

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fifth Session
April 16, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:02 a.m. on Thursday, April 16, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn K. Kirkpatrick, Chair
Assemblyman David P. Bobzien, Vice Chair
Assemblyman Paul Aizley
Assemblyman Kelvin Atkinson
Assemblyman Chad Christensen
Assemblyman Jerry D. Claborn
Assemblyman Ed A. Goedhart
Assemblywoman April Mastroluca
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce
Assemblyman James A. Settelmeyer
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Scott McKenna, Committee Counsel
Susan Scholley, Committee Policy Analyst
Cyndie Carter, Committee Manager
Denise Sins, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Kareen Masters, Deputy Director, Administrative Services, Department of Health and Human Services
Howard Skolnik, Director, Department of Corrections
William C. Reubart, Private Citizen, Indian Springs, Nevada
John Slaughter, Director, Management Services, Washoe County, Reno, Nevada
Rick Bareuther, Chair, Washoe County 911 Emergency Response Advisory Committee; Manager, Information Technology, City of Sparks, Nevada
Mary Walker, Minden, Nevada, representing Carson City, Douglas County, Lyon County, and Storey County
Richard K. Vandenberg, Member, Washoe County 911 Emergency Response Advisory Committee; Director, Communications and Technology, City of Reno, Nevada
Helen Foley, Las Vegas, Nevada, representing T-Mobile USA, Denver, Colorado

Chair Kirkpatrick:

[Roll taken.] Good morning. We have some people in Las Vegas to testify on one of the bills this morning. I will open the hearing on Senate Bill 23.

Senate Bill 23: Revises provisions governing certain organizational matters within the Department of Health and Human Services. (BDR 18-328)

Kareen Masters, Deputy Director, Administrative Services, Department of Health and Human Services:

Senate Bill 23 is a bill requested by the department to modify the appointment process for the administrator of the Division of Mental Health and Developmental Services (MHDS). It also removes the requirement for the

Commission on Mental Health and Developmental Services to review the credentials of certain key staff members in the Division of MHDS and in the Division of Child and Family Services (DCFS). It provides greater flexibility to the administrators of each division to appoint the staff necessary for the operation of the divisional facilities.

The MHDS Administrator is currently the only division administrator in the Department who is not appointed by the Director. Law currently requires the Governor to appoint the administrator from a list of three persons nominated by the Commission on MHDS.

The proposed change would make the method of appointment consistent with that used for other division administrators and streamline the recruitment and appointment process.

Another benefit would be to increase the pool of candidates for the position, as some candidates do not wish their current employer to know they are considering other employment options. The qualifications for the administrator, which are currently in statute, remain the same. An obsolete reference to additional qualifications prescribed by the Department of Personnel is eliminated.

The provisions of S.B. 23 remove the requirement for the Commission on MHDS to approve the credentials, training, and experience of the deputy administrators and heads of institutions within the Division of MHDS and the deputy administrator and agency head for Children's Mental Health programs within DCFS. This change would allow each administrator to identify the qualifications that are most critical for the respective deputy administrator positions to possess.

The heads of institutions refer to agency heads such as those at Northern Nevada or Southern Nevada Adult Mental Health Services or rural clinics. These positions are in the classified service of the state; therefore the qualifications are established by the Department of Personnel and documented in the class specification for Clinical Program Manager. Only candidates meeting these qualifications would be considered for the position. In addition, the Director must approve the appointment of deputy administrators and agency heads.

Additional changes requested through S.B. 23 provide latitude to respective division administrators to appoint or designate staff to carry out division operations or delegate that responsibility to agency heads.

Similarly, as a normal course of business, an employee would be designated to discharge the duties of an agency head in the absence or the inability of the

agency head to do so. Therefore, the two sections referencing deputy administrative officers are being eliminated.

Chair Kirkpatrick:

Does anyone have any questions? [There were none.] What is the time frame? How much faster will the process be?

Kareen Masters:

When we last recruited for the administrator of the MHDS we started the process through an open meeting that occurred in November with the Commission on MHDS. First we had to convene a meeting to discuss the qualifications that they wanted listed on the job posting. Then we opened the job and had another open meeting where the Commission reviewed all the resumes that were submitted and decided who they wanted to interview. Within the open meeting they had to discuss what the actual interview questions would be. The third open meeting was to conduct the interviews. It took probably two and one-half months to go through that process.

Chair Kirkpatrick:

Would this allow you to fill that vacancy more quickly?

Kareen Masters:

Correct. Exactly.

Chair Kirkpatrick:

Is there a fiscal note doing it this way as opposed to the other way?

Kareen Masters:

No, there is not.

Chair Kirkpatrick:

Is there anyone who would like to testify in support of S.B. 23? [There was no one.] Is there anyone who would like to testify in neutral on S.B. 23? [There was no one.] Is there anyone who has opposition to S.B. 23? [There was no one.] I will close the hearing on S.B. 23 and open the hearing on Senate Bill 44.

[To those in Las Vegas] Are you testifying on this bill?

Senate Bill 44: Designates certain employees of the Department of Corrections as category II peace officers. (BDR 23-304)

Howard Skolnik, Director, Department of Corrections:

Senate Bill 44 modifies the peace officer status of our criminal investigators from a category III to a category II. Category III peace officers under the Peace Officers' Standards and Training (P.O.S.T.) requirements are responsible for peace officer duties within the facilities of the Department of Corrections.

Our criminal investigators function beyond that. They do apprehension of escapees and walk-aways, and they are involved in criminal investigations of staff misconduct. As a consequence we would like to have them categorized as category II officers. We discussed this with P.O.S.T. They have agreed that category II peace officer status is appropriate. We also discussed this with the employee associations, who have said they either were in support of or were neutral regarding the modification. It has been expanded by amendment to include all peace officers within the state.

Chair Kirkpatrick:

I went through the minutes from the Senate last night and I know that you had to go through the Finance Committee on the Senate side. Are we clear on how many people this involves? In one portion of the minutes it says approximately 15, but when we conferred with Finance, they said the figure was more like 13; is there a real number and is the cost still \$7,000 per person?

Howard Skolnik:

There is no cost. We can do this training internally using our own academy. We have discussed that with P.O.S.T. and they will work with us, expanding the academy for our category II officers.

There are 13 officers who are currently category III. Some of our investigators came to us as category I officers and have retained their category I status. That is the difference between the total number of investigators and the number that will need to be trained. We have spoken to P.O.S.T. about a two-year window to allow our officers to complete the training so we do not have to pull them all off duty at once.

Chair Kirkpatrick:

In reviewing the minutes of the Senate meeting on this bill, it lined out the difference between a category I and a category II based on their training. Could you do that for us as well? I also noticed you have approximately 10 or 11 different people there testifying, and I received some testimonial emails and paperwork by FedEx yesterday, so I do not think those folks were at that hearing. Are there any issues that remain to be resolved?

Howard Skolnik:

No, I do not think so. I spoke with Ron Cuzze and Dennis Mallory yesterday and both indicated support for the bill. The difference between a category I and a category II peace officer is that category I officers are the police officers you see on the street. They are trained in things we do not need to be trained in such as traffic stops and search and seizures within those stops. There is a fairly extensive amount of training that is not necessary for our investigators because they are not police officers; they are investigators. They are more in line with the investigators for the Attorney General's Office, or for the Taxicab Authority, who are category II peace officers. The change from category III to category II will increase their authority in the community when they are out in the field doing investigations.

Chair Kirkpatrick:

One of the emails I received said that going from category I to category II would result in a pay cut; did you hear that testimony?

Howard Skolnik:

No. We are not going to take anyone who is in category I and take away their category I status. They have been P.O.S.T. certified as category I peace officers, and as long as they retain the necessary training, they will retain category I status.

The question that was initially raised was whether or not our officers should be category I. Candidly, if we train our officers to category I status, it would be very difficult for us to keep them as employees. They would leave us for local government police departments and other agencies that pay a much higher rate than our investigators currently earn.

Chair Kirkpatrick:

Does anyone have any questions? [There were none.] I noticed that they must have thoroughly vetted it on the Senate side because there were about 20 pages of minutes in Judiciary and then Finance had 2 more pages of minutes. I want to ask you to stay to address some of the concerns that others may have.

Howard Skolnik:

I will be glad to do that, Madam Chair.

Chair Kirkpatrick:

At this time, I would like to invite those up who would like to speak in support of S.B. 44. [There were none.] Is there anyone in neutral to speak on S.B. 44? [There was no one.] Is there anyone who would like to speak against S.B. 44? Is there anyone in Las Vegas?

William C. Reubart, Private Citizen, Indian Springs, Nevada:

I am a category I P.O.S.T. certified investigator with the Nevada Department of Corrections, Office of the Inspector General. The main opposition I have to S.B. 44 is that the bill provides that the Inspector General and the criminal investigators of that department are category II peace officers. There is some confusion about what is being said in some of the text that has been distributed, particularly when it comes to *Nevada Revised Statutes* (NRS) 289.460. The class specifications for the positions of Inspector General, Supervisory Criminal Investigator, and Criminal Investigator have been submitted to you in my presentation packet ([Exhibit C](#)). The statute clearly states that these positions are category I P.O.S.T. certified.

In 2003, when I submitted my application to be a criminal investigator with the Department of Corrections, Office of the Inspector General, I spoke to State Personnel about the issue of category certificates. They said the requirements they were looking for were a four-year degree, three years' investigative experience, and category I P.O.S.T. certification. Everything I have provided, including addendums, clearly states that the class specification requires they must be category I P.O.S.T. certified.

These positions are currently in the Nevada Department of Corrections, Office of the Inspector General. The Inspector General is a grade 44, criminal investigators are grade 42, and I am currently a grade 40. In my packet at addendum 4, I have submitted the class specification for criminal investigators' distinguishing characteristics.

Chair Kirkpatrick:

I just gave this packet to the Committee this morning, as I received it yesterday in the late afternoon. If you could just walk us through the packet, that would be great.

William Reubart:

The packet is in order and there should be addendum numbers on corresponding pages. Addendum 1 is a copy of the Senate Bill. Addendum 2 is NRS 289.460, which is the law that categorizes category I peace officers. Category I peace officer means a peace officer who has unrestricted duties and who is not otherwise listed as a category II or category III peace officer.

If you go to addendum 3, that is the class specification for the Inspector General position. Addendum 4 is NRS 289.550. Subsection 1 says if you do not currently have the required P.O.S.T. certificate, you have one year to obtain it. For good cause shown, the Commission will provide a six-month extension after the one year for extraordinary circumstances.

Subsection 2 states that "the following persons are not required to be certified by the Commission: (a) The Chief Parole and Probation Officer; (b) The Director of the Department of Corrections; (c) The State Fire Marshal; (d) The Director of the Department of Public Safety."

Chair Kirkpatrick:

Last session we had a classification bill to modify personnel changes. It looks like this might have been when the Commission brought the agencies up to par and we gave them the window of opportunity to get caught up. Between 2007 and now, everyone should have been able to make adjustments to achieve the position they desire. Am I mistaken?

William Reubart:

I am not aware of any type of work on the classifications.

In addendum 5, under the "Distinguishing Characteristics" paragraph, the last sentence says, "Investigators carry firearms in the performance of their duties and must meet category I P.O.S.T. certification requirements."

As criminal investigators with the Nevada Department of Corrections, Office of the Inspector General, we have the NRS stating we must clearly be a category I, and the classification description we fall under also states we must be category I.

I am trying not to negate the Director's authority to select what peace officers he wants in his department, but my opposition to this bill is that it would downgrade our current position from a category I position to a category II position.

Chair Kirkpatrick:

Did you testify on the Senate side?

William Reubart:

No, I did not, Madam Chair. I have been following the progress of this bill. I decided there was a discrepancy between what is said and what is written. The bill says we are proposing to take category III criminal investigators and make them category II investigators for the Office of the Inspector General. Currently, it is a category I position that has been filled by people who are not category I P.O.S.T. certified. I think they are trying to resolve some issues, but I do not think the desired result is clear.

Chair Kirkpatrick:

I understood that this takes effect after July 1 of 2009, and that it would affect the new hires coming in after that time frame. Is that your understanding?

William Reubart:

I do not understand what the department's plan will be. I cannot answer that, but perhaps the Director can.

Chair Kirkpatrick:

We need to ask questions because sometimes legislative intent is the most important piece. I think going forward with new hires is good. We need to look at some options to keep Nevada's state workers, as opposed to letting local government have a windfall of new employees. I will ask Mr. Skolnik to come back up and address this issue.

Howard Skolnik:

The intent of the bill is to keep all of our current staff and allow them two years to qualify as category II peace officers. It is not to downgrade the current category I officers; they will remain in category I status. But we currently have a number of category III peace officers serving in these investigative positions, and the bill is attempting to bring some uniformity to the position statewide.

Again, if you go through the minutes of the first hearing, there was extensive discussion in that hearing about category I peace officer status, particularly from the American Federation of State, County, and Municipal Employees (AFSCME). Subsequently, we were asked to meet with them and to work out a compromise.

I do not remember whether it was during the hearing or afterwards that they came back and agreed we could go forward with the category II status. My big concern is if we train our people to category I, there will be a fiscal note because we do not have the ability to do all category I training within the department.

Another concern would be that if we went with category I training we would lose a lot of our people. We are already losing staff to local government at the category III level, especially in Clark County, because the local government pays substantially more for the same position.

Chair Kirkpatrick:

I know that Senator Amodei and Senator Parks had a lot of questions in the Senate based on the certification process and the class specifications. If one is

currently a category III and we want them to become a category II, is this for new hires only? Who would be affected?

Howard Skolnik:

All of our criminal investigators would be affected, including the Inspector General. We would expect any of the staff who are category I, such as Mr. Reubart, would not have to qualify any further since they are already qualified beyond the category II status. Our category III peace officers would be required to get the training that is necessary as identified by P.O.S.T. within a two-year period. That training would be provided internally to the department. As I indicated earlier, we have met with P.O.S.T. and they have agreed to work with us to certify our academy for category II level certification. If this bill passed, all new hires moving into positions in the Inspector General's Office would start off with completion of category II certification.

Chair Kirkpatrick:

So you would eliminate category III in the classifications?

Howard Skolnik:

That would be only for the Inspector General's Office. The category III peace officers status is for our correctional officers and would remain a category III.

Chair Kirkpatrick:

Would you do that by regulation?

Howard Skolnik:

It would not require any significant changes. If this law were passed, we would send those who required it to training for category II. Currently, all of our correctional peace officers are trained to a category III level by our own academy.

Chair Kirkpatrick:

Where within the bill does it say they have two years to receive training?

Howard Skolnik:

That was a discussion with P.O.S.T. I am not sure if it is in the bill or not. We would give our people a two-year window to complete the training. Again, the issue is that we cannot afford to close down the Inspector General's Office for two months while everyone gets trained. We would have to schedule people intermittently for training to sustain operations.

Chair Kirkpatrick:

I do not have a problem with it either way; I just wanted to know where it was in the bill. The bill is broad in some respects, so I am ensuring the legislative intent is there.

Howard Skolnik:

I know we discussed the two-year window during testimony on the Senate side. I repeat this now to show the legislative intent of the bill.

Chair Kirkpatrick:

If they are changed from a category III to a category II, is there a pay grade difference?

Howard Skolnik:

No, there will be no impact on their pay grades or status.

Assemblyman Stewart:

The category I people would not be demoted; they would stay category I, although they would be working in a category II status, correct?

Howard Skolnik:

That is correct.

Assemblyman Stewart:

There is no difference in pay grade between category I and category II?

Howard Skolnik:

There is no pay grade difference. They are all currently functioning in the criminal investigator positions and that is what sets their pay grade. Pay grades would remain at grades 40 to 42 for the supervisors and grade 44 for the Inspector General.

Chair Kirkpatrick:

How many total employees do you have within that division?

Howard Skolnik:

Sixteen.

Chair Kirkpatrick:

And only three of them are category I?

Howard Skolnik:

That is correct, because most of the people we have come from our own ranks. That is why they are category III. They were promoted. Originally, we did not have any investigators to speak of. We used correctional officers in the institution to do investigations, and we had an Inspector General and a couple of investigators outside. As the department grew, the need for us to maintain an internal affairs division grew with it, so we promoted a lot of our own people.

Chair Kirkpatrick:

Can you ask Mr. Reubart to come back to the table? Mr. Reubart, are you satisfied with the legislative intent? Apparently you are one of the three who already have the category I P.O.S.T. credentials.

William Reubart:

A category I peace officer working in a category II position is a downgrade in position. If I am currently in a category I position, come July 1, I am going to be a criminal investigator in a category II position. You have to have different class specifications for each position. The current one, grade 40, that I am assigned to, is a category I peace officer position. After July 1, the Department of Corrections will have a category II criminal investigator, which is going to have to have its own class specification and I am going to have to be moved. That is my point about downgrading.

Chair Kirkpatrick:

There is no fiscal impact to you and it looks like the only duties that you will lose are reports, case assignments, and supervising criminal investigators. Is that correct?

William Reubart:

Madam Chair, I am not considered as a category II position. I know by statute this position is supposed to support the action in the Nevada Administrative Code (NAC) by handling a specialized caseload. My concern is that the taxpayers of Nevada put me through a category I peace officer academy. Somewhere in this bill there should be a resolution establishing the possibility of a lateral transfer to the same position in another agency. I want to be able to do everything that a category I peace officer does; that is why I applied for this position in 2003. If all 15 people in the Inspector General's Office were category I, we would not be having this discussion today.

Assemblyman Stewart:

I think we had a statement from the Director that your pay grade would not be reduced; is that not correct?

Howard Skolnik:
That is correct.

Assemblyman Stewart:
[To Mr. Reubart] Are you satisfied?

William Reubart:
Sir, the only thing I would question about that is, historically, category II people make less money than category I employees. Similarly, I believe a category III peace officer would make less money than a category II peace officer. Educational responsibilities and requirements are different for each category. Eventually, I cannot guarantee that that would not be in effect.

In 2007, the Secretary of State's Office, because they were a category II agency, missed the big omnibus bill for public safety and they had to go fight with different personnel commissions to get their money. I cannot say I will always be compatible with category I pay.

Chair Kirkpatrick:
Mr. Skolnik, can I ask you a question? Why was this advertised as a category I if we have more category III positions?

Howard Skolnik:
This has not been a problem in the past. The category I peace officers that we currently have would remain category I peace officers and could go to any category I peace officer position within the State of Nevada, because they are P.O.S.T. certified as category I.

Most of the criminal investigators in other agencies in the state are category II and at the same level as our criminal investigators. Therefore, it would be extremely unlikely that there would be any subsequent downgrading of positions in the future because of a change in status. If we had had a serious issue with category III peace officers functioning in these positions, that would have bubbled to the surface and we would have been told we could not do that, by either P.O.S.T. or the Department of Personnel. The Department of Personnel has approved the people who are category III officers as our criminal investigators. We are simply trying to bring them in line with the rest of the state.

Chair Kirkpatrick:
Does the advertisement for the job say you must be a category III or above? How is it worded?

Howard Skolnik:

The ad simply states that you must be a certified peace officer. I do not believe it specifies any category in the recruitment announcement. It specifies certain experience as a police officer or a correctional officer, and that precludes anyone who is not P.O.S.T. certified from filling the position.

Chair Kirkpatrick:

In the job description that is posted, it seems that if I applied for Secretary of State, I might be under qualified, but if I applied for Senator, I might be qualified. If everybody else is a category III, why would you take a category I? Do they come into the position automatically at a higher rate of pay? How is that balanced?

Howard Skolnik:

They come in at the level of a grade 40, 42, or 44, depending on the position, irrespective of their level of P.O.S.T. certification. What the recruitment would call for is a certain number of years of experience in positions that would require P.O.S.T. certification so that we would know that these individuals are certified when they are referred on a list by the Department of Personnel.

When we are hiring these people, we are hiring them after the Department of Personnel has reviewed their applications and said they qualify for this position. Historically, category III peace officers have qualified for this position, according to the Department of Personnel. We are simply trying to bring in a better position for our investigators who are category III to give them more enforcement authority in the community. We want to separate them from the average correctional officer because we feel there is a need for them to have a slightly higher status in terms of their category as a peace officer.

William Reubart:

In 2003, I was a Department of Public Safety (DPS) Officer II, which was a grade 39. The job for Criminal Investigator III came up for the Nevada Department of Corrections, Office of the Inspector General. I pulled up the class specifications, went to State Personnel, and found that the job was a grade 40. Reading the class specification, it says, "Investigators carry firearms in the performance of their duties and must meet category I P.O.S.T. certification requirements."

The question whether I would take a job if I knew category III peace officers were working there, is not accurate. I thought it was a category I agency and I was surprised that there were category III peace officers there, because the announcement specified they needed to be category I P.O.S.T. certified. So, I was not looking to go to a category III agency.

Chair Kirkpatrick:

We will take Mr. Aizley's question and then we have to move on to the testimony because I need more time to better understand this issue. I am reading the distinguishing characteristics myself, and it says "must meet category I P.O.S.T. certification requirements," so I have to understand the differences between the categories. I may call on both of you at another time to try to understand this a little bit better.

Assemblyman Aizley:

The problem I have is that if a person's category is lowered or changed, then their personnel file would reflect a downgrade or a demotion. I do not see any reason for doing that. How do you protect the employee from having that show up on their personnel record as a demotion?

Howard Skolnik:

I cannot speak to the personnel issues directly. We have a number of category III peace officers who have been approved for this position by the State Department of Personnel, and we have individuals who are category I peace officers who have functioned at the same position as these category III peace officers, so raising the standard to a category II probably serves the category I peace officer better than the category III officers.

Chair Kirkpatrick:

I want to be clear about this. We are talking about 15 people within your department, correct?

Howard Skolnik:

That is correct, Madam Chair.

Chair Kirkpatrick:

Thirteen of those are category III and two of them are category I.

Howard Skolnik:

I believe that is correct.

Chair Kirkpatrick:

Thank you both. I am going to move to those in Carson City who would like to testify in support of S.B. 44. [There were none.] Is there anyone who would like to testify in opposition to S.B. 44? Is there anyone who is neutral? [There was no one.] We will close the hearing on S.B. 44. We will open the hearing on Senate Bill 59 (1st Reprint).

Senate Bill 59 (1st Reprint): Revises provisions governing telephone systems used for reporting emergencies in certain counties. (BDR 20-471)

John Slaughter, AICP, Director, Management Services, Washoe County, Reno, Nevada:

I have with me Rick Vandenberg from the City of Reno and Rick Bareuther from the City of Sparks, who are also members of our Washoe County 911 Emergency Response Advisory Committee and will be able to answer any technical questions that might arise.

The purpose of S.B. 59 (R1) is to prepare Washoe County's 911 system for the next generation of 911 users. The bill does three things. First, it requires preparation and ongoing planning for 911 system improvements. Second, it broadens the scope of how the surcharge funds can be used in order to accommodate Next Generation 911 technology (NG-911). Next Generation 911 is now an accepted language standard that describes that next level of communication with a 911 answering center. Third, the bill increases the ending fund balance for the 911 surcharge fund to provide the ability to begin multiyear projects by accumulating the adequate funds necessary to replace aging equipment with the new equipment now available to deal with the NG-911.

There are two things the bill does not do. The bill does not authorize or increase any new or current fees, and it does not change the permitted use of the fund to allow us to buy radios or ambulances or other type of emergency equipment that is not part of the base of that 911 system.

I have provided a handout that is a summary of the legislative history of the enhanced 911 (E911) surcharge in Nevada ([Exhibit D](#)). I want to talk a bit about the history of 911 in Washoe County. The Board of County Commissioners established the enhanced 911 fund back in December of 1995 following legislative approval. The surcharge goes on each access line, trunk line, and mobile telephone. The intent of that surcharge was to establish a reliable revenue stream for the enhancement of telephone emergency reporting capabilities. The surcharge has a statutory limit of 25 cents per month for each mobile telephone and access line.

In order to provide oversight for the expenditure requests related to the fund, the Washoe County Commission established the Regional 911 Emergency Response Advisory Committee. The Committee is responsible for the improvement in 911 call answering in Washoe County at all of the primary and secondary 911 call centers.

Since the Committee's inception it has had a number of important accomplishments related to 911 improvements that have been funded by the 911 surcharge. Some of those include building and maintaining a master street address guide, which is necessary for matching caller locations.

In 1998 the Committee began installing intelligent work stations at the 911 centers to allow us to implement automated location indicator, to know where the caller is located. Installation of that equipment and full implementation of all these services was completed by 2000.

By 2007, the Committee had funded various projects to ensure that all wireless callers and vendors were phase II compliant, that is, automated location indicator compliant. That is a significant milestone when you compare us to other regions in the country.

In addition to these and other efforts, ongoing commitments funded through the surcharge include ongoing maintenance of the equipment at the 911 centers, and approximately \$650,000 for having our 911 phone lines available to the public.

The current 911 technology is outdated. Next Generation 911 is going to serve members of the public who are now using various types of technology to access the 911 centers. The best example of that is text messaging. It is not widely known that if you attempt to text message to a 911 center, that text message will not make it to that center. One of the most sobering examples of that is the shooting at Virginia Tech. There were literally hundreds of students that day who attempted to text message to 911, and those text messages were never received.

There are three areas NG-911 core capabilities will deal with: types of calls received, the ability to transfer and receive calls from 911 centers outside the local region, and the ability to accept additional information designed to facilitate emergency services. Some of those are text messaging, instant messaging, pictures, and videos.

Imagine coming upon an automobile accident that includes hazardous materials; you could take a photo of that accident scene, and send it to the 911 center so emergency responders can look at the picture, identify the hazmat placard on the vehicle, and as they approach the scene, prepare for their response to that event.

Other types of NG-911 that we want to support are personal medical devices. In the future, if you are at home and have a personal medical device, the future

will be that instead of you having to call a call center, the call will go automatically into the 911 center. Telematix is the in-vehicle communication device that currently uses a push button to contact a call center. All of this will be in the next generation. It is not supported now through our current technology.

Plans for Washoe County's migration to the NG-911 call center are currently hindered by our ending balance fund cap that is currently in statute. The cap is currently set at \$500,000, and the bill will increase that to \$1 million. The reason for that is, besides all the various things we are paying for now, we also want to begin the accumulation and planning for funding those additional, new technologies.

Preliminary quotes to begin the migration in Washoe County exceed \$600,000 in addition to the ongoing maintenance costs already being paid. Increasing that ending fund balance will give Washoe County the ability to begin multiyear projects by accumulating the funds needed to replace existing technology.

I want to mention that we brought this bill to the Senate, and worked with AT&T, Carson City, and Douglas, Lyon, and Elko Counties to make changes to the bill. The bill passed unanimously out of committee and the Senate.

Assemblywoman Spiegel:

I know that there are instances where people have their telephone service through their cable operator; would calls to 911 under those systems also be counted?

Rick Bareuther, Chair, 911 Washoe County 911 Emergency Response Advisory Committee; Manager, Information Technology, City of Sparks, Nevada:

Yes. Voice-over Internet Protocol (IP) technologies would be incorporated into our future systems. We are definitely looking at that and are aware of that need.

Chair Kirkpatrick:

Last session I worked on that bill at great length, but it did not pass out of committee right away because we were trying to define and limit it. We took the tour of Carson City's set up and I understand how important it is.

One of the things I had asked for last time was to let us know how much closer we are to achieving the 911 upgrade. This is a result of a bill that was overlooked from 2005 where we lost our ability to communicate throughout the state with E911. I was told in both 2005 and 2007 that the Governor's Office had let the contract expire and now we were starting over. I want to know

how much closer we were to being able to communicate with everyone. Maybe Ms. Walker can come up and refresh my memory because I worked with her on the bill last session.

Rick Bareuther:

Perhaps this was 800 megahertz radio.

Chair Kirkpatrick:

There were two pieces to the bill.

Rick Bareuther:

We were talking about interoperability and there was also a Motorola radio system involved.

Assemblyman Settlemeyer:

We discussed that certain counties were allowed to raise their fee to collect for 911 services through their phone bill. I remember we did increase it for Douglas County because I had a few unhappy constituents.

Chair Kirkpatrick:

This bill has a bit of history, so I am glad Mr. Settlemeyer remembers it too. It was very contentious at times.

Mary Walker, Minden, Nevada, representing Carson City, Douglas County, Lyon County, and Storey County:

There has been no change to the fee. One of the restrictions we had in the rural counties was that we had to tie it in with our franchise fees, and because of that, the rurals had not implemented it. That is the only thing that happened with the bill last session. We eliminated that requirement which gave us the equal opportunity that the urban communities have to establish that surcharge. The surcharge did not increase; it was tied to the franchise fee, which was eliminated.

Assemblyman Settlemeyer:

That refreshes my memory. We had the ability, but no way to implement it. There was another aspect to the bill that went into making sure the money could not be used for other emergency equipment unless it was directly related to the phone service.

Chair Kirkpatrick:

I have the same question we had last time. The facilities piece is very broad, saying facilities without limitation. I think we had the same discussion last time

about how to narrow it down. I am just trying to refresh my memory because we did not see any reports on how much work we had accomplished.

Mary Walker:

One of the things we had discussed with you when we took that tour was the problem in the rurals in regards to interoperability of radios. In our original bill we did want to use the expenditures for that because that was the need; that was taken out of the bill. We kept with the same type of usage that occurs in Washoe County.

You are correct about the second part of the bill. In 2005, the VHS system was being run by one of the state agencies. They wanted to dismantle that, but it was the only system we had. We did not have the funding to go to 800 megahertz. That is why we were looking at expanding the surcharge, to be able to use the funds for the radios that have interoperability in rural counties. That was taken out of the bill after all the work with the Legislature and the phone company.

Chair Kirkpatrick:

If we did not have the capability to communicate with each other through the use of radios, how are wireless and Internet technology going to be any different?

Mary Walker:

The county has worked with federal grants and worked with the Homeland Security committees to try to get funding to rectify a lot of those problems. They are taking that avenue to try to fix a lot of that interoperability.

Chair Kirkpatrick:

We are closer to our goal. If we allow for wireless and the Internet, how soon do you think we would be able to start up? Last session, we understood we had to work on upgrading our current 911 system before we added things to it. I want to make sure that our current E911 system is up to par and up to date. How long before you would switch over and make the new system a priority?

Mary Walker:

At this point in time, Carson City and Douglas are implementing the basics. They will eventually go into the second generation of technology.

One of the important things we see in this bill is expanding the end balance fund to \$1 million. That will give us the ability to raise the cash flow to pay for these improvements on a cash or a pay-as-you-go basis and not get into debt.

This is a better tool for us to manage our funds and save money. Funds will go directly to needed equipment and not to pay interest.

Chair Kirkpatrick:

Does anyone else have any questions? Does anyone else want to follow up on anything? Would the other counties that are more computer savvy than ours be able to implement the wireless system sooner?

Richard K. Vandenberg, Member, Washoe County 911 Emergency Response Advisory Board; Director, Communications and Technology, City of Reno, Nevada:

When you are talking wireless, there are two different flavors of communication. One is radio communication with public safety officers out in the field; that is the interoperability function. A big portion of our focus is the 911 dispatch operations to ensure that we are capturing those incoming 911 calls. Moving to the NG-911 allows us to shave seconds off of transfers of calls.

For example, if a call comes into the Reno center that really needs to be transferred to the Sparks center, it is a digital transfer, not a hook transfer that involves picking up the phone and calling another number. That is the true value of this NG-911 system technology.

Chair Kirkpatrick:

With no infrastructure to provide this at the present time, when driving through Tonopah, there are spots where I do not have any Internet service.

Richard Vandenberg:

The Internet service is a process by which you would get back into a 911 center, either through a cell phone call or through a wireless connection. It is your communication link out to a 911 center. If you are in an area that has no service whatsoever, I do not know you are there.

Chair Kirkpatrick:

Are we up to date with our infrastructure so that when we do implement wireless and Internet, we have the proper infrastructure in place? I do not want to see a situation where we do not have the basics but yet attempt to keep up with current technology and forget about the basics that kept us operating to begin with.

Richard Vandenberg:

I would say that we are much closer in communication statewide using Internet Protocol (IP) based communication than we will ever be using telephone or the

old analogue communication. It is much easier to send a signal between Reno and Washoe Valley, or even Las Vegas, via the IP connection than it is to try and fund an old analogue line between the two.

Chair Kirkpatrick:

Does anyone have any questions? Is there anyone who would like to testify in support of or in opposition to S.B. 59 (R1)? [There was no one.] Is there anyone who is neutral on S.B. 59 (R1)? Good morning, Ms. Foley.

Helen Foley, Las Vegas, Nevada, representing T-Mobile USA, Denver, Colorado:

T-Mobile's position nationwide is that they believe it is extremely important to have a functioning E911 system. They want to make sure that in every state there is this type of E911 system and that all of the funds that are appropriated from their customers, and all wireless customers, are used for that purpose. They do not have any problem extending that ending balance cap from \$500,000 to \$1 million, as long as all of those funds are used for that purpose. They believe they need to reach at least the \$1 million level in order to have a good, effective system.

Shortly, the day will come when we can locate everyone statewide with an E911 system. Three days ago in the Rachel area, my cousin was traveling from Carson City to Caliente and her car rolled over. It was a one-car accident. Someone found her, called E911, and they were able to rescue her and get her to the hospital. Unfortunately, she is paralyzed from the neck down, but they were able to save her life.

It is a system that is needed and I think that we are getting closer. We are in strong support of the bill, and we just want to make sure it is not used for other things besides the E911 system.

Chair Kirkpatrick:

Thank you, Ms. Foley. Does anyone have any questions? Does anyone else want to testify in neutral? [There was no one.] Mr. Slaughter, do you have anything else to add? [He nodded no.] We will close the hearing on S.B. 59 (R1). Is there anything from the public? [There was nothing.]

[Meeting adjourned at 10:08 a.m.]

RESPECTFULLY SUBMITTED:

Denise Sins
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 16, 2009

Time of Meeting: 9:02 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 44	C	William C. Reubart	Testimony in opposition to <u>Senate Bill 44</u>
S.B. 59	D	John Slaughter	Summary of Legislative History on the Enhanced 911 Surcharge