

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

**Seventy-third Session
May 5, 2005**

The Joint Subcommittee on Public Safety/Natural Resources/Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order at 8:07 a.m. on Thursday, May 5, 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 Dina Titus
Senator Bob Beers

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
Mindy Braun, Education Program Analyst
Bob Guernsey, Principal Deputy Fiscal Analyst
Leslie Johnstone, Program Analyst
Mark Krmpotic, Senior Program Analyst
Michael Archer, Committee Secretary

OTHERS PRESENT:

Stan Olsen, Las Vegas Metropolitan Police Department and Nevada Sheriff's and Chief's Association
George Togliatti, Director, Department of Public Safety
Elizabeth Barber, Budget Analyst, Budget Division, Department of Administration
Philip H. Brown, Chief, Investigative Division, Department of Public Safety
Beverley J. Bergstrom, Management Analyst, Department of Public Safety
Giles E. Vanderhoof, Major General, The Adjutant General of Nevada, Office of the Military and Special Advisor on Homeland Security
Frank Siracusa, Chief, Division of Emergency Management, Department of Public Safety
Dave Hosmer, Chief, Nevada Highway Patrol, Department of Public Safety
Dave Bowman, Assistant State Fire Marshal, State Fire Marshal Division, Department of Public Safety

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Steve Robinson, Advisor on Wildlife, Conservation and Rural Nevada Issues,
Office of the Governor
Robert Chisel, Assistant Director for Administration, Department of
Transportation
Jerry Ross, Chief of Financial Management, Department of Transportation

CHAIR RHOADS:

We will begin this meeting with budget account (B/A) 101-3743.

PUBLIC SAFETY

Public Safety, Division of Investigations – Budget Page PS-96 (Volume III)
Budget Account 101-3743

LESLIE JOHNSTONE (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

There are no major closing issues in this budget account; however, I would bring it to the Subcommittee's attention that discussion of the Narcotics Control funding issues will be covered later in B/A 101-3744, and depending on decisions made then, we may have to revisit this account. As indicated, on pages 13 and 14 of the Joint Subcommittee on Public Safety, Natural Resources and Transportation Closing List #6 ([Exhibit C](#), original is on file at the Research Library), staff seeks approval to make technical adjustments to the cost allocation decision units based upon closing in each of the respective budgets as noted in items 6 through 9. There are also minor technical adjustments needed in the salary and benefit calculations for some of the positions.

Public Safety, Narcotics Control – Budget Page PS-106 (Volume III)
Budget Account 101-3744

SENATOR BEERS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE GOVERNOR'S RECOMMENDATION IN B/A 101-3743 WITH STAFF TECHNICAL ADJUSTMENTS AND SUBJECT TO POSSIBLE REVISION CONTINGENT ON DECISIONS MADE TO B/A 101-3744.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

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

CHAIR RHOADS:

We will close the hearing on B/A 101-3743 and open the hearing on B/A 101-3744.

Ms. JOHNSTONE:

The major issue in this account is the reduction in federal funding. We have a consolidation of grant programs, at the federal level, with significant reductions in total funding. State agencies will be limited to \$701,133 in the new Justice Assistance Grant (JAG) program, compared to over \$2 million that was

previously allocated. Narcotics Control has requested \$606,562 of the \$701,133 available funding. There are two possible scenarios described on page 17 of [Exhibit C](#). In Scenario No.1, the Nevada Division of Investigation (NDI) would receive their requested amount of JAG funding which would allow continued funding for 6 of the 18 positions in this budget. There would be a shortfall in the budget of \$1.3 million in fiscal years (FY) 2005-2006 and \$2 million in FY 2006-2007.

CHAIR RHOADS:

What will happen in the rural areas of Nevada if we lose law enforcement positions due to a decrease in funding?

STAN OLSEN (Las Vegas Metropolitan Police Department and Nevada Sheriff's and Chief's Association):

The NDI is the only narcotics enforcement unit in the rural counties. If it does not exist, the drug dealers are going to move into the rural counties, manufacture methamphetamine and other drugs and sell them in the metropolitan areas.

CHAIR RHOADS:

I support funding this budget up to its previous levels.

MS. JOHNSTONE:

In Scenario No. 2, NDI would receive a reduced level of JAG funding in the amount of \$469,676. The NDI would continue funding 4 of the 18 positions. This would result in a funding shortfall of \$1.5 million in FY 2005-2006 and \$2 million in FY 2006-2007.

The grant funding will not be known until late May or early June; therefore, it may be necessary for this Subcommittee to decide which of these two scenarios to choose in closing this budget. A third option might be to consider the Governor's budget amendment No. 39, described on page 18 of [Exhibit C](#). That amendment recommends authorization for the NDI to seek Interim Finance Committee (IFC) funding consideration. Staff recommends that due to the amount of the IFC contingency fund, and the program implications of what to do starting July 1, 2005, we not go forward with that amendment.

CHAIR McCLAIN:

Are we short \$3.3 million to fund the narcotics task forces as they currently exist?

MS. JOHNSTONE:

Yes, this will be the case if NDI receives the full amount of their request. If they receive less, as described in Scenario No. 2, the shortfall would be \$3.5 million.

CHAIR McCLAIN:

Is there a way we can reduce the cost of the narcotics task forces by even a small amount?

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GEORGE TOGLIATTI (Director, Department of Public Safety):

The NDI sustained large budget cuts during the last Legislative Session and is now barely keeping up with expenses. If our request is reduced, we would have to choose which counties and communities will receive our services. This could present some political and public relations problems.

CHAIR RHOADS:

Why does the Governor continue to cut this budget? Two years ago we had to put these funds back into the budget and it looks like we will have to do it again this Legislative Session.

ELIZABETH BARBER (Budget Analyst, Budget Division, Department of Administration):

The Governor felt there was some duplication of services by NDI in the more urban areas, but it was never his intention to stop coverage for the rural counties. We did not know about the JAG program until after the current budget was built. Though the Governor recommends allowing NDI to go to the IFC, the problem is that such a large funding request will constitute about one-third of the entire Contingency Fund.

PHILIP H. BROWN (Chief, Investigative Division, Department of Public Safety):

The task forces are working well at this point. We did not learn, until recently, how the federal funding cuts would affect us.

SENATOR BEERS:

Can the NDI narcotic task forces be pared back into an advisory role, such as using their experience to build narcotics units within the local sheriffs' departments?

MR. TOGLIATTI:

I am concerned about the growing methamphetamine production problems in Ely and Elko. If we do not address these problems, they will quickly spread to every community. While I think it is important to give training to rural law enforcement personnel, their local budgets are in no condition to take on these additional law enforcement responsibilities.

SENATOR TITUS:

We would be foolish to cut the budget on this because it is growing into a monumental problem.

MR. BROWN:

The methamphetamine problem is huge. Because it is a statewide problem, it would not work well to sectionalize our response to it. We currently provide training to the rural counties on how to operate in narcotic cases. The number of personnel they can assign to this problem is limited by their budgets.

MR. OLSEN:

Even in southern Nevada we have problems getting funding. If we sustain any more budget cuts, we will not have adequate personnel to effectively combat the increase in drug manufacturing and trafficking.

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CHAIR RHOADS:

Could the task forces still be effective if we cut the funding back to \$3 million for the biennium?

MR. BROWN:

No, it would make our operations less safe and effective.

ASSEMBLYMAN DENIS:

If we get behind on drug interdiction, we will never get caught up. We need to fully fund this budget.

SENATOR BEERS:

If \$3 million was your actual expenditures in FY 2004, and staffing stays the same, how will the remaining \$500,000 be used?

MS. JOHNSTONE:

Of the \$1.6 million spent in FY 2004, \$1.2 million was for personnel. The majority of the increase is related to the 2-percent cost-of-living adjustment (COLA) and the two-grade salary adjustments for the 16 sworn positions.

MR. BROWN:

There are 18 positions in the budget account, not 16.

SENATOR RHOADS:

Do we have a motion to recommend Scenario No. 2 and fund at \$3.5 million?

MS. JOHNSTONE:

If that is to be the motion, staff suggests including a stipulation that if NDI were to receive the full \$606,562 from the JAG program, the difference in the revenue assumption for the grant would be moved into reserve for reversion.

SENATOR BEERS:

There is about a 2-percent increase from the actual personnel services costs in FY 2003-2004 to the recommended personnel services costs for FY 2005-2006. How is this possible since funding for this program has been decreasing down?

MS. JOHNSTONE:

There are no enhancement units in this budget account other than the internal cost allocation. Personnel services in the Base Budget for FY 2004 were \$1.2 million. Step increases elevate that by \$200,000 in each year of the biennium. This resulted in \$400,000 for just their existing staff without including the COLA or 2-grade salary increases.

SENATOR BEERS:

Have there been vacancies in NDI?

BEVERLEY J. BERGSTROM (Management Analyst, Department of Public Safety):

We did have vacancies in our Base Budget year.

CHAIR MCCLAIN:

With your current 18 positions, are you now fully staffed?

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MS. BERGSTROM:
We still have one vacancy.

MR. BROWN:
The vacancy problem continues because of the uncertainty of the federal grant situation. We do not want to hire someone we will soon have to lay off.

CHAIR MCCLAIN:
Our dilemma in supplanting federal funds and backfilling the grant is that we will then be committed to continue this funding in the future.

SENATOR BEERS:
Perhaps we should eliminate four of these positions and backfill the grant with General Funds for the rest.

CHAIR MCCLAIN:
Where will you cut the four positions? Which part of the state will you ignore?

SENATOR BEERS:
We could leave that up to the Department.

ASSEMBLYWOMAN GANSERT:
There appears to be a two-to-one ratio of sworn to non-sworn positions in the NDI. Is there any flexibility in the non-sworn personnel?

MR. BROWN:
Each one of these task forces generates a great deal of paperwork and administrative functions. The 18 people we now have represent the minimum number necessary for us to function effectively.

ASSEMBLYWOMAN GANSERT:
What has been the trend in forfeitures? The amount seems to be increasing over the last few years.

MS. JOHNSTONE:
That is part of the funding shortfall. These forfeiture monies cannot be used to match, or augment, the JAG.

SENATOR BEERS:
Areas like Carson City and Lyon, Douglas and Storey Counties, are becoming increasingly urban and wealthy, with well-funded local police. If we had to choose areas where the narcotics task force would no longer operate, I would choose those.

SENATOR TITUS:
I look at this as helping to solve a major problem rather than backfilling a grant. If the grant goes away, can we use the forfeiture money?

MS. JOHNSTONE:
If the grant goes away in the second year of the biennium, we may be able to use that money, but we would need an official interpretation on that.

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SENATOR TITUS:

This would account for about \$2 million of the \$92 million in new revenue announced by the Governor yesterday. If you take the narcotics task force out of a county, the drug manufacturers will learn about it and quickly move in.

ASSEMBLYMAN HOGAN:

Turning this problem over to rural law enforcement agencies will not work. We need to face up to this major problem and provide funds to keep the task forces working efficiently.

SENATOR BEERS:

The change in funding indicates the federal government is seeking to emphasize homeland security and de-emphasize the war on drugs. Do we have the authority to transfer funds from homeland security to this account?

MR. TOGLIATTI:

The NDI is an integral part of our homeland security effort in gathering and sharing intelligence. The Division has a varied role, but we are emphasizing the drug task forces today for purposes of this budget discussion.

SENATOR BEERS:

Does Douglas County and Carson City have their own narcotics unit?

MR. BROWN:

They do not have a separate narcotics unit, but they work with our narcotics task force. If their patrol unit discovers a narcotics situation, it is referred to the Tri-Net task force on which each law enforcement agency has members.

SENATOR BEERS:

How many people are on the Tri-Net task force?

MR. BROWN:

Tri-Net includes ten sworn officers from Lyon, Storey and Douglas Counties and the NDI.

SENATOR BEERS:

The NDI was originally designed to cover rural areas. However, the areas you just mentioned represent populated parts of the state.

MR. BROWN:

The important concept here is that we share intelligence so it is more difficult for these drug manufacturers to operate in adjoining counties. It is more effective than if each jurisdiction acted alone.

SENATOR BEERS:

Both Tri-Net and the South Lake El Dorado Narcotic Enforcement Team (SLEDNET) would continue without NDI participation. Tri-Net would go from ten to eight positions and SLEDNET from eight to seven positions. Is that correct?

MR. BROWN:

That is correct.

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SENATOR BEERS:

If we cannot reverse the move of federal dollars from these activities to Homeland Security, we must come up with a larger General Fund contribution. This means we may have to reduce funding in other areas.

SENATOR BEERS MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ELIMINATE THREE POSITIONS AND BACKFILL THE FEDERAL GRANT MONEY WITH GENERAL FUNDS AND APPROVE STAFF RECOMMENDATIONS IN B/A 101-3744.

THE MOTION FAILED FOR LACK OF A SECOND.

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ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE GOVERNOR'S RECOMMENDATION IN B/A 101-3744 TO FUND AT THE LEVEL REQUIRED FOR ALL 18 POSITIONS ON CONDITION THAT THE AGENCY FIRST USE FEDERAL GRANT FUNDS; THAT THE AGENCY PURSUE THE USE OF FORFEITURE MONEY AND TO OBTAIN FEDERAL GRANTS; AND THAT ANY DIFFERENCE IN THE REVENUE ASSUMPTION FOR THE GRANT OR FORFEITURE FUNDS WOULD CAUSE GENERAL FUNDS TO BE MOVED INTO RESERVE FOR REVERSION.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

MR. OLSEN:

Even in the Las Vegas Metropolitan Police Department we use the task force principle because we obtain more extensive intelligence.

ASSEMBLYWOMAN GANSERT:

The Edward Byrne Memorial Justice Assistance Grant is being cut. Will the JAG also be cut?

MS. JOHNSTONE:

On page 16 of [Exhibit C](#) you will see that Nevada has received a Byrne grant of \$4,241,345, most of which was required to be allocated to local jurisdictions. The NDI portion of the grant for narcotics task forces was \$1,309,039.

ASSEMBLYWOMAN GANSERT:

Is B/A 101-4708 a pass-through account by which all these grant funds are disbursed?

Public Safety, Justice Assistance Act – Budget Page PS-24 (Volume III)
Budget Account 101-4708

MS. JOHNSTONE:

This budget account is strictly used for the accounting of federal forfeiture funds. The grant funding from the Bryne grant and the JAG do not go through that account.

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SENATOR TITUS:

Rural Nevada is at greater risk from methamphetamine manufacturers than they are from terrorists.

SENATOR BEERS:

I must agree with that statement.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will close the hearing on B/A 101-3743 and open the discussion on B/A 101-3675.

Public Safety, Homeland Security – Budget Page PS-47 (Volume III)
Budget Account 101-3675

GILES E. VANDERHOOF (Major General, The Adjutant General of Nevada, Office of Military and Special Advisor on Homeland Security):

In regard to your earlier deliberations, I wanted to mention that you cannot move Homeland Security funding from this budget account and use it for other purposes. These funds are provided for certain purposes which must be justified to the U.S. Department of Homeland Security.

Designing an effective national homeland security apparatus is difficult and complicated. That is why we see so much change coming from the federal level. The new position of chief of homeland security will be responsible for fulfilling all the federal requirements and reports associated with receiving grant money. We do not have the personnel or resources to do an effective job. We need at least five people in this office. We are not sure at this time exactly what all the position descriptions will be. The auditors and examiners are already looking at our Office of Homeland Security. If we do not effectively manage the grant money, we will lose it.

MINDY BRAUN (Education Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

There are several major closing issues in B/A 101-3675. These include creation of the Office of Homeland Security, reclassification of positions, request for new positions, office relocation and start-up costs. The descriptions of these items and recommendations are on pages 34 and 35 of [Exhibit C](#).

We just received information that it would be beneficial to the operation of the Office if one of the five positions were funded 100-percent by General Funds rather than a 50-50 mix of federal and state funding. If approved, staff will work with the Office of Homeland Security on the reallocation of these expenditures between General Funds and federal funds.

On page 38 of [Exhibit C](#), you will see an organizational chart of the positions recommended by the Governor for the Office of Homeland Security. The position of Chief of Homeland Security will begin in July 2005. This position is

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included in the unclassified service recommendations and has been placed at a tier four. The salary level does not need to be decided upon by this Subcommittee, only the need for such a position. The recommendations for the remaining positions are on page 36 of [Exhibit C](#). There will be start-up costs for this office and we recommend the Subcommittee grant staff the authority to make adjustments for these costs as appropriate.

ASSEMBLYWOMAN WEBER:

Is there a relationship between the Nevada Commission on Homeland Security and the Chief of Homeland Security?

GENERAL VANDERHOOF:

The chairman of the Commission and I will work together.

ASSEMBLYWOMAN WEBER:

How does the Office of Homeland Security communicate with the Commission?

GENERAL VANDERHOOF:

I have an *ex officio* seat on the Commission and attend all the meetings.

SENATOR BEERS:

Are we being asked to fund two positions and a Commission that are parallel to the Department of Public Safety (DPS), and another five positions in the new Office of Homeland Security?

Ms. BRAUN:

That is correct.

SENATOR BEERS:

Why are we putting this all in one budget account?

GENERAL VANDERHOOF:

The Governor made the choice to put the Office of Homeland Security under the DPS. The Nevada Commission on Homeland Security, established by the Legislature, is an advisory body for the Governor and is separate from the DPS.

SENATOR BEERS:

Do we have the authority to move these two positions requested for the Nevada Commission on Homeland Security to the Office of Homeland Security?

GENERAL VANDERHOOF:

Those two people need to work for the Commission. On paper, you will see these two positions are tied to my office but not in a functional way.

STEVEN J. ABBA (Principal Deputy Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

The Nevada Commission on Homeland Security was created during the last Legislative Session. The two positions in question were not stipulated in that legislation, thus they can be moved as suggested by Senator Beers.

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CHAIR McCLAIN:

It appears the primary function of these two positions is to set up meetings. I question whether we need two people to do that. Also, the third administrative assistant position in this budget seems to be superfluous.

SENATOR BEERS:

The grants and projects analyst position also appears to be a duplicate and unnecessary.

GENERAL VANDERHOOF:

The Commission needs those two positions. There is a tremendous amount of work involved. The amount of grant money we get depends upon how effectively we respond to the U.S. Department of Homeland Security.

CHAIR RHOADS:

We will close the hearing on B/A 101-3675 and open the hearing on the Emergency Management Division budget account 101-3673.

Public Safety, Emergency Management Division – Budget Page
PS-33 (Volume III)
Budget Account 101-3673

MS. JOHNSTONE:

There are four major closing issues. These include the establishment of new budget accounts; new positions; relocation of the Carson City office and establishment of a Las Vegas office. The description of these issues and recommendations are on pages 3 through 6 of [Exhibit C](#).

SENATOR BEERS:

Why are we hiring so many administrative positions? Can we consolidate some of these duties, like grant writing, with other agencies?

FRANK SIRACUSA (Chief, Division of Emergency Management, Department of Public Safety):

The role of the Division of Emergency Management (DEM) is to prepare the state to respond to, and recover from, a variety of emergencies. We have the responsibility of serving as the state administrative agency for the oversight and management of the U.S. Department of Homeland Security grant program and to manage several U.S. Department of Energy programs. We need the administrative services positions we are requesting because of the number and complexity of the programs and grants we administer. From 1997 to the present, we have had six Presidential disaster or emergency declarations. It takes years to administratively close the recovery aspects of these declarations.

SENATOR BEERS:

Did the Governor decide that DEM would be the administrative point-of-contact for the new Office of Homeland Security?

MR. SIRACUSA:

The Governor was required by the U.S. Department of Homeland Security to appoint a state administrative agency that would be the single point-of-contact

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for the funding. The Governor identified the DEM as the most appropriate agency, because of our interaction with the local governments.

SENATOR BEERS:

Now that Nevada is establishing an Office of Homeland Security, should we concentrate these administrative tasks within that office?

ASSEMBLYMAN DENIS:

Why are we establishing a relatively small office in Las Vegas, despite the fact that the majority of people in the state, who would be affected in an emergency, live there?

MR. SIRACUSA:

As with other state agencies, the DEM's main office is located in Carson City. We have a great deal of interaction with the jurisdictions in the south and train with them for potential emergencies. The addition of the new Las Vegas office will save our employees the time and expense of traveling there so often.

ASSEMBLYMAN DENIS:

Why not have the majority of your employees stationed in the Las Vegas office?

MR. SIRACUSA:

We also have a great deal of travel to the rural counties in the northern part of the state.

SENATOR TITUS:

I feel DEM should keep their traditional functions and leave the homeland security issues to the new Office of Homeland Security. Why have the victims of the recent flooding in Lincoln and Clark Counties not yet received adequate assistance?

MR. SIRACUSA:

The DEM responded to the flooding in southern Nevada and applied for a Presidential proclamation of emergency for the victims. It was denied.

SENATOR TITUS:

Why is your emergency operations center not located in Las Vegas?

MR. SIRACUSA:

The location of the emergency operations center is not important because it is merely a coordinating center for state agencies. The equipment in the center is chiefly to obtain and analyze information. The decisions of state government are made there; however, emergency resources are located throughout the state.

DAVE HOSMER (Chief, Nevada Highway Patrol, Department of Public Safety):

The office in Las Vegas can operate as an emergency center as well. The Highway Patrol dispatch center is also relocating to the Carson City DEM emergency operations center.

ASSEMBLYWOMAN GANSERT:

I recommend consolidating the DEM and Office of Homeland Security grants analyst positions to avoid duplication of these services.

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MR. SIRACUSA:

We already work together as a team with the Office of Homeland Security and the Nevada Commission on Homeland Security.

SENATOR BEERS:

I would like any proposed motion on this budget account to include language that allows us to later consolidate these positions if we determine them to be duplicative.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE GOVERNOR'S RECOMMENDATION IN B/A 101-3673 WITH TECHNICAL ADJUSTMENTS AND SUBJECT TO NECESSARY ADJUSTMENTS TO DECISION UNIT E-905 BASED UPON HOW B/A 101-3675 IS CLOSED, AND TO INCLUDE THE CONTINGENCY THESE POSITIONS MAY BE DUPLICATIVE AND LATER CONSOLIDATED.

ASSEMBLYWOMAN GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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GENERAL VANDERHOOF:

If you merely look at the grants analyst title, you may think they are interchangeable, but they actually have significantly different duties.

CHAIR RHOADS:

We will close the hearing on B/A 101-3673 and open the hearing on B/A 101-3674 the Emergency Management Assistance Grants budget account.

PS—Emergency Management Assistance Grants – Budget Page PS-45
(Volume III)
Budget Account 101-3674

MS. JOHNSTONE:

This new budget account, found on pages 7 and 8 of [Exhibit C](#), would be used strictly as the pass-through account for all emergency management grants received. The recommended level of funding is \$12,670,472. The account traditionally goes through several revisions as new grants come in. We seek permission to make technical adjustments to the account based upon how B/A 101-3673 and B/A 101-3675 close.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE GOVERNOR'S RECOMMENDATION IN B/A 101-3674 WITH TECHNICAL ADJUSTMENTS AND OTHER ADJUSTMENTS BASED UPON HOW B/A 101-3673 AND B/A 101-3675 ARE CLOSED.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will close the hearing on B/A 101-3674 and open the hearing on B/A 101-4703.

Public Safety, Forfeitures – Law Enforcement – Budget Page PS-93 (Volume III)
Budget Account 101-4703

Ms. JOHNSTONE:

This account is described on pages 9 through 11 of [Exhibit C](#). We recommend the federal forfeiture funds not be obligated, at this time, due to the loss of the Byrne grant and the uncertainty of the JAG funding. We further recommend that the Subcommittee consider issuing a Letter of Intent directing NDI to work with its federal forfeiture representative to allow the federal forfeiture funds to be authorized for use in Narcotics Control in addition to federal grants, and that they be required to report to the IFC regarding those negotiations. Staff also seeks approval to make technical adjustments to show the federal forfeiture funds as a reserve at this time rather than as a transfer to the Narcotics Control Unit as requested in the *Executive Budget*.

CHAIR McCLAIN:

Can forfeiture funds now be considered as funding for the narcotics task forces?

Ms. JOHNSTONE:

We have been told no, at least with regard to the JAG; however, we are waiting for that decision in writing. That is why we recommend that no action be taken at this point.

ASSEMBLYWOMAN McCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE GOVERNOR'S RECOMMENDATION IN B/A 101-4703; TO ACCEPT STAFF RECOMMENDATION THAT FEDERAL FORFEITURE FUNDS NOT BE OBLIGATED AT THIS TIME BASED ON THE LOSS OF THE BYRNE GRANT AND THE UNCERTAINTY OF THE JAG FUNDING; THAT THE SUBCOMMITTEE ISSUE A LETTER OF INTENT DIRECTING NDI TO WORK WITH ITS FEDERAL FORFEITURE REPRESENTATIVE TOWARD ALLOWING THE AUTHORIZATION OF FEDERAL FORFEITURE FUNDS TO BE USED AS A MATCH FOR FURTHER FUNDING; TO REQUIRE NDI TO REPORT TO THE IFC REGARDING THOSE NEGOTIATIONS; AND TO AUTHORIZE STAFF TO MAKE TECHNICAL ADJUSTMENTS TO SHOW THE FEDERAL FORFEITURE FUNDS AS A RESERVE AT THIS TIME RATHER THAN AS A TRANSFER TO THE NARCOTICS CONTROL BUDGET AS IT IS NOW INCLUDED IN THE *EXECUTIVE BUDGET*.

SENATOR BEERS SECONDED THE MOTION.

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THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will close the hearing on B/A 101-4703 and open the hearing on B/A 101-3740, the Parole and Probation budget account.

Public Safety, Parole and Probation – Budget Page PS-113 (Volume III)
Budget Account 101-3740

Ms. JOHNSTONE:

This budget account has four major closing issues which include new positions, expansion of residential confinement, staff training and vacancy savings. I will read the description of the issues and recommendations on pages 20 through 24 in [Exhibit C](#).

ASSEMBLYMAN HOGAN:

It appears the staff training element, described in decision unit E-125 of this budget account, might go unfunded. I would like to see some of the vacancy savings go to support employee training.

E-125 Equitable, Stable Tax Structure – Page PS-118

ASSEMBLYWOMAN GANSERT:

In this budget account, it appears the number of vacancies equals the number of positions we are considering to add. Is this correct?

Ms. JOHNSTONE:

The caseload calculations are based on the assumption that all of the positions are filled all of the time.

ASSEMBLYWOMAN GANSERT:

Does this mean the caseload ratios are higher than we are projecting?

Ms. JOHNSTONE:

That is correct.

ASSEMBLYMAN HOGAN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE GOVERNOR'S RECOMMENDATION IN B/A 101-3740 WITH STAFF RECOMMENDATIONS AND THE ABILITY TO FULLY FUND COSTS FOR EMPLOYEE TRAINING DESCRIBED IN DECISION UNIT E-125 BY APPLYING VACANCY SAVINGS.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

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CHAIR RHOADS:

We will close the discussion on B/A 101-3740 and open the discussion on B/A 101-3816.

Public Safety, Fire Marshal – Budget Page PS-168 (Volume III)
Budget Account 101-3816

Ms. JOHNSTONE:

The three major closing items in this budget account are the National Fire Reporting System, fire prevention training and pending legislation. The description of the issues and recommendations are on pages 30 through 32 of [Exhibit C](#).

SENATOR BEERS:

The Fire Safe Council of Nevada is a network of organizations of homeowners established in areas of high-fire danger. At their request, we have introduced S.B. 497 which would provide three positions to coordinate the activities of their local chapters throughout the state. This would be a better use of the funding than providing public education and outreach plans at various special events.

SENATE BILL 497: Makes appropriation for community protection and fire safety.
(BDR S-1411)

DAVE BOWMAN (Assistant State Fire Marshal, State Fire Marshal Division, Department of Public Safety):

The prevention position we are asking for is different than the coordinator positions you just discussed. We need to get back to the primary function of the Fire Marshal's office and that is fire prevention. There is a nationwide initiative to educate home owners and builders of the necessity for home sprinklers and other preventive measures. We want to make Nevada one of the pilot states in this initiative and the position we are asking for would be an integral part of that plan.

CHAIR MCCLAIN:

Where are these Fire Safe chapters located?

SENATOR BEERS:

They are located everywhere in the state a wildfire is possible. I think it would be wise to blend the Fire Marshal's training officer and Fire Safe coordinator positions since they both involve fire prevention.

CHAIR MCCLAIN:

The scope of authority for the Fire Marshall does not extend to counties with populations over 100,000 people. The amount requested in this budget account for supplies is too high.

SENATOR RHOADS:

How much funding is being requested in S.B. 497?

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SENATOR BEERS:

The request was for approximately \$2 million over the biennium. Most of this is from grants. It was the loss of the administrative funding that created the problem. We could increase the allocation to two people and reduce some of the requested supply dollars.

CHAIR MCCLAIN:

Senate Bill 274, which will be heard in Subcommittee next week, could have an impact on this budget account.

SENATE BILL 274: Revises certain provisions relating to governmental operations. (BDR 42-87)

Steve Robinson (Advisor on Wildlife, Conservation and Rural Nevada Issues, Office of the Governor):

The Fire Safe Council of Nevada is mainly funded through federal grants. Some of that money is imperiled, but no one knows, at this time, how much the funding will be reduced. Senate Bill 497 refers to the money coming through the Division of Forestry to the Fire Safe Council for distribution. We are not sure how this will work. Does it imply that the \$2.4 million is then under the authority of the State Forester? We agree that Fire Safe groups are an efficient way to protect communities.

SENATOR BEERS:

The Fire Safe Council is asking for state money because they fear the federal money will be going away.

CHAIR MCCLAIN:

Can we hold this budget until the middle of next week so the Assembly has a chance to look at S.B. 497 and to see what happens to S.B 274?

CHAIR RHOADS:

We will close discussion on B/A 101-3816 and open the hearing on B/A 201-4660.

TRANSPORTATION

Transportation Administration – Budget Page NDOT-1 (Volume III)
Budget Account 201-4660

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

The major closing items in this budget account are increased staffing, capital expenditures and bond funding. The description of these issues, other closing items and staff recommendations are on pages 39 through 42 of [Exhibit C](#).

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ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO ACCEPT THE GOVERNOR'S RECOMMENDATION IN B/A 201-4660 THAT FUNDING BE APPROVED AND DIRECT THE DEPARTMENT TO REPORT BACK TO IFC WHEN ACCURATE COST ESTIMATES ARE DETERMINED.

SENATOR TITUS SECONDED THE MOTION.

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ASSEMBLYMAN HOGAN:

I suggest we remove the funding and have the agency come to the IFC in September 2005.

MR. KRMPOTIC:

This has been discussed with the Department of Transportation and they did not object to having the funding removed and to return to the IFC in September 2005.

ROBERT CHISEL (Assistant Director for Administration, Department of Transportation):

I would like to introduce Mr. Jerry Ross, our long-time chief of financial management who will be retiring after many years of excellent service to our agency.

JERRY ROSS (Chief of Financial Management, Department of Transportation):

The Department would prefer that the funding be approved from decision unit E-850 and that we return to the IFC when accurate cost estimates are determined.

E-850 Special Projects — Page NDOT- 8

ASSEMBLYMAN HOGAN:

I would rather have the funding removed but will not vote contrary to the majority of the Subcommittee.

CHAIR MCCLAIN:

The reason I want to approve the funding is because these projects are already in motion and all they need to provide is a final cost estimate.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
There being no further business before this Subcommittee, this meeting is
adjourned at 10:44 a.m.

RESPECTFULLY SUBMITTED:

Michael Archer,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____

Assemblyman Kathy A. McClain, Chair

DATE: _____