Hosmer, Nevada Highway Patrol, Department of Public Safety, to present an overview of Dignitary Protection.

Col. Hosmer said the primary change to the Dignitary Protection Detail entailed converting four Nevada Highway Patrol trooper positions to Capitol Police positions for security at the Governor's Mansion in Carson City. Col. Hosmer noted that the change had worked very well. The Capitol Police had done a very good job of handling the physical security of the Governor's Mansion.

Chairman Rhoads interjected that he had toured the Governor's Mansion earlier in the session with the Governor's wife and she had been very comfortable with the level of security currently in place. Col. Hosmer said he believed there were a variety of reasons for the improved security. The Nevada Highway Patrol recruited young troopers more suited to a proactive style rather than a reactive security style. The Capitol Police tended to recruit a more mature officer better suited to the Governor's Mansion security.

Col. Hosmer said the problem encountered in the past two years had been in having only one sergeant and two troopers providing physical security for the Governor and First Lady. That was not enough staff to keep up with a typical schedule for the Governor, which was sometimes 16 to 18 hours per day. Col. Hosmer pointed out that the Governor and the First Lady were often in different locations as well.

The Executive Budget recommended adding two Highway Patrol trooper positions to increase security for the Governor and the First Lady. Col. Hosmer stated that addition would increase the Dignitary Protection Detail to one sergeant and four troopers and would allow for vacations and sick leave for the troopers.

Chairman Rhoads asked if all the troopers were in northern Nevada. Col. Hosmer replied that he had considered placing two troopers in southern Nevada and two in northern Nevada, or leaving two vacancies in southern Nevada which would allow for more flexibility.

Chairman Rhoads asked what the two troopers in southern Nevada did when the Governor or First Lady were not there. Col. Hosmer replied that currently there were only two troopers and one sergeant assigned to the Governor and First Lady so they incurred a lot of travel back and forth between Carson City and Las Vegas.

Chairman Rhoads requested clarification of the request for two new troopers to be assigned to the Dignitary Protection Detail and assigned to Las Vegas on a permanent basis. Col. Hosmer explained for clarification that the two new troopers would not be assigned on a permanent basis to any location; they would be available to travel back and forth. He continued and said that he would like to see a system where out of the four trooper positions, two would be full time and a group of troopers would be trained for the Dignitary Protection Detail to move in and out of those positions as they were needed.

Mr. Hogan inquired as to why the fairly high overtime associated with the Dignitary Protection Detail was not projected to decrease with the addition of two new trooper positions. Col. Hosmer said, in his opinion, until the new positions were in place and it was determined how those positions were going to work, it could not be determined whether the overtime costs would decrease. According to Col. Hosmer, not only was overtime a consideration, but the

troopers who worked the Detail were in danger of becoming "burned-out." For the health of the troopers, Col. Hosmer wanted them to work less overtime, not more.

Chairman Rhoads asked who had jurisdiction at the Governor's Mansion, the Highway Patrol or the Capitol Police. Col. Hosmer replied that the Capitol Police handled Mansion security, but the Highway Patrol would continue to handle the physical security of the Governor and First Lady.

Chairman Rhoads asked someone to comment on out-of-state travel in Budget Account 4738 since it appeared to be a substantial increase. Mr. Togliatti commented that since Governor Guinn was the chairman of the Republican Governor's Association, more travel was required of the Governor, and therefore the troopers assigned to the Dignitary Protection Detail.

Chairman Rhoads said the budgets remaining unheard on the agenda would need to be rescheduled to a later date and adjourned the meeting at 10:49 a.m.

RESPECTFULLY SUBMITTED:

Anne Bowen
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chairman

DATE: _____

Assemblywoman Kathy A. McClain, Chairwoman

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Assembly Committee on Ways and Means/Senate Committee on Finance Joint Subcommittee on Public Safety/Natural Resources/Transportation</u>			
Date: <u>March 10, 2005</u>		Time of Meeting: <u>8:00 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B	Commission on Peace Officers' Standards and Training	Budget Briefing FY2006-07
	C	P.O.S.T.	Commission on Peace Officers' Standards and Training-Budget Briefing FY2006-07