

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

**Seventy-third Session
March 4, 2005**

The Senate Committee on Finance and the Assembly Committee on Ways and Means, Joint Subcommittee on Public Safety/Natural Resources/Transportation was called to order at 8:07 a.m. on Friday, March 4, 2005. Chair Dean A. Rhoads presided in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

SENATE COMMITTEE MEMBERS PRESENT:

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

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Ms. Kathy A. McClain, Chair
Mr. Mo Denis
Mrs. Heidi S. Gansert
Mr. Joseph M. Hogan
Ms. Ellen M. Koivisto
Ms. Valerie E. Weber

STAFF MEMBERS PRESENT:

Steven J. Abba, Principal Deputy Fiscal Analyst
Bob Guernsey, Principal Deputy Fiscal Analyst
Mark Krmpotic, Senior Program Analyst
Sandra Small, Committee Secretary

OTHERS PRESENT:

George Togliatti, Director, Department of Public Safety
Kimberley King, Personnel Officer, Department of Public Safety
David L. Ellison, Administrative Services Officer, Department of Public Safety
Kevin O. Bailey, Highway Patrol Sergeant, Office of Professional Responsibility,
Department of Public Safety
Major Robert Wideman, Central Repository for Nevada Records of Criminal
History, Nevada Highway Patrol, Department of Public Safety
Shannon Withrow, Account Technician, Department of Public Safety
Dana Howry, Administrative Services Officer, Central Repository for Nevada
Records of Criminal History, Department of Public Safety
Charles (Chuck) W. Fulkerson, Executive Director, Office of Executive Director
for Veterans' Services, Office of Veterans' Services
Ace Tan, Administrative Services Officer, Office of Executive Director for
Veterans' Services, Office of Veterans' Services
Jeanette Rae, Veterans' Service Officer, Office of Executive Director for
Veterans' Services, Office of Veterans' Services

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 2

Gary Bermeosolo, Administrator, Nevada State Veterans' Home, Office of Veterans' Services
Randy L. Potts, Sergeant-at-Arms, Department of Nevada, The American Legion
Daryl Mobley, Wellington, Nevada Veterans' Services Commission, Office of Veterans' Services
Ronald Kruse, Carson City, Chairman, Nevada Veterans' Services Commission, Office of Veterans' Services
Joseph Whimple, Churchill County Resident, Disabled Veteran

CHAIR RHOADS:

We will open the hearing on the budget for the Department of Public Safety. Before we begin, would you give us some information about the task force on narcotics? Two years ago, the Governor cut it out of the budget. It operated in rural counties. The President's budget has almost eliminated everything resulting in a \$2 million reduction over the next 2 years. The people I represent are upset. The task force did a lot of good.

GEORGE TOGLIATTI (Director, Department of Public Safety):

The task forces have been effective. It is anticipated the federal budget proposed by the President will cut the Bryne Memorial Formula Grant program by approximately 32 percent in 2006 and then eliminate it in 2007. That cut will have a direct impact on operations within the Investigative Division of the Department of Public Safety (DPS) and in the rural counties. As you know, the rural counties are dependent upon those funds.

CHAIR RHOADS:

Did you know about the federal cuts when you developed the DPS budget?

MR. TOGLIATTI:

We discussed the cuts with the Governor's staff. We have a contingency plan in the event the federal cuts take place. We might have the information in May. We have had internal meetings addressing the shift of forces to support the rurals. I believe we will be discussing this issue at length on March 10, 2005, during the Investigation Division budget hearing.

PUBLIC SAFETY

Director's Office – Public Safety – Budget Page PS-1 (Volume III)
Budget Account 201-4706

MR. TOGLIATTI:

One of our major objectives, the DPS Model, is outlined in our handout, Nevada Department of Public Safety ([Exhibit C](#)). We have a diverse group of 1,400 employees in various divisions at the DPS. At times, it seems the divisions are not working in harmony. The DPS Model brings all divisions together, makes management easier and provides a benefit to our employees. The DPS has had a problem with attrition, particularly the Division of Parole and Probation (P&P) and Nevada Highway Patrol (NHP). We need to offer our employees more opportunity and be more competitive with other law enforcement and criminal justice agencies. The DPS Model gives our employees promotional opportunities in all divisions within DPS. It gives employees the chance to transfer between divisions. We are intensifying training within the

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 3

Homeland Security nexus, such as hazardous materials cleanup. We feel that the ability to transfer is important as a way to increase morale and decrease attrition, and it also keeps us competitive if we cannot provide increased salaries. The employees have seen the DPS Model and are enthusiastic. We are not taking away the various traditions and cultures of the divisions. We hope to raise the level of performance and the attitude of the employees about their jobs and themselves.

CHAIR RHOADS:
Will the DPS Model have a cost?

MR. TOGLIATTI:
The cost is minimal. We are attempting to create equity between the divisions. In the past, equivalent jobs were not paid on parity.

CHAIR RHOADS:
Are you still losing highway patrolmen to other agencies? Is there still a pay difference?

MR. TOGLIATTI:
Yes, we are still losing personnel. The pay difference at the entry level is \$10,000; as you go higher, the disparity is greater, \$20,000 to \$30,000. We hope, with the DPS Model, to offer more career opportunities.

ASSEMBLYMAN HOGAN:
Is it fair to anticipate that you will have full competition across the agencies for higher positions when the DPS Model is in place?

MR. TOGLIATTI:
That is our intent. We have encouraged people to transfer divisions to fill current vacancies. I would like to see senior managers get experience in each division in order to have a better understanding of how the Department works.

ASSEMBLYMAN HOGAN:
The DPS Model seems to offer opportunities for individuals to alter their career planning and succession planning for management.

CHAIR RHOADS:
Would all new recruits receive Category I peace officer training?

MR. TOGLIATTI:
That is our present policy. It is important that we make an investment in our employees. I would like to encourage collegiate training and in-service training to allow movement within DPS. We are not going to put a highway patrolman in P&P without internal training.

KIMBERLEY KING (Personnel Officer, Department of Public Safety):
Employee title and grade changes are shown in [Exhibit C](#). As an example, the DPS officer I consolidates seven job classes at a Grade 34. This job class will be used for academy training, field training and journey level for capitol police. As you review the DPS Model, you will see the job classes and the level of responsibility within each class.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 4

CHAIR McCLAIN:

Are the proposed new grades before or after the increase proposed in the Governor's budget?

MS. KING:

The information in [Exhibit C](#) was prior to the Governor's recommendation.

MARK KRMPOTIC (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

Given the unique job skills for certain positions, such as the fire marshall, how would the DPS structure its recruitment efforts to fill the needs for each division and still retain interdivision transfer possibilities?

MR. TOGLIATTI:

We are trying to balance internal promotions with outside resources. If we have a specific need, such as a fire marshall, it may be best filled by someone from a county with experience. We would like to provide training and nurture people inside the DPS to make them more qualified, hopefully have more internal promotions and not rely on outside resources. It is a challenge with such a diverse department. There are some strong similarities and crossovers between the divisions, such as the Investigative Division, P&P and NHP.

ASSEMBLYMAN HOGAN:

It appears the entry-level positions will be three grades above where it has been. Is that sufficient to help alleviate recruitment and retention problems?

MR. TOGLIATTI:

We hope it will help make us more competitive. The more money we offer in the short run, the better things are. It does not solve all of the problems. We have to work on the organization as well.

SENATOR TITUS:

I know the statistics are dramatic when you compare the salary of a highway patrol officer to a Metropolitan police officer. Can you remind me of those numbers?

MR. TOGLIATTI:

The difference gets more dramatic as you go up in rank. The DPS does not expect to achieve parity with Metro. At the entry level, the difference between a police officer and a trooper is over \$10,000. Many of our senior ranks are here for love of service rather than monetary benefits.

The DPS Model has no effect on our jurisdiction. We are doing the same job we did before. The power and the number of employees are the same. It is, hopefully, providing a better working environment.

CHAIR RHOADS:

Why are you moving Homeland Security out of the Office of the Governor?

MR. TOGLIATTI:

I believe we are discussing that matter next Thursday, March 11, 2005.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 5

DAVID L. ELLISON (Administrative Services Officer, Department of Public Safety):
The cost of the DPS Model is outlined in [Exhibit C](#). The cost for fiscal year (FY) 2006 is \$322,434 and in FY 2007 it is \$331,292. There are only a few changes to budget account (B/A) 201-4706. We propose a change in the cost allocation with the objective of achieving federal certification for an indirect cost allocation plan. We do not have a certified plan. We conducted our study in 2000, not 1999 as indicated in [Exhibit C](#).

CHAIR RHOADS:
What happens if your indirect cost allocation plan is not approved?

MR. ELLISON:
We are at risk of not being reimbursed from federal grants for indirect costs. The Federal Motor Carrier Safety Administration of the Department of Transportation may not reimburse costs of \$30,000 a year because our plan is not certified.

CHAIR RHOADS:
Are you close to getting the plan certified?

MR. ELLISON:
We will submit the plan after this budget is closed.

CHAIR McCLAIN:
Have you discussed your plan with the federal agency that will certify you?

MR. ELLISON:
We have had discussions, but that does not mean they will not modify the plan after it is submitted.

CHAIR RHOADS:
Are other states having a problem getting their plans certified?

MR. ELLISON:
It is not so much that we are having difficulty; we have never followed up and been in compliance in this area.

CHAIR RHOADS:
What is the reason for being behind?

MR. ELLISON:
We had not been challenged on our allocations until two years ago.

The cost of implementing the DPS Model is shown in [Exhibit C](#). The net gain is \$184,063 in grant funds.

MR. TOGLIATTI:
I would like to move to a discussion of our Office of Professional Responsibility.

Public Safety – Office of Prof Responsibility – Budget Page PS-12 (Volume III)
Budget Account 201-4707

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 6

KEVIN O. BAILEY (Highway Patrol Sergeant, Office of Professional Responsibility, Department of Public Safety):

I have provided a report titled Nevada Department of Public Safety Office of Professional Responsibility ([Exhibit D](#)) outlining some of the areas pertinent to this budget. The Office of Professional Responsibility (OPR) is accountable to the Director of Public Safety. The OPR is responsible for conducting administrative investigations into complaints alleging the misconduct of any member of the DPS. The OPR conducts only administrative investigations, such as alleged violations of the *Nevada Administrative Code*, the *State Administrative Manual* and department and division policies and procedures.

The OPR assigns tracking numbers to complaint allegations made by both citizens and employees of DPS. The OPR tracks the status of all administrative investigations involving employees of the DPS from the inception of the complaint through to conclusion of the investigation. We maintain database information on all administrative investigations, tort claims and use of force reports. These confidential files are warehoused within the OPR. The OPR is a cost allocated division as shown in [Exhibit D](#). Under the new proposed cost allocation, eight divisions within the DPS will fund the OPR. The OPR positions and their responsibilities recommended for reclassification and/or upgrades in the DPS Model are detailed on page 3 of [Exhibit D](#).

Page 5 of the report outlines the complaint trends experienced by the OPR.

CHAIR MCCLAIN:

What caused the dramatic change in investigations?

MR. TOGLIATTI:

I think the decrease in investigations is due to the attitude and morale of our employees.

CHAIR RHOADS:

Why do you need these upgrades?

MR. TOGLIATTI:

The OPR is critical to any top-notch law enforcement agency. The personnel must be extremely professional. The positions are upwardly mobile. It is an unpleasant assignment to constantly look at internal problems. It is difficult for the OPR people to operate at a sergeant level when they should be at a lieutenant level.

ASSEMBLYMAN HOGAN:

Was there a change in the proportion of complaints from citizens compared to internal complaints? Are you investigating a greater proportion of complaints?

MR. BAILEY:

The citizen complaints are a little higher than the internal complaints.

CHAIR RHOADS:

We will close the hearing on this budget and go to B/A 201-4733.

Public Safety Technology Division – Budget Page PS-17 (Volume III)
Budget Account 201-4733.

MR. TOGLIATTI:

The Office of the Governor suggested I address problems with the Criminal History Repository (CHR). We reorganized and combined the Technology Bureau, which was independent, with the CHR. The CHR, by statute, is part of the NHP. Major Bob Wideman has the ability to speak in layman's terms. He has taken us a long way in reorganizing this division. We are optimistic that it will get better as we go.

MAJOR ROBERT WIDEMAN (Central Repository for Nevada Records of Criminal History, Nevada Highway Patrol, Department of Public Safety):

It is important that we consider B/A 4733 and B/A 4709 together because the functions and services are two sides of the same coin.

The Technology Division is a group with a split mission as shown in Nevada Department of Public Safety Criminal History Repository and Technology Bureau ([Exhibit E](#), original is on file in the Research Library). The Nevada Criminal Justice Information System (NCJIS) is the Division's original mission. The secondary duty is to provide support to the DPS in its ordinary course of business. The Division's organization chart and a description of the functions are available in [Exhibit E](#). This Division's major accomplishments during the past biennium have been the implementation of LiveScan Criminal Fingerprinting; a centralized carry and conceal weapons permit database; the sex offender and road closure public Web sites; a rewrite of the Nevada Point-of-Sale Brady Firearms Program; statewide network security improvements; the accessibility of e-mail to our employees over Internet connections and the establishment of a remote disaster recovery site.

[Exhibit E](#) describes the far-reaching nature and complexity of the NCJIS. The NCJIS is enabled through an application referred to as JLINK or Justice Link. This is the application that allows individuals using the system to tie in to a variety of functions described in [Exhibit E](#). Our future plans during the biennium include continuing mainframe migration to Web-based server technology; DPS integrated records information system; e-commerce initiatives; statewide justice integration; National Data Exchange project participation; wireless data communication; statewide network encryption and Justice Link full implementation.

The Technology Division supports a number of statutory mandates listed in [Exhibit E](#). The B/A 4733 is cost allocated; the source of funds is depicted in [Exhibit E](#) with 47 percent of the budget coming from court assessment fees. The General Fund provides 21 percent of the funding. The Division has requested five new positions plus two dispatcher positions transferring from NHP to the Technology Division. We also have a capital improvement request related to an uninterrupted power source which provides insurance for NCJIS. It is a capital improvement project because it affects the DPS and Department of Motor Vehicles.

CHAIR RHOADS:

Is the capital improvement project in the Governor's budget?

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 8

MAJOR WIDEMAN:
Yes, it is.

Our performance measures are related to the uptimes on the NCJIS, pages 11 through 15 of [Exhibit E](#). The uptimes are high, and response time is within three seconds.

CHAIR RHOADS:
How many requests have you had on the help desk?

SHANNON WITHROW (Account Technician, Department of Public Safety):
We receive from 3,000 to 5,000 calls each month. That includes the DPS and outside law enforcement.

MAJOR WIDEMAN:
The help desk serves a dual purpose, providing a help contact within the DPS and the help desk for all the users of NCJIS.

ASSEMBLYMAN DENIS:
What types of devices connect to NCJIS?

MAJOR WIDEMAN:
They are terminals, including terminals owned by the DPS and terminals in various law enforcement agencies around the State.

ASSEMBLYMAN DENIS:
In FY 2004 you have over 11,000 connected devices, as shown on page 11 of [Exhibit E](#). Do you expect that number to go up to 15,000 in FY 2005?

MAJOR WIDEMAN:
Yes, because more agencies want to put terminals in patrol cars.

ASSEMBLYMAN DENIS:
Do you believe the number of help desk requests will also increase? Is that why you are asking for additional staff? Do you provide help desk services to agencies with in-house staff?

MAJOR WIDEMAN:
Yes, we expect the number to increase, primarily due to the NCJIS. The service we provide depends on the problem. Frequently, the in-house technical staff at the requesting agency is working on the NCJIS problem at their end while our staff works on the problem at our end.

ASSEMBLYMAN DENIS:
If someone is trying to access information and having a problem, do they call your help desk?

MAJOR WIDEMAN:
Yes, but the calls come from their technical staff, not individual users of a terminal.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 9

ASSEMBLYMAN DENIS:

Is the help desk available 24 hours a day, 7 days a week? Do you have the same schedule for technical support?

MAJOR WIDEMAN:

Yes, we do.

ASSEMBLYMAN HOGAN:

This Division apparently has responsibility for generating and applying for technology grants. The chart on page 9 of [Exhibit E](#) indicates grant funds represent 2.4 percent of your funding. Is there an organized way to get federal grant funding?

MAJOR WIDEMAN:

Most of the State administrative agencies that administer grants are in the DPS. It is easy for us to make contact with those agencies and assist with the grant process. Due to the budget structure and this being a cost-allocated budget, all money that comes into this budget comes through some other budget account. Ordinarily, grant funding goes into another grant account before being transferred to B/A 4733.

ASSEMBLYMAN HOGAN:

Is there potential for more grant funding? Is there anything we are not finding? Do you think we are getting everything available?

MAJOR WIDEMAN:

Most of the grant funding flows through the CHR budget. There are grants related to both criminal justice activities and technology grants, referred to as NCHIP grants.

ASSEMBLYWOMAN GANSERT:

Do you charge other law enforcement agencies for your services?

MAJOR WIDEMAN:

No, the State provides services to the agencies.

ASSEMBLYMAN DENIS:

Could you provide a map showing how your technology staff are deployed throughout the State? Do support needs change as personal computers are replaced?

MAJOR WIDEMAN:

Most of our staff is in Carson City. The staff supports outlying areas from there. We have struggled with the available level of staffing to keep up with issues as best we can. Circumstances throughout the years, particularly during budget cuts, have made it difficult. We have had significant difficulty getting computers installed and operating in a timely basis. I cannot give you a definitive answer on whether maintenance cycles have changed as computers change.

ASSEMBLYMAN DENIS:

Can you provide information showing where the personal computers are, where the users are and where the technicians are?

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 10

MAJOR WIDEMAN:

We have some staff in Las Vegas. I will provide the requested information.

CHAIR RHOADS:

I notice the NCJIS message volume, page 12 of [Exhibit E](#), leveled out in FY 2003.

MAJOR WIDEMAN:

The reason that occurred is the efficiencies gained in moving to the Justice Link architecture. The new software processes transactions differently.

SENATOR BEERS:

What caused the increase in FY 2000?

MAJOR WIDEMAN:

The increase is a function of what local law enforcement did rather than what we do. The change in this Division's budget is much flatter than the growth we have experienced.

ASSEMBLYMAN DENIS:

Is mobile data communication worthwhile?

MAJOR WIDEMAN:

Mobile data communication is something the DPS has only in a rudimentary form. The fact that DPS is many years behind other law enforcement agencies in this process is the reason we are requesting a study on how to integrate all of our functions into a common system that serves all of our needs.

ASSEMBLYMAN DENIS:

Is the intent for all agencies to communicate on the same system? Perhaps the study will help develop some criteria.

MAJOR WIDEMAN:

The intent is for our officers to communicate in a mobile way with our systems to integrate with our records management system, our dispatch center and our processes. The NCJIS is the process that links data between various law enforcement agencies.

ASSEMBLYMAN DENIS:

Are you saying this study is because you want personal computers in the vehicles so officers can get information?

MAJOR WIDEMAN:

Yes, that is correct. I would like to go to B/A 4709.

Public Safety, Criminal History Repository – Budget Page PS-52 (Volume III)
Budget Account 101-4709

MAJOR WIDEMAN:

The CHR budget information is included in [Exhibit E](#) beginning on page 19. The CHR duties include recording arrests and convictions, maintenance and support of the databases and information in the NCJIS, noncriminal justice use of

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 11

criminal justice information and the Sex Offender Registry. The programs at the CHR are detailed on page 21 of [Exhibit E](#) and include civil applicant and civil name checks and the Domestic Violence Protection Order Registry. The CHR is a fee-based budget except for a general fund amount for free civil background checks for nonprofit organizations. We are requesting six new positions in this budget. Four of those positions are in the Sex Offender Registry, one for the Civil Name Check Program and one for the Fiscal staff, page 25, [Exhibit E](#).

CHAIR McCLAIN:

Tell me about our problems with court dispositions and getting them into the system. How can it be done more efficiently and accurately?

MAJOR WIDEMAN:

The court dispositions entry is our biggest challenge at the CHR. The challenge is based on the volume of information that comes in and the manual labor required to record it. The quality of the information we receive is inconsistent and frequently incompatible with the arrest record information we have. Approximately one-fifth of the dispositions we receive are suitable and contain information for easy entry into our systems. There is another percentage of those that have information we can resolve with research. Other information comes in that has none of the information we need to link it to a fingerprint record. With the backlog, we are concerning ourselves first with records that have appropriate information without doing research. As of yesterday, there were about 60,000 dispositions in the backlog that can be entered. We have a grant-funded program with temporary staff at a reduced rate to do the manual data entry on those. We see the long-term solution to this as the ability to receive electronic dispositions from the court and to create those interfaces. We are cooperating with the administrative office of the court in pursuing their Multi-Court Integrated Justice Information System, which is intended to link those courts. We have offered to work directly with individual courts to establish interconnectivity between their systems and ours.

CHAIR McCLAIN:

How can we help you get that cooperation?

MAJOR WIDEMAN:

We have received cooperation. We had contact with Clark County's information technology staff who were looking for a way to connect their system with ours. Clark County is the largest court and largest supplier of information.

MR. TOGLIATTI:

After our last appearance before this Committee, I received a phone call from the Deputy County Manager in Clark County asking what they can do to help facilitate the justice courts' involvement. I would like to herald the program Mr. Ron Titus of the Supreme Court is bringing forth.

CHAIR McCLAIN:

Is the Domestic Violence Order Registry up to date?

MAJOR WIDEMAN:

The domestic violence database is not up to date. It is not a database that is generally accessed. It is not the same as the temporary protection order

database. The domestic violence database is an historical record for crime analysis purposes. Based on the variety of backlogs we have had and trying to prioritize them, the domestic violence database has fallen lower in priority. As we make changes and improve our programs we can get to that one, but it is on the back burner. The temporary protection order database has the most critical application to people's safety. That one is up to date. When a protection order is issued, it is immediately entered into the database by the court of issuance and available to any police officer who queries it.

SENATOR TITUS:

I am concerned about the sex offender notification files. Not long ago, there was a series of articles that Nevada is becoming a haven for sex offenders because our laws are less strict than surrounding states. There is legislation pending. Are you ready, in this budget, to take on new requirements tightening those laws and having more people to file and notify?

MAJOR WIDEMAN:

We are concerned about that issue. We have requested four additional positions in the sex offender program in anticipation of some of those changes. Our ability to take on that load depends on what the rules actually are.

Some of the future goals for the CHR are listed on page 26 of [Exhibit E](#). The most important is the electronic transfer of court dispositions. The information technology project to automate fingerprint cards is under way. The first phase should be completed by the end of March with fuller implementation by summer.

Our performance measures, pages 27 through 32 of [Exhibit E](#), indicate the increase in arrest fingerprint cards received and processed.

ASSEMBLYMAN DENIS:

Your projection for fingerprint cards processed was 95 percent, but the actual increase was 66 percent. Can you explain the reason?

MAJOR WIDEMAN:

The processing rate has improved. The automated system was completed in February 2004.

ASSEMBLYMAN HOGAN:

There is a difference between work measurement, which is the number of arrests or reports, and performance measurement, which qualitatively tells how you dealt with the rate of growth. If we ever get to a more stable situation, it would be beneficial to have a qualitative look at how well you respond to the workflow. It is helpful to know the level of growth, but how you handle growth is more helpful.

MAJOR WIDEMAN:

We recognize there are a number of deficiencies in training and performance metrics. We have established an in-depth training process for supervisors down to line employees. We have implemented a performance metrics process that we call Safestat. We have employed it successfully in the NHP and CHR and are converting the process to apply to other issues as well. We have achieved a

number of efficiencies in terms of what the workers are actually doing and have redirected the forces to be more productive.

Civil applicant fingerprint cards are received for civil background checks required by statute for a position-privileged job. There are 30 different jobs and privileges that require fingerprint-based background checks. There have been substantial increases in those demands. This is a substantial source of fees coming to the CHR and has generated a level of dissatisfaction due to the time it takes. We are confident that timeliness will improve as we implement the information technology to automate the procedure.

There has been a steady growth in point of sale background checks related to firearms.

The CHR has a limited-access database available to businesses who have an account with us to conduct name checks without fingerprints looking for suitability of persons. There is substantial growth in this automated area, and it does not normally require staff intervention.

The CHR is requesting \$75,000 in funding for noncriminal background checks. This will allow nonprofit organizations to request background checks on volunteers at no cost to the organization. To handle the increased workload, we are requesting four administrative assistants to support the processing of new sex offender files, one program officer in Las Vegas for the Civil Name Check Program and an accountant technician.

The reserves, shown on page 37 of [Exhibit E](#), demonstrate the difficulty the CHR was under during FY 2002 and FY 2003. The CHR was forced to request funds from the Interim Finance Committee (IFC). Fees were recovered in FY 2004, and we were able to operate with an adequate reserve of \$1.8 million. The projected reserves for the biennium show some increases. We anticipate using these reserves to decrease our backlogs by automating processes. The CHR has a 30-project information technology needs list. Our staff is able to work on three of those at one time. Our hope is that as the reserves grow and funds are available, we will seek authority to complete more technology projects.

CHAIR RHOADS:

Will you give us information on your out-of-state travel?

MAJOR WIDEMAN:

In FY 2003 and FY 2004 we were under strict budget cuts. We were working at a vacancy rate of 18 to 20 percent. That resulted in lower training costs. We are asking to get back to the levels we had before the budget cuts.

CHAIR MCCLAIN:

When we passed legislation to let nonprofits get free background checks on volunteers, we did not fund it, but allowed it to get grants and donations. At the end of FY 2003 and FY 2004, there is the same balance in the account. Are people using this opportunity? If not, why do we want to put \$75,000 into the program?

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 14

MAJOR WIDEMAN:

There is an application process available to nonprofits if they want free background checks. There have not been additional grants or donations.

CHAIR MCCLAIN:

Do you know how many nonprofits tried to get background checks only to find money was not available?

MAJOR WIDEMAN:

No, I do not. We are not sure how many nonprofits exist that would be interested in doing background checks if they were free. The \$75,000 is an estimate to see how it will work.

MR. TOGLIATTI:

This fund has been at \$1,400 for the past year. It may be nonprofits do not know it is available. I have received phone calls from people involved with Big Brothers and Big Sisters. The nonprofits still have to pay the Federal Bureau of Investigation (FBI) \$18 for each background check.

CHAIR MCCLAIN:

There were many people interested. How long does it take to get the FBI results?

MAJOR WIDEMAN:

This is an issue related to all of our civil applicant fingerprint processes. Under the current system, the fingerprint cards come to us by mail or by way of a printer. In either case, the cards are mailed to the FBI, which processes the requests and mails them back to us. This takes three to four weeks. We want to get to the point where the fingerprint cards come to us electronically and we forward them electronically to speed the process.

CHAIR MCCLAIN:

Will the FBI be able to electronically process the cards?

MAJOR WIDEMAN:

The criminal prints are done electronically now. A set of fingerprints can go from a booking facility through us and be back from the FBI within 30 minutes.

ASSEMBLYWOMAN GANSERT:

I am concerned about the sexual offender registry. You have requested four additional personnel to get the backlog down to 90 days. What is your current backlog? Do you prioritize the tiers so that the most likely to re-offend, the Tier 3s, are in the registry first?

MAJOR WIDEMAN:

The sex offender program is a complicated linkage between functions: the registry we have, the efforts of local law enforcement and the strength of the laws. When the package comes to us, we have a unit that goes through the process of tier assessment. The tier level is not clear until after this assessment. There is no way to identify the most heinous until the package is reviewed. The Tier 3s, the most serious offenders, comprise a small percentage of total sex offenders. Of the nearly 4,500 offenders in the database, about 55 are Tier 3s.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 15

The tier assessment is an investigation process where the file information is verified and compared against the Attorney General's guidelines to create a score. That score identifies the tier to which the offender is assigned. The Safestat process I described earlier is central to our ability to better manage that process. We have made substantial gains in the quality and speed of the process. The 90 days is a target, but is also dependent upon the complexity of each case.

ASSEMBLYWOMAN GANSERT:
How many days out are you now?

MAJOR WIDEMAN:
There is no particular day number; some are done promptly, some are six or seven months behind.

ASSEMBLYWOMAN GANSERT:
Is there a way local law enforcement can help you?

MAJOR WIDEMAN:
I think there are improvements to be made which include not only the way we handle our staff, but also connectivity issues with the NCJIS. This is one of the 30 projects on our list. Local law enforcement has search capability into our database, but if local law enforcement creates an update or gets new information, it has to be sent to us for input to the database. If we can get some improvements so we can share the database and have more timely information from both ends, it will be a better database.

ASSEMBLYWOMAN GANSERT:
Are you saying you cannot upload; you have to wait for physical paperwork to come to you to be able process it?

MAJOR WIDEMAN:
Yes, you are correct.

ASSEMBLYMAN DENIS:
Is getting a background check a nonprofit requirement or optional?

MAJOR WIDEMAN:
It is optional.

ASSEMBLYMAN DENIS:
How many background checks can be done with \$75,000?

DANA HOWRY (Administrative Services Officer, Central Repository for Nevada Records of Criminal History, Department of Public Safety):
We can do approximately 4,000 State checks.

CHAIR RHOADS:
We will close the hearing on the CHR and go to the Office of Veterans' Services budget.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 16

VETERANS' SERVICES

Commissioner for Veterans' Affairs – Budget Page VETERANS-1 (Volume III)
Budget Account 101-2560

CHARLES (CHUCK) W. FULKERSON (Executive Director, Office of Executive Director for Veterans' Services, Office of Veterans' Services):

We have previously distributed information to both the Senate Finance Committee and the Assembly Ways and Means Committee and are prepared to answer any other questions you have on this budget.

CHAIR RHOADS:

Please explain why you need six new positions.

ACE TAN (Administrative Services Officer, Office of Executive Director for Veterans' Services, Office of Veterans' Services):

We are serving all the veterans in the State with four veteran services officers (VSO), three in Las Vegas and one in Carson City. We are running a 90-day backlog for meetings with veterans seeking help. It takes six to nine months for a veteran to get benefits.

CHAIR RHOADS:

What is the difference between the State's Office of Veterans' Services and the federal Department of Veterans Affairs (VA)? Do they do the same thing?

MR. FULKERSON:

Yes, they are similar. They are both underfunded. The VA has never had enough staff to have an outreach program. Any time a veteran gets a benefit from the VA, it is because the veteran has initiated a request.

CHAIR RHOADS:

How does a veteran know whether to go to the State office or the VA? Does it make any difference?

MR. FULKERSON:

It does not make any difference. Many times the State VSO will help a veteran appeal a determination by the VA.

CHAIR RHOADS:

Is there a reason we cannot combine the VA and State offices?

MR. FULKERSON:

We work together now. My office is in the same building as the VA in Reno. The VA budget has never been enough to handle the workload.

JEANETTE RAE (Veterans' Service Officer, Office of Executive Director for Veterans' Services, Office of Veterans' Services):

The primary difference between the VA and the State Veterans' Services is we provide advocacy to the veteran in assisting the veteran to get benefits. The VA provides information in legal terminology that many veterans cannot understand.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 17

CHAIR MCCLAIN:

I think we need VSOs more than we need administrative assistants or groundskeepers. Can you rearrange some of these dollars in order to get three new VSOs rather than two?

MR. FULKERSON:

The three VSOs in Las Vegas are backed up by one administrative assistant. That individual handles all the filing and paperwork for the VSOs and staffs the front desk. Ms. Rae's filing system is not file drawers, it is stacks of cases spread around the office. We do not have an effective filing system because we do not have people to file. If we do not provide administrative assistance for the higher paid employees, they will have to perform those duties further diluting the time available to work on cases.

About 9.1 percent of our 250,000 veterans are disabled. In past wars, there were three veterans wounded in action for every veteran killed in action. At present, that ratio has increased to seven wounded in action to one killed in action because of body armor and protection. In the past, of those three wounded, about nine percent of those required an amputation. Presently, of those seven wounded, 30 percent are amputees. We will have more veterans seeking disability help.

CHAIR MCCLAIN:

Where will the two new VSOs be located?

MR. FULKERSON:

One will be in the north and the other in the south. Currently there is one, Ms. Rae, in the north and three in the south. Ms. Rae also spends two days each week in Fallon. The Fallon office has not been funded since the 2001 Session. She is also a hearing officer representing veterans at VA hearings on appeals.

ASSEMBLYWOMAN GANSERT:

How many service officers are available in the Reno VA office? Do you ever work with them?

MS. RAE:

We work closely with the VA. We come, initially, from diametrically opposing positions. When a veteran comes into my office, I automatically presume he is telling the truth and deserves a benefit. The VA presumes nothing is true unless proven. The Reno regional office has four public contact team personnel. They handle the 800 number calls from Nevada and walk-in traffic. They will assist a veteran if that person knows what they want. They do not offer information or suggest what benefits may be available. The Las Vegas satellite office has four or five public personnel.

ASSEMBLYWOMAN GANSERT:

What does the VA have for the rural areas?

MS. RAE:

There are only the two offices; nothing in the rural areas.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 18

ASSEMBLYWOMAN GANSERT:
How often are you the first point of contact?

Ms. RAE:
It is hard to tell. The longer I do this, the more word-of-mouth brings people to my door. The VA refers people to us.

You have a copy of State Veterans' Budget Hearings Staff Deficits ([Exhibit F](#)) which is a three-page summary of my firsthand knowledge as a claimant and as a VSO. I will quickly summarize [Exhibit F](#). I am a disabled veteran having served a total of 24 years. As a VSO I cover northern Nevada which is home to approximately 80,000 veterans. A veteran's case is never done. As a veteran's health or disability changes, so may the benefits.

I provide assistance to veterans in completing complicated medical expense forms, veterans who are homeless, indigent or seeking financial help, veterans seeking employment and veterans who need assistance with upgrading the category of military discharge to obtain benefits and services not provided by other agencies. It takes from 9 to 12 weeks to get an appointment with me. The VA schedules hearings and has required response times; in many cases, a veteran cannot get an appointment with me in time to get the needed help. I have been placed in a use-it-or-lose-it position with compensatory and vacation time. Taking this time off and having no alternate staff further increases the backlog or an inability to serve. Without additional staffing to decrease the time delay, the result will be greater loss of monetary benefits by veterans.

CHAIR RHOADS:
Are those in the National Guard considered veterans? If they do not go on active duty, are they considered a veteran?

MR. FULKERSON:
Yes, sir. The State statute is 180 days to qualify as a veteran.

CHAIR RHOADS:
How is the President's proposed budget going to affect you?

MR. FULKERSON:
It is disastrous. With gun smoke in the air, I cannot believe an administration would put forth a budget that affects veterans from past wars and demonstrates to veterans in the present war that we will not take care of them. I have provided a copy of a memo dated February 17, 2005, with the subject Potential Impact of Proposed VA Budget ([Exhibit G](#)). The proposal could result in a \$1.6 million cut in the Nevada State Veterans' Home budget. It would also cut further expansion to cemeteries. They could cut burial fees to the cemeteries.

Give us all the personnel you can afford and we will do the best we can to get the job done.

CHAIR RHOADS:
We will close the budget of the Commissioner for Veterans' Affairs and open the hearing on the Veterans' Home Account.

Veterans' Home Account – Budget Page VETERANS-7 (Volume III)
Budget Account 101-2561

MR. FULKERSON:

Mr. Gary Bermeosolo has been with the Veterans' Home almost three years. He has provided the stability, expertise, knowledge and care we have needed to get the facility to where it is today. In the last two years, we have had surveys by a VA inspection team of 17 people. Both times the Home was inspected, no deficiencies were noted. That is a first.

CHAIR RHOADS:

I have been impressed. Mr. Bermeosolo has done a great job.

GARY BERMEOSOLO (Administrator, Nevada State Veterans' Home, Office of Veterans' Services):

The Nevada State Veterans' Home is a 180-bed facility comprised of 82,000 square feet, 3 wings with 60 beds per wing. The typical resident is 80 years old, male and has served in one of five military branches. Most of them are World War II veterans followed closely by Korean veterans. We are now getting Vietnam veterans. The average age of the Vietnam veteran is 58 years old. The efforts to open our final wing were slowed by a lack of revenue and our inability to attract qualified long-term care professionals. Last fall we opened the third and final nursing care wing. Admissions to the Home were slow during the holidays. January and February are traditionally high-loss months for the nursing home industry, primarily due to post-holiday and winter depression. We have seen an increase in resident admissions. Our current census is approximately 150; it varies from day to day. That leaves, on average, 27 beds available. We expect to see those beds occupied by year's end. Although we have been slow in reaching the census levels we originally projected, financially we are staying in the black and expect to return money to the General Fund this year.

We are staying solvent because we instituted price increases last April and are staffing incrementally. As we bring on more residents, we add staff. Two other good things that have happened recently are the VA increased the per diem payments to state homes from \$57.78 to \$59.36 per day; also the National Association of State Veterans' Homes was successful in promoting federal legislation that exempts VA per diem payments from offsetting Medicaid. I made a commitment to veteran families that we would try not to increase our rates again until 2006. I think with the Home's improved financial condition and your continued support, we will be able to keep that promise.

The *Las Vegas Review-Journal* recently reported that the average daily cost of nursing care in Clark County has reached \$180 per day. Our Veterans' Home is charging veterans \$101 each day. Our good times could be short-lived. President Bush is proposing substantial cuts in federal grants-in-aid programs. Veterans are just one group that will be impacted. President Bush would like to means test the VA state home grant programs which would have an adverse impact on our funding. About 80 percent of our residents could be affected. The \$1.6 million loss shown on page 2 of [Exhibit G](#) is an optimistic look.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 20

I just returned from Washington, D.C., this week, where I spoke with our Congressional Delegation and the U.S. Senate Committee on Veterans' Affairs. Senator Larry Craig is the chair of that Committee. He pointed out that the VA is taking a narrow view of the budget cuts and it would probably never pass. We may be all right with the VA per diem issue; however, construction funds will be impacted. The U.S. Senate Committee on Veterans' Affairs has embraced that proposal.

There will be a moratorium that could affect our dining room remodel that we need desperately in order to feed everyone at once. We would like to have a second home in northern Nevada some day. We have made tremendous progress in the last couple of years. Much of that can be attributed to the support of the Legislature. Last year the IFC allowed us to purchase 180 new nursing beds to replace inadequate beds which were contributing to resident falls. We have fewer bedside falls now since the beds were lowered to six inches off the floor; if a resident does fall, he does not fall far. We had trouble getting rid of our old beds. We did such a nice job of documenting why they were dangerous, the attorneys were afraid to get rid of them because of the liability issues the State could face if someone was hurt. We gave the beds to Prison Industries where they are being modified and will be offered for sale.

Staff education and training is essential if we are to provide excellent care to our residents. The staff must stay current with ever-changing rules. The nursing home industry is probably the most regulated service industry in the United States. We have Medicare, Medicaid, VA, Occupational Safety and Health Administration, the Government Accountability Office, Department of Labor, Administration on Aging and many others constantly inspecting, analyzing, surveying and monitoring us. Almost daily we have someone making sure we are providing good care. Every one of these agencies has regulations. It is a challenge keeping staff up to date on all these regulations. It is important to try to retain our staff; once they are trained, we do not want to lose them.

Medicare has 160 care standards that must be met for every patient every day of the year; they constantly change these standards. We have to continually train. We need to send our staff to seminars, purchase videos and books, develop conferencing tools and bring consultants into our facility to teach. We have included an amount in our budget for training which is approximately 0.05 percent of our budget. This is a small investment in an attempt to avoid noncompliance with regulations that could cost us as much as 50 percent of our budgeted revenue. We realize without your support, we would not be where we are today; and without your continuing support, we will not get where we want to be tomorrow.

SENATOR BEERS:
Is there a waiting list for the Home?

MR. BERMEOSOLO:
We do not have a waiting list now. We are admitting an average of three to five people each week. Once we get the remaining 27 beds filled, we will establish a waiting list.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 21

SENATOR BEERS:
When will the remaining beds be filled?

MR. BERMEO SOLO:
We expect that to happen before the end of the year. Right now we are losing veterans as quickly as we admit them.

SENATOR BEERS:
Given the turnover you have experienced, what do you expect your occupancy rate will be?

MR. BERMEO SOLO:
We are budgeted at a 90-percent occupancy level. We will have beds that are occupied, but the resident may be in the hospital or receiving rehabilitation or some type of acute care. Those residents will be readmitted from those experiences. Of the 180 beds, 3 are in isolation rooms that are kept available for a contagious resident.

MR. FULKERSON:
The low pay scale affects the Home's ability to attract skilled nursing staff. The commercial market has the ability to pay finder's fees which we cannot do.

RANDY L. POTTS (Sergeant-at-Arms, Department of Nevada, The American Legion):
Not only am I actively involved at my young age, I suffer as a five-year victim of the VA claims process. I originally filed my claim in 2000. I was a federal defense contractor and changed my residency often. Every time I changed my residence, I had to begin my claim again. There are two questions before you today. One is the financial question and the economic impact to the State. It is my belief the VSOs generate enough economic impact locally that they pay for themselves and Mr. Fulkerson's entire office. The more important question is an emotional one. We have four factors contributing to the issue before you today. First, Mr. Fulkerson's staff has remained static since the last biennium. Second, we have an aging veteran population. Third, we are growing as a State in veteran population. Fourth, we have a higher casualty rate coming back to the states than has been experienced in the past. We support Mr. Fulkerson's budget requests while feeling that it is woefully inadequate. An additional four VSOs would just begin to help.

DARYL MOBLEY (Wellington, Nevada Veterans' Services Commission, Office of Veterans' Services):
I am a veteran of World War II and I support Mr. Fulkerson's requests. Everywhere I go I get questions from veterans. I traveled 40,000 miles the year I was commander. I know the veterans are out there. We need even more than Mr. Fulkerson has proposed.

RONALD KRUSE (Carson City, Chairman, Nevada Veterans' Services Commission, Office of Veterans' Services):
I have provided material ([Exhibit H](#)) which I hope you will take time to read. I included background material and information about the VA regional office in Reno. I support Mr. Fulkerson's requests.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 22

JOSEPH WHIMPLE (Churchill County Resident, Disabled Veteran):

I have been in the process of appeal on my claim for five years. I have not changed residency, but it still has taken this much time. Without a VSO to help me understand what the VA is saying to me, I would be lost. I need their help. We need more VSOs to help us. I do not know the veteran population in other counties, but I know we need a full-time VSO in Churchill County. The VA paperwork is hard to understand. If I do not meet the VA's time limits, I have to start over. I must do what the VA says. Without the VSO's help, veterans will not get the benefits available to them.

MR. KRUSE:

I am one of the fortunate benefactors of *Nevada Revised Statute 389* that passed two years ago. I am one of 13 veteran graduates from Douglas High School this past June.

CHAIR MCCLAIN:

Do you know how many diplomas were received statewide?

MR. KRUSE:

There were approximately 120 graduates.

Joint Subcommittee on Public Safety, Natural Resources and Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
March 4, 2005
Page 23

CHAIR RHOADS:
We will close the hearing on the Veterans’ Home Account. There being no further business, the meeting is adjourned at 10:36 a.m.

RESPECTFULLY SUBMITTED:

Sandra Small,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____

APPROVED BY:

Assemblywoman Kathy A. McClain, Chair

DATE: _____