

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

**Seventy-Sixth Session
February 18, 2011**

The Assembly Committee on Ways and Means and the Senate Committee on Finance, Joint Subcommittee on Department of Public Safety/Natural Resources/Transportation was called to order by Chair Joseph M. Hogan at 8:08 a.m. on Friday, February 18, 2011, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, 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/76th2011/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).

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Joseph M. Hogan, Chair
Assemblyman Kelvin Atkinson
Assemblyman David P. Bobzien
Assemblyman Pete Goicoechea
Assemblyman John Hambrick

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Sheila Leslie

SUBCOMMITTEE MEMBERS EXCUSED:

Assemblywoman Maggie Carlton, Vice Chair
Senator Dean A. Rhoads

STAFF MEMBERS PRESENT:

Rick Combs, Assembly Fiscal Analyst
Mike Chapman, Principal Deputy Fiscal Analyst
Cathy Crocket, Program Analyst
Eric King, Program Analyst
Anne Bowen, Committee Secretary
Cynthia Wyett, Committee Assistant

Chair Hogan called the Joint Subcommittee to order.

Chris Perry, Acting Director, Department of Department of Public Safety (DPS), introduced Sheri Brueggemann, Administrative Services Officer (ASO) 3, DPS, and Lt. Jackie Muth, Commander, Office of Professional Responsibility, DPS.

Mr. Perry informed the Joint Subcommittee that the Department of Public Safety would be presenting nine different budget accounts. The first budget account would be the Director's Office and Sheri Brueggemann would be making the presentation.

DEPARTMENT OF PUBLIC SAFETY
DPS-DIRECTOR'S OFFICE (201-4706)
PAGE DEPARTMENT OF PUBLIC SAFETY-1

Sheri Brueggemann, Administrative Services Officer (ASO), Department of Public Safety (DPS), presented the Director's Office, budget account (BA) 4706.

Ms. Brueggemann referred to page 2 of [Exhibit C](#), "Director's Office BA 4706" which contained the Department's vision statement.

As illustrated on page 3 of [Exhibit C](#), the Department was structured to provide a wide range of highly visible Department of Public Safety services, including the nine divisions: the Director's Office, the Administrative Services Division, the Nevada Highway Patrol Division, the Investigation Division, the Division of Parole and Probation, the State Fire Marshal's Division, the Training Division, the Division of Emergency Management and Homeland Security, and the Records and Technology Division. Three offices overseen by the Department included the Office of Traffic Safety, the Office of Criminal Justice Assistance, and the Office of Professional Responsibility. Ms. Brueggemann noted that DPS also provided administrative support to the State Board of Parole Commissioners.

Page 4 of [Exhibit C](#) presented the Department's organizational chart. Ms. Brueggemann said the Joint Subcommittee would hear more specific details about the changes as the individual divisions presented their budgets. As an overview, Ms. Brueggemann directed the Joint Subcommittee's attention to the proposal to eliminate the position of executive officer to the director. It had also been proposed to eliminate the administrator, a captain's position in the Training Division, which would leave the current lieutenant in charge of the Division.

The organizational charts on Pages 5 and 6 of [Exhibit C](#) represented the Director's Office if the proposed consolidation with Administrative Services was approved.

Ms. Brueggemann said page 5 of [Exhibit C](#) represented the fiscal section and page 6 of [Exhibit C](#) represented the human resources section.

Page 7 of [Exhibit C](#) referred to funding sources. The Director's Office was funded through an intra-agency cost allocation. Ms. Brueggemann stated that this biennium the lab contracts for calibrating breath and alcohol testing equipment had been transferred to the Nevada Highway Patrol (NHP). She said previously this part of the Director's budget was allocated to the Nevada Highway Patrol (NHP) and the Parole and Probation Division, based on sworn, full-time equivalent (FTE) positions. The transfer was based on how underutilized the contracts were from Parole and Probation. According to Ms. Brueggemann, any honor guard expenses were allocated to all divisions based on sworn FTEs. The remainder of the Director's Office cost allocation was based upon the total FTE positions in the Department before the consolidation with Administrative Services.

Ms. Brueggemann said because of the consolidation of the Director's Office and Administrative Services the Administrative Services allocations had been added to the Director's Office exactly as they had stood in the Administrative Services' budget.

Regarding funding support for the divisions, the Director's Office consisted of General Fund support of approximately 34 percent, Highway Fund of 52 percent, federal funding of 4 percent, and other funding of approximately 10 percent. Ms. Brueggemann said when combined with Administrative Services, the General Fund provided approximately 36 percent, the

Highway Fund provided 44 percent, federal funding provided 9 percent, and other funding totaled approximately 11 percent.

Page 8 of [Exhibit C](#) listed the Director's Office budget enhancements. Ms. Brueggemann said the first request was to replace three computers over the biennium based on the Department of Information Technology's (DoIT) five-year replacement schedule.

The next request was to consolidate Administrative Services into the Director's Office to create efficiencies and reduce government.

Ms. Brueggemann said if the consolidation was approved, the administrator position title for the Administrative Services Division would no longer be needed. Therefore, the Department was requesting a reclassification of the administrator position to an administrative services officer (ASO) 4, which would appropriately classify the position consistent with other ASO 4s in state government.

Page 9 of [Exhibit C](#) illustrated the following budget reductions:

- Eliminate Honor Guard Training (E606) [decision unit Enhancement (E) 606]
- Eliminate the executive officer to the director (E690)
- Transfer breath alcohol calibrating lab contracts to the Highway Patrol (E908)

Ms. Brueggemann explained that by eliminating the executive officer to the director, the new ASO 4 position would absorb those duties. The executive officer position was currently filled and that person would likely be laid off.

Decision unit E908 would transfer the breath alcohol contracts to the Nevada Highway Patrol (NHP). Ms. Brueggemann said the breath alcohol contracts had been cost allocated to the NHP and Parole and Probation based on sworn, full-time equivalent (FTE) positions. The transfer was based on underutilization of the contracts by Parole and Probation. The NHP was the primary user of the contracts, and it was determined the Highway Patrol should pay for the contracts in their entirety.

Ms. Brueggemann referred to page 10 of [Exhibit C](#), which pertained to performance indicators. She said the Department's auditor had completed all the reviews and tests against each division's internal controls. Over the next

two years, four internal control documents would be reviewed and tested per year. Ms. Brueggemann said the Administrative Services Audit Division had been in communication with the other divisions and had held more frequent meetings because economic conditions required frequent communication and direction.

Ms. Brueggemann said the Department of Public Safety was committed to ensuring the safety of citizens and visitors in Nevada. Although there had been many reductions, it was anticipated that with the consolidation of the Director's Office and Administrative Services, the new division would be better prepared and organized to maneuver a difficult economic environment.

Chair Hogan requested information about the additional efficiencies that would result from the changes that had been outlined.

Ms. Brueggemann explained that with the consolidation of the Administrative Services Division into the Director's Office, the executive officer to the director position would be eliminated, which would account for savings of over \$100,000 per year. The administrative services officer (ASO) 4, which would replace the administrator position in Administrative Services, would assume the duties of the eliminated executive officer. Additionally, according to Ms. Brueggemann, there would be a sharing of resources, such as copy machines, phone answering, and staff to cover areas when employees called in sick.

Assemblyman Bobzien said he wanted to address decision unit Enhancement (E) 811, which had the Division administrator, an unclassified position, being changed to a classified administrative services officer (ASO) position. He noted that position had been changed from classified to unclassified service in 2005, and now it was going back to classified. Assemblyman Bobzien wondered whether there was any historical perspective on the change.

Ms. Brueggemann said she could not say exactly, but as she recalled, in 2005 all administrative service officer 4 positions were evaluated by the Human Resources Department. At that time it was determined that if the ASO 4s were the head of a division, they would be retitled as an unclassified administrator. Now that the Administrative Services Division was becoming part of another division, the unclassified administrator position was reverting back to an ASO 4.

Chair Hogan commented that the Administrative Services Division was specifically identified in *Nevada Revised Statutes* (NRS) 480.130. He asked whether it was part of the Department's plan to make the necessary change in the law.

Ms. Brueggemann explained that a bill draft request (BDR) had been submitted to eliminate that statute if the proposal was approved.

Senator Leslie requested that someone from the Department of Public Safety discuss decision unit Enhancement (E) 908 regarding the breathalyzer contracts. She was concerned with the claim that the Division of Parole and Probation (P&P) was underutilizing breathalyzers.

Mr. Perry responded that the use of the breathalyzers was done primarily by the Highway Patrol. He further stated that the Division of Parole and Probation still used breathalyzers, but not to the extent of the Highway Patrol, and this was the best way of rectifying that problem.

Senator Leslie inquired as to what agency calibrated the breathalyzers.

Mr. Perry explained that the calibration was done by local law enforcement. In most cases calibration was performed by the Las Vegas Metropolitan Police Department.

Senator Leslie inquired as to what the contract did and whether it concerned purchasing the breathalyzers.

Ms. Brueggemann stated the contracts were contracts with the Las Vegas Metropolitan Police Department and the Washoe County Sheriff's Department, and those agencies conducted the calibration of the devices. Law enforcement took their devices to the agency to be tested and calibrated on a fairly regular basis, and the Department of Public Safety paid for the contracts.

Senator Leslie asked how the breathalyzers were purchased. Mr. Perry replied that the breathalyzers were purchased by the agency that calibrated them. He believed there was a separate fund that purchased the breathalyzers for the entire state, but the Department of Public Safety had no involvement in purchasing them.

Senator Leslie said she did not want to leave the impression that the Division of Parole and Probation did not use breathalyzers. She acknowledged that the

Nevada Highway Patrol (NHP) used the breathalyzers more, but the P&P officers she knew used them, so it seemed odd to her. Senator Leslie asked whether it was better management to have decision unit Enhancement (E) 908 transferred from the Director's Office budget to the NHP budget account.

Ms. Brueggemann explained that the contract had been within the Director's Office budget for quite some time. The breathalyzers were allocated to both Parole and Probation and the Highway Patrol based on the sworn FTE count. She said that after receiving data back from Las Vegas Metro and the Washoe County Sheriff's Office that the number of devices calibrated was significantly lower for Parole and Probation than for the Highway Patrol. It was determined it would be better for the Highway Patrol to handle the contracts and not allocate a portion to the Division of Parole and Probation.

Senator Leslie asked whether P&P was having the breathalyzers calibrated as often as they should.

According to Ms. Brueggemann, P&P did not use the breathalyzers as often as the Nevada Highway Patrol. It was her understanding that P&P used blood tests more frequently than the breathalyzer.

Mr. Perry commented that he did not think there had been any decrease in the use of breathalyzers at P&P; however, the frequency was much lower than the Highway Patrol usage.

In response to a question from Senator Leslie, Mr. Perry commented that he doubted that P&P used more blood tests than breathalyzer tests, but he would have to research the question.

Senator Parks referred to the Committee on Testing for Intoxication and wondered whether it was appropriate to keep funding for the breathalyzer testing in the Director's Office account.

Ms. Brueggemann explained that the Committee on Testing for Intoxication was in the budget, but the Committee had nothing to do with the calibration contracts, which were handled separately.

Chair Hogan closed the hearing on budget account 4706 and opened the hearing on budget account 4707.

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF PROFESSIONAL RESPONSIBILITY (201-4707)
BUDGET PAGE PUBLIC SAFETY-13

Lt. Jackie Muth, Commander, Office of Professional Responsibility (OPR), Department of Public Safety (DPS), presented budget account (BA) 4707.

Lt. Muth explained that page 2 of [Exhibit D](#), "Office of Professional Responsibility, 2011-2013 Budget Request," listed the mission of the Office of Professional Responsibility (OPR). She said OPR was the internal affairs branch of the Department of Public Safety.

Page 3 of [Exhibit D](#) depicted the organizational chart for the Office of Professional Responsibility (OPR). Lt. Muth pointed out that OPR reported directly to the Director, making it an independent investigative body within the Department of DEPARTMENT OF PUBLIC SAFETY. Currently, OPR had five full-time equivalent (FTE) positions, consisting of one lieutenant, three sergeants, and one administrative assistant. Lt. Muth said that with current staffing levels, OPR had one investigator for every 375 employees within the Department, including the lieutenant position.

Lt. Muth referred to page 4 of [Exhibit D](#), which was the breakdown of performance indicators. She said the first indicator listed was being eliminated because the Department had identified a better way to measure the performance of OPR, which was now captured in the third indicator. Lt. Muth explained that the process had been streamlined which changed procedures. Because the indicator did not measure the performance of staff or office, it had been eliminated.

The second performance indicator related to the training of supervisors within the Department. Lt. Muth informed the Joint Subcommittee that newly promoted supervisors and all existing supervisors within the Department were trained every two years. She said the training kept supervisors current within the discipline, and in the last fiscal year, approximately 65 supervisors had been trained.

Lt. Muth said the third and newest indicator related to Category 1 investigations, which were the most serious and time-consuming investigations. The Department's primary objective was to reach a conclusion on these cases as quickly as possible, not only to clear an employee or administratively charge an employee, but also to reduce the cost of employees on administrative leave.

or administrative duty during the investigation. Lt. Muth maintained it was also a more efficient way of measuring OPR's performance than the indicator that was being requested for elimination.

Page 5 of [Exhibit D](#) showed a breakdown of investigations by division and the total number of cases over the last four fiscal years. Lt. Muth noted the numbers were fairly consistent and said the chart was significant as it supported the change in methodology regarding the cost allocation. Previously, the sworn divisions were charged according to the number of sworn FTEs. Under the new methodology, the cost allocation was based upon the number of cases per division, both sworn and nonsworn. Lt. Muth said the new methodology was a more accurate representation of the services provided department-wide. She noted that approximately 10 percent of all cases investigated by the Office of Professional Responsibility (OPR) were for nonsworn personnel.

Assemblyman Bobzien asked what type of investigation ensued when investigating nonsworn, or civilian, personnel.

Lt. Muth said civilian cases that could result in the end of a career or termination, suspension, or demotion of an employee were handled by the Office of Professional Responsibility.

Lt. Muth said page 6 of [Exhibit D](#) illustrated OPR's funding sources, with the primary source being the Highway Fund at 76 percent, followed by General Fund at 22 percent.

In response to a question from Assemblyman Goicoechea, Mr. Perry said there were a number of things that could cause a nonsworn employee to be investigated by the Office of Professional Responsibility. In many cases, nonsworn employees were held to the same standards as sworn personnel. Mr. Perry said honesty, for example, had been a problem in the past. As either a sworn officer, or an unsworn employee in a law enforcement agency, honesty was of paramount importance. Mr. Perry said the Department of Public Safety did not draw a distinction between sworn and nonsworn personnel, as far as their performance and their behaviors were concerned.

Lt. Muth said page 7 of [Exhibit D](#) showed the budget summary with the total request for fiscal year (FY) 2012 of \$605,433 and a total for FY 2013 of \$607,489. There were no enhancements requested in budget account (BA) 4707.

Page 8 of [Exhibit D](#) identified the major accomplishments for the Office of Professional Responsibility:

- Funding allocation change.
- Completion of Administrative Investigation Manual.
- Designed and implemented "truthfulness" training for all Department employees.
- Streamlined the administrative process to shorten the length of time from the initiation of an investigation until disciplinary action is imposed.

Chair Hogan requested information regarding the factors that were considered in the recommendation to change the allocation methodology.

Lt. Muth replied that by the old methodology, divisions such as Parole and Probation, that had a fewer number of cases, were paying amounts equal to the Nevada Highway Patrol Division, when the caseload was significantly different. It was a fairer representation to the divisions to pay per case instead of per employee. For example, the Highway Patrol was a uniform division that was much more visible to the public and generated more complaints based on the nature of the work.

Assemblyman Hambrick asked whether the Office of Professional Responsibility performed anything other than administrative investigations and whether criminal investigations were referred to another agency.

Lt. Muth replied that all criminal investigations were referred to the Office of the Attorney General, which by statute had the first right of refusal for any criminal investigation on a state employee. The Office of Professional Responsibility did not perform any criminal investigations.

Assemblyman Hambrick asked what would happen if the Attorney General declined to handle an investigation.

Lt. Muth stated that if the Attorney General's Office declined a case for any reason or requested it be returned to the Department of Public Safety, it would be turned over to the Investigation Division for a criminal investigation. The case would maintain the separate and unbiased investigation between the two branches.

Lt. Muth remarked that the budget request would allow the Office of Professional Responsibility to continue to provide the present level of administrative investigations and services and it would continue to ensure public trust and integrity within the Department.

Chair Hogan requested further explanation of the Administrative Services budget.

Lt. Muth explained that the Office of Professional Responsibility (OPR) conducted an early warning system with employees within the Division. The early warning system was designed to be a positive approach to identifying employees who might be experiencing adverse, job-related problems. It was designed to be an intervention instead of a disciplinary function. Lt. Muth said that was an area where OPR performed services that would not be considered an investigative service. The OPR tracked all tort claims and use of force claims to determine whether the agency needed further training in a certain area. Lt. Muth said training was a big component of OPR's responsibilities.

Chair Hogan closed the hearing on budget account (BA) 4707 and opened the hearing on BA 4714.

DEPARTMENT OF PUBLIC SAFETY
DPS-ADMINISTRATIVE SERVICES (201-4714)
BUDGET PAGE DEPARTMENT OF PUBLIC SAFETY-28

Sheri Brueggemann, Administrative Services Officer (ASO) 3, Administrative Services Division, Department of Public Safety (DPS), presented budget account (BA) 4714.

Ms. Brueggemann referred to page 2 of [Exhibit E](#), "Division of Administrative Services 2009-2011 Budget Request," which contained the statute that defined the Division of Administrative Services. Operationally, the Division of Administrative Services was split into a fiscal section and the human resources section.

According to Ms. Brueggemann, the cost allocation was charged to all operating Department of Public Safety (DPS) budget accounts. The allocation used several different cost pools to determine the charge to each division. The fiscal side had used measurable outputs for the past several biennia. Previously, the human resources section cost-allocated based on the full-time equivalent (FTE) count within the Division. Human resources now had measurable outputs that

the cost pools were based on. The outputs were the number of employee status maintenance transactions (ESMT), the number of applicants from delegated recruitments, and the number of disciplinary issues in hearings. Ms. Brueggemann said the change allowed for more accurate charges to the divisions based on the services provided to the Division. Funding support from the Divisions was approximately 36 percent General Fund, 42 percent, Highway Fund, 10 percent federal funds and, and other sources 12 percent.

The Motor Carrier Safety Assistance Program, budget account (BA) 4721 [Highway Safety Grants Account], had never previously paid cost allocations because no federal department was inclined to certify the cost-allocation proposal. However, Ms. Brueggemann said the Department had recently received approval from the Federal Emergency Management Agency (FEMA). The Department had also recently received approved change orders that would allow the Motor Carrier Safety Assistance Program (MCSAP) to pay for the cost allocation beginning July 1, 2011. Ms. Brueggemann said the Department would be happy to work with staff and the Budget Division to adjust decision unit Enhancement (E) 905. It was a transfer unit that moved the cost allocations from BA 4721 into BA 4713 [Highway Patrol].

Referring to Page 4 of [Exhibit E](#), Ms. Brueggemann said performance indicators were an attempt to measure the quality of service provided by the Administrative Services Division. The performance indicators remained the same, except that number 4 was being replaced with number 5. Ms. Brueggemann explained that because of the turnover of the contracts manager and the staff time needed to track the steps completed, performance indicator number 4 was replaced by number 5, where the quality of the final product could be better judged.

The organizational charts were located on pages 5 and 6 of [Exhibit E](#). Page 5 showed the fiscal section and page 6 showed the human resources section. The FY 2011 legislatively approved budget provided 25.53 FTE. The fiscal year (FY) 2012 and FY 2013 request was 28.53 FTE. Ms. Brueggemann said that when combined with the Director's Office the request was 32.53 FTE.

Ms. Brueggemann said page 7 of [Exhibit E](#) illustrated the Department's enhancements. There was a small evidence vault at headquarters in Carson City, and if the new budget account for the evidence vaults was approved, the space would be used for the backgrounds investigation unit, supervised by the human resources section.

According to Ms. Brueggemann, the most important request was the transfer unit associated with the centralization of the fiscal duties for the smaller divisions. She said the goal, aside from budget savings, would be to provide fiscal services efficiently without compromising support to the division chiefs. Ms. Brueggemann said the Department had found that centralizing the senior fiscal operations could in many cases expedite projects, especially those calling for analysis. Currently, all of the divisions must submit everything through headquarters where it was reviewed and often reworked. Ms. Brueggemann said the analysis would be more consistent and actually save time without duplicating effort. She noted the transition had been planned to begin four months into the fiscal year to provide time to set up the proper organization.

Assemblyman Bobzien asked whether the Administrative Services Division would achieve the full streamlining benefits if only a portion of the fiscal support positions were transferred. He asked why all fiscal support positions within the Department of Public Safety were not being transferred.

Ms. Brueggemann explained that the Department was beginning to centralize fiscal operations in Administrative Services. The processes had been reviewed and it was found that the smaller divisions had lower level fiscal staff and could not support the analysis necessary without Administrative Services staff reanalyzing. Ms. Brueggemann said it was not that those individuals, or the positions that were lacking, it was staffing, time, and training. She said some of those individuals would be transferred into the Division, if the consolidation was approved, and be trained. The intent originally was for fiscal savings and that would be achieved under the consolidation.

Assemblyman Bobzien asked whether the consolidation was presently "a toe in the water" and other divisions would be added later.

Ms. Brueggemann acknowledged that it was possibly "a toe in the water," but the bigger divisions had the necessary level of staffing. Adding the larger divisions was not something the Department was pursuing immediately, and the consolidation was a test to see how well it worked. If it was discovered that the consolidation was not working very well, the Department would not take on more than it could handle.

The decision unit Enhancement (E) 904 request shown on page 9 of [Exhibit E](#) transferred the Highway Patrol program officer to the human resources section to supervise the background unit.

Ms. Brueggemann said decision unit E606 and decision unit E691 eliminated two positions from the fiscal unit. One of the positions was vacant and the other was currently filled. Ms. Brueggemann said because of the consolidation and centralization, higher-level positions were required to deal with a wide range of higher-level fiscal issues.

On page 10 of [Exhibit E](#), Ms. Brueggemann referred to the budget consolidation. She explained the consolidation effort would realize efficiencies by sharing resources and narrowing the reporting structure. The consolidation allowed for savings through the elimination of the executive officer to the director.

In answer to a question from Assemblyman Bobzien, Ms. Brueggemann said fiscal services had been scanning all the Department's fiscal documents. She said the Department had worked toward allowing the fiscal staff to be able to access fiscal documents online. However, the divisions were not sending original documents to Administrative Services, but copying them and keeping their own set of records, creating a duplicate effort. Ms. Brueggemann said the Department was aware that statute did not allow for the saving of records in this manner as an accurate record. A scanned record was not acceptable. She further said that because of the budget and economic conditions, it had been decided to discontinue the scanning of documents.

Chairman Hogan closed the hearing on budget account (BA) 4714 and opened the hearing on BA 4701.

DEPARTMENT OF PUBLIC SAFETY
DPS-EVIDENCE VAULT (101-4701)
BUDGET PAGE-PUBLIC SAFETY-17

Chris Perry, Acting Director, Department of Public Safety (DPS) introduced Sylvia Barela, Program Officer, Nevada Highway Patrol Division, DPS.

Sheri Brueggemann, Administrative Services Officer (ASO) 3, Administrative Services Division, Department of Public Safety (DPS) presented the Evidence Vault, budget account (BA) 4701.

Page 2 of [Exhibit F](#), "Evidence Vault 2011-2013 Budget Request," contained the program statement for BA 4701. Originally, the sworn divisions each had separate evidence procedures throughout the state. Ms. Brueggemann said that in the last few years the Department had consolidated and centralized the evidence vault program; however, the expenses remained in three different

budget accounts. The Department had requested consolidation of all evidence expenses into BA 4701.

Page 3 of [Exhibit F](#) contained the organizational chart representing the six employees that comprised the staff in the Evidence Vault Account. Five of the employees were currently assigned to the Highway Patrol budget account 4713 and one was assigned to the Division of Investigations, budget account 3743. Ms. Brueggemann said the organizational chart represented the current structure, which preserved evidence integrity and separated the collection of evidence from the storage of evidence.

Ms. Brueggemann said currently, evidence vault expenses were supported by the Highway Patrol, the Investigations Division, and the Division of Parole and Probation. The Highway Patrol currently supported over 80 percent of the expenses.

According to Ms. Brueggemann, if budget account (BA) 4701 was approved, the expenses related to the evidence vault would be in one location. Costs would be allocated to the divisions based on the inventory of evidence.

When preparing the budget, Ms. Brueggemann said there were six quarters of inventory upon which to base the allocation. The Highway Patrol had approximately 56 percent of the evidence inventory statewide; the Division of Investigations had approximately 31 percent; and the Division of Parole and Probation almost 13 percent. The Fire Marshal also had an evidence inventory of only a fraction of a percent [0.28 percent]. As a result, the divisions would pay a cost allocation based on this inventory. Ms. Brueggemann said by the next biennium there would be two full years of inventory, and percentages would be reevaluated at that time.

Budget enhancements were contained on page 7 of [Exhibit F](#). Ms. Brueggemann stated that because budget account (BA) 4701 was new, there was no history or base, except expenses located in the other budgets. She explained that those expenses had been identified and transferred into BA 4701. There was also a request to fund additional northern Nevada evidence space in Reno. The rental of the property was underway based on a work program recently approved to acquire the space adjacent to the Reno Highway Patrol office. Ms. Brueggemann said evidence vaults were out of space, and it was a great opportunity to find a place close to the Highway Patrol in Reno, which added to the security.

Performance indicators for budget account (BA) 4701 were listed on page 8 of [Exhibit F](#). Two performance indicators were included in the budget request. Ms. Brueggemann stated that evidence could remain in storage for many years because the disposition of cases was not always received by the evidence custodians.

Ms. Brueggemann said the second indicator would help evidence vault personnel improve performances. There were times when the evidence was temporarily stored, which drew upon the evidence custodian's time. The goal was to eliminate temporary storage as much as possible to eliminate delays in locating evidence. According to Ms. Brueggemann, as of yesterday, there were more than 44,214 cases and more than 63,264 pieces of evidence statewide.

Assemblyman Bobzien referred to the funding request for the Evidence Vault account and asked whether additional overtime would be necessary once the system was in place.

Ms. Brueggemann replied that it was difficult to determine whether all the expenses related to overtime had been captured. She pointed out evidence vault custodians were called out on a regular basis when a car had to be locked up, and they were the only ones with access to perform that duty.

Assemblyman Bobzien requested an explanation of what the premium truck was for, and why it was necessary instead of a standard vehicle.

Ms. Brueggemann replied that the truck was a Highway Patrol vehicle which was used for evidence burns and to move evidence from one location to another.

Assemblyman Bobzien inquired about the evidence vault inventory audits, which were performed by a Department of Public Safety auditor and the evidence vault program officer, and wondered whether it was more of an inventory count than an actual audit. He opined that it was a little unusual that an audit would be performed by staff assigned to the program itself.

Ms. Brueggemann explained the auditor was the Department auditor and assigned to the Director's office. The funding for the auditor was not in the Director's Office budget account because it was so specific to budget account (BA) 4701. Ms. Brueggemann said it was to ensure that proper auditing was being performed from an outside service, the Director's Office auditor.

She further explained that the audit would not be performed by evidence custodians, although their presence was required at the audit.

Ms. Brueggemann summarized that the value of this small group of people was so significant that the Department needed to focus on the operation as well as the costs. While this was very difficult when the individuals reported to different divisions, the goal was to isolate the operation, improve it, and support it, while being able to evaluate the associated expense.

Chair Hogan requested information on the status of the new northern evidence vault.

Sylvia Barela, Program Officer 2, Nevada Highway Patrol Division (NHP), Department of Public Safety (DPS) said the lease on the northern command property room was in place and was at the Office of the Attorney General awaiting signature. The Department was planning to take possession of the property sometime in mid-March. Ms. Barela explained that after taking possession of the property, the Department would move and consolidate the Carson City-Reno property room. She added that the plan would eventually close the Fallon property room, and it would be combined with the northern Nevada location in Reno.

In answer to a question from Chair Hogan, Ms. Barela said the new evidence room location would be servicing the entire northern area.

Senator Parks asked what the Department anticipated as the benefit of creating the account.

Ms. Brueggemann responded that presently the expenses were scattered within three different budget accounts. She noted that it was impossible to evaluate how cost-effective the operation was, because it was scattered. By centralizing all the costs into one budget account, the cost and expenses could be monitored. She pointed out another problem was having four or five employees reporting to one division and another employee reporting to yet another division, which created conflicts of procedures and time. Ms. Brueggemann said she was hoping by putting everything into one budget account, the Department could evaluate the expenses, monitor them more carefully, and then continue with a more consistent procedure statewide.

Senator Parks commented that protection of assets was important, and in considering the number of evidence facilities and the limited staff, he wondered

what checks and balances were in place. He also asked if there was backup staff available because evidence was collected on a 24-hour, 7-day-per-week basis.

Ms. Barela replied that the Department had backup staff that assisted the full-time staff statewide. The backup staff came from other divisions within the Department of Public Safety to assist when the custodian was either sick or on annual leave.

Senator Parks noted the Department had temporary evidence lockers at nine different locations and asked whether employees from the Evidence Vault Account went to those lockers to retrieve the evidence. He wondered whether the temporary evidence lockers were maintained strictly by the Highway Patrol Division and whether the NHP had the responsibility to move pieces of evidence to the central repository.

Ms. Barela replied that, currently, the Department had nine temporary sites with temporary evidence lockers. The officers took the items of evidence from the temporary lockers and transported that evidence to a permanent location. There were permanent locations in Las Vegas, Elko, Carson City, and Reno. The officers maintained the chain of custody until the items were deposited in the permanent property room.

Senator Parks said he would like to follow up on a question that Mr. Bobzien asked concerning the truck and asked Ms. Barela to describe it.

Ms. Barela said the truck was equipped to transport large or small items of evidence. It had a cover over the bed in case the officers needed to put items inside to secure them while transporting. She commented that the truck was one of the Highway Patrol vehicles that had a radio installed for the evidence custodians' safety.

Senator Parks asked whether it was more like a pickup truck, and additionally, whether chain of custody could be maintained in the vehicle. Ms. Barela replied that it was more like a pickup truck and chain of custody could be maintained.

Chris Perry, Acting Director, Department of Public Safety (DPS), said he believed it was important to note that the temporary storage facilities were all electronically controlled. Once an item was put in by an officer who seized it, the item stayed in an electronically controlled lockbox until it was removed by a person who was designated to take the evidence to a holding facility. Mr. Perry

said there was a printable copy of the record of that piece of evidence from the time it was entered into the temporary evidence locker until it went to the long-term storage facility.

Chair Hogan closed the hearing on budget account (BA) 4701 and opened the hearing on BA 3673, BA 3674, and BA 3675.

DEPARTMENT OF PUBLIC SAFETY
DPS-EMERGENCY MANAGEMENT DIVISION (101-3673)
BUDGET PAGE-PUBLIC SAFETY-106

DEPARTMENT OF PUBLIC SAFETY
DPS-EMERGENCY MANAGEMENT ASSISTANCE GRANTS (101-3674)
BUDGET PAGE-PUBLIC SAFETY-116

DEPARTMENT OF PUBLIC SAFETY
DPS-HOMELAND SECURITY (101-3675)
EXECUTIVE BUDGET PUBLIC SAFETY-215

Chris Perry, Acting Director, Department of Public Safety (DPS), introduced James M. Wright, State Fire Marshal. Mr. Perry said Mr. Wright was also acting in the capacity of Chief of the Division of Emergency Management and Office of Homeland Security.

Mr. Wright presented budget account (BA) 3673, BA 3674, and BA 3675. On page 2 of [Exhibit G](#), "Budget Request 2012-2013," was the mission statement and statutory authorities for the Emergency Management and Homeland Security Division.

Mr. Wright said it was the Division's mission to coordinate the efforts of the state and its political subdivisions in partnership with private and volunteer organizations and tribal nations in reducing the impact of disasters.

Page 4 of [Exhibit G](#) illustrated the current Emergency Management and Homeland Security organizational chart.

Page 5 of [Exhibit G](#) was a proposed organizational chart for the integration of the State Fire Marshal Division and the Division of Emergency Management and Homeland Security. Mr. Wright stated that the Department was looking for efficiencies and possible restructuring of divisions with complementing disciplines and operations. Mr. Wright noted that many of the fire services

throughout the state were involved in Homeland Security matters, and a number of fire chiefs served as emergency managers. It was discovered that both divisions were involving the same customers.

Mr. Wright commented that the organizational chart indicated vacancies in both divisions. He pointed out the proposed position of the Fire Marshal who would serve as a deputy chief to the emergency management chief. The new combined position of deputy chief would assist the emergency management chief by assuming duties in his absence and in disaster operations when the state Emergency Operations Center was activated.

Page 6 of [Exhibit G](#), provided a projection of the fiscal year (FY) 2012, budget account for 3674, the grants pass-through account. Mr. Wright commented that a good portion of the funds were from the U.S. Department of Homeland Security, followed by the Federal Emergency Management Agency (FEMA) Emergency Management Performance grant, and other FEMA Disaster and Hazard Mitigation Grants, and the U.S. Department of Energy. Page 7 of [Exhibit G](#) provided a projection for FY 2013.

Mr. Wright pointed out on page 8 of [Exhibit G](#), revenue projections for budget accounts 3673 and 3675, the operating revenues. A large portion of the revenue funds were coming from Homeland Security grants and the FEMA Emergency Management Performance Grant, followed by portions from the Department of Energy, the State General Fund, and the FEMA Disaster and Hazard Mitigation grants.

Page 9 of [Exhibit G](#) showed the same revenue projections for FY 2013.

On page 10 of [Exhibit G](#), the agency outlined the decision units for the budget reductions for BA 3673, Division of Emergency Management. The first decision unit Enhancement (E) 251 dealt with a change in funding for cost allocation for personnel costs relative to various positions, which achieved a General Fund reduction and increased the allocation to federal funds.

Decision unit E690 was a change in funding for cost allocation for personnel costs related to three specific positions. It also achieved a General Fund reduction and increased the allocation to federal funds.

Mr. Wright explained that decision unit E691 was where the Division of Emergency Management, because of budget reductions, eliminated the deputy administrator position. In the proposed integration plan, the State Fire Marshal

would act in a dual role of Fire Marshal and deputy administrator for the Division of Emergency Management.

Assemblyman Bobzien, referring to the deputy administrator and Fire Marshal integration, asked how those two positions would be balanced.

Mr. Wright explained that the Fire Marshal function would have the priority. The integration plan would allow the Fire Marshal to fill in if the chief of the Emergency Management Division was absent. The key focus was having a chief-level person readily available in the event of a disaster for oversight of the state Emergency Operations Center.

Assemblyman Hambrick asked whether the new division had any responsibility for the Nevada Test Site in southern Nevada. Mr. Wright said the state had no responsibility for the Nevada National Security Site (NNSS), which was the new name for the Test Site.

Mr. Wright continued his presentation on page 11 of [Exhibit G](#). Decision unit E670 reflected the reduction for the projected 5 percent salary reductions for the biennium.

Decision unit E671 suspended the merit increases for the biennium and E672 suspended longevity payments.

Decision unit E800 was a clean up for the internal cost allocation for services provided by the Director's Office accounts.

Page 12 of [Exhibit G](#) contained a budget summary for budget account (BA) 3673, the Division of Emergency Management, and provided the total funding requested for fiscal year (FY) 2012 and FY 2013. Mr. Wright said the bottom numbers showed the percentage reduction compared with the previous biennium.

Mr. Wright referred to page 13 of [Exhibit G](#) which demonstrated budget reductions for the Homeland Security budget account (BA) 3675. Decision unit Enhancement (E) 250 was a funding cost-allocation change for in-state travel, which provided a reduction in General Fund support and maximized the use of federal funds. Decision unit E252 was similar for out-of-state travel.

Decision unit E253 was a funding cost-allocation change for personnel costs related to two positions. Mr. Wright said that E253 achieved General Fund savings and leveraged more federal funds.

Mr. Wright referred to the decision units on pages 13 and 14 of [Exhibit G](#):

- Decision unit E254 was a funding cost-allocation change to fund operating costs the same way positions were funded.
- Decision unit E255 was a funding cost-allocation change to deal with technology costs the same way positions were funded.
- Decision unit E256 was a funding cost-allocation change to fund Purchasing Assessments.
- Decision unit E670 was the 5 percent salary reduction for the 2011-2013 biennium.
- Decision unit E671 suspended merit increases for the 2011-2013 biennium.
- Decision unit E672 suspended longevity payments for the 2011-2013 biennium.

Decision unit E690 reflected elimination of a grants and projects analyst 3 position, which would result in the loss of staff liaison between the State Emergency Operations Center and the Nevada Threat Analysis Center, which are housed in the same facility. Mr. Wright said the agency would be working to close a gap to maintain a constant flow of information between the two entities.

Decision unit E691 was a funding cost-allocation change for personnel costs related to one position. It reduced the General Fund and increased the allocation of federal funds.

Decision unit E800 changed the Department's internal cost allocation for services provided by BA 4701, BA 4706, BA 4707, BA 4714, and BA 4733.

Mr. Wright said page 16 of [Exhibit G](#) showed the budget summary for Homeland Security, budget account (BA) 3675. Page 16 demonstrated the

total funding requested for each year of the biennium and the percentage of reduction compared with the previous biennium.

On page 17 of [Exhibit G](#) performance indicators were shown for Emergency Management, budget account (BA) 3673.

Mr. Wright remarked that in reviewing the performance indicators, several operations were demonstrated. He said the first performance indicator showed the number of statewide or local emergencies receiving emergency and tasking assistance or support. Mr. Wright said this was typical of duty chiefs handling requests from local government. For an example, Mr. Wright said that in the last few days the Department had assisted Nye County with a lost individual. He said the Department had procured resources for local government and helped Nye County take care of the matter in its local jurisdiction.

Mr. Wright referred to page 18 of [Exhibit G](#) which showed the performance indicators for the Emergency Management Assistance Grants pass-through account, BA 3674. The percentage of subgrantees receiving compliance reviews and the percentage of subgrantees receiving grant management training were shown on page 18.

On page 19 of [Exhibit G](#) were the performance indicators for budget account (BA) 3675 for Homeland Security operations.

On pages 20 and 21 of [Exhibit G](#) the Department listed its major accomplishments.

Chair Hogan asked how the major accomplishments of the Emergency Management and Homeland Security Division would be affected, if at all, by the Governor's staffing reductions for the Fire Marshal's office.

Mr. Wright responded that the integrated division could maintain its mission. He acknowledged the possibility of difficulties with response times, but the integration had been structured so the mission could still be completed in new and innovative ways.

Senator Leslie commented that she served on the National Commission on Children and Disasters, and asked Mr. Wright if he was familiar with its report. She further wondered whether the Division was making an effort with the tribal governments to ensure coordination with their children on disaster issues.

Mr. Wright commented that with three weeks as acting chief he was not specifically aware of the National Commission on Children and Disasters report. He noted that it was a large responsibility to include the tribal nations in all aspects of Emergency Management and Homeland Security.

Senator Leslie remarked that what had been determined at the national level was the "big gap" in coordinating local efforts with the emergency response. Schools had their own evacuation plans but did not necessarily coordinate with their local and state emergency disaster groups. Senator Leslie acknowledged there was no funding. While there was funding from the federal level, it was not designated to specific training. She pointed out that in a disaster every parent's first thought was "where are my kids," and no matter what you told them they should be doing, they were going to go find their children. Senator Leslie said the report to the President and Congress provided some very specific things that Nevada should be doing.

Mr. Wright assured Senator Leslie that he would give close attention to her requests.

Mr. Wright informed the Joint Subcommittee that page 22 of [Exhibit G](#) listed divisional goals for fiscal year (FY) 2012 and FY 2013.

Mr. Wright further apprised the Joint Subcommittee that there had been meetings with the divisions, and establishing goals was very important. He said he tried to instill goals within divisions by continuing to improve the image, reputation, and mission services provided by the Emergency Management and Homeland Security Division.

On page 23 of [Exhibit G](#), several divisional goals were listed to reach statewide compliance with the National Incident Management System (NIMS). Mr. Wright said the Division would strive to achieve 100 percent NIMS compliance throughout all jurisdictions.

According to Mr. Wright the Division would continue to progress with the NIMS Credentialing project, which was a nationwide process for credentialing first responders. Should the Division be tasked with sending first responders from Nevada to a disaster outside of Nevada, their training and credentials would be accepted by the receiving entity in any other state.

Mr. Wright read the following summary into the record:

I would like to state that the Division of Emergency Management and Homeland Security will continue focusing a significant amount of its effort and resources to ensure that the state maintains a strong readiness capability to respond to and recover from any type of disaster through ongoing planning initiatives, training, emergency support functions, and scenario-based exercises of plans, operational concepts, specialized training, and use of equipment.

To ensure efficiency and effective state coordination of resources in response to emergencies or disasters and to maximize mitigation efforts to reduce the risk of property loss and economic disruption from catastrophic events through implementation of hazard mitigation programs.

To ensure efficient and equitable distribution of federal grant funding to political subdivisions to aid in emergency planning, training, exercise, and equipment needs based upon federal program guidance.

Chair Hogan asked whether there was a possibility that some of the federal fund flows could carry a matching requirement.

Mr. Wright responded that he did not anticipate any additional match requirements. He said the grant distribution for this federal fiscal year was probably going to have some tight time frames, and a process where the Division normally had 90 days was going to be compressed into 30 days. Mr. Wright said the major concern about the compressed time frame was with submitting grant proposals.

Senator Parks remarked that he had noticed in several of the previous budget accounts there appeared to be a reduction of General Fund expense and an increase in allocation of federal revenues. He requested some assurance that Nevada would not get into a supplanting issue and asked Mr. Wright to comment on that.

Mr. Wright thanked the Senator for bringing up the subject and said supplanting was always a concern when dealing with federal funds. As the budget was developed, the Division considered all possible situations that could occur and, additionally, wanted to maximize the use of the federal funds. Mr. Wright

assured the Joint Subcommittee that the Division was aware of supplanting issues and was being careful in dealing with them.

In response to a question from Senator Parks, Mr. Wright said the Department of Public Safety had made significant progress with Nevada's public safety radio systems. He said the interoperable vehicles now being used were quite sophisticated.

DEPARTMENT OF PUBLIC SAFETY
DPS-FIRE MARSHAL (101-3816)
BUDGET PAGE PUBLIC SAFETY-131

James M. Wright, Chief, State Fire Marshal Division, Department of Public Safety, provided an overview of the State Fire Marshal Division, budget account (BA) 3816.

Page 2 of [Exhibit H](#), "Budget Request 2012-2013," provided the Division's mission statement and statutory authority. It was the mission of the State Fire Marshal to protect life, property, and the environment from fires and hazardous materials in the State of Nevada.

Mr. Wright said the Division performed its mission through fire codes and standards, prevention education, fire service training, fire protection engineering, licensing and permitting, and investigative and enforcement services delivered directly or in conjunction with the Department of Public Safety community. The statutory authority for the Division was Chapter 477 of *Nevada Revised Statutes* (NRS).

Page 3 of [Exhibit H](#), listed the strategic priorities of the State Fire Marshal Division:

1. To provide the citizens, visitors, and fire services in Nevada a safe environment in which to live, visit, and work.
2. To develop, adopt, and enforce codes and regulations which are designed to prevent injury or death, and property loss due to fires, hazardous materials, or other disasters that may expose the public and emergency first responders to dangers.
3. To provide firefighting, rescue, and hazardous materials training and certification to the Nevada Fire Service.

4. To provide fire and life safety plan reviews and inspections for licensed care facilities, schools, and other specific assembly occupancies to ensure minimum standards are met and the occupants are safe from fire.
5. To provide licensing, certification of registration, and regulatory enforcement for the fire protection industry who sell, install, maintain, inspect, and repair fire detection and suppression systems and for others who use fire in performances, pyrotechnics, and explosives.
6. To promote fire safety awareness and education to the public and visitors.
7. To provide fire prevention, planning and investigation, and enforcement services to rural and frontier counties.

Page 4 of [Exhibit H](#) was the organizational chart of the State Fire Marshal Division. The organizational chart depicted the positions that had been proposed for reduction and current vacancies in the Division.

Mr. Wright said the Division had put together a plan that would meet the budget target and also effectively organize the Division to have proper span of control. That plan led to the decision to “flatten out” the organization. Mr. Wright noted that was achieved through the elimination of the deputy State Fire Marshal position.

On page 5 of [Exhibit H](#) was a chart illustrating the integrated organizational structure with the Fire Marshal Division, Emergency Management, and Homeland Security.

Mr. Wright directed attention to page 6 of [Exhibit H](#) which contained fiscal year (FY) 2012 projections for revenue for the State Fire Marshal Division, budget account (BA) 3816. He said there were a variety of revenue streams that came into the Division: a portion of General Fund, State Emergency Response Commission transfers, Nevada Division of Environmental Protection transfers, plan review fees, certificates, and licenses and fees.

Page 7 of [Exhibit H](#) contained fiscal year (FY) 2013 projections.

On page 8 of [Exhibit H](#) were budget reductions related to the State Fire Marshal Division. Mr. Wright noted that in the 2009-2011 biennium budgets, reductions totaled \$198,993. For the 2011-2013 budget reductions, Mr. Wright said the

Division considered how to fund positions to maximize and help achieve General Fund reductions.

Mr. Wright explained that decision unit Enhancement (E) 250 was a funding cost-allocation change for training bureau personnel costs, which reduced the General Fund and increased allocation to the fund transfer accounts. The Division received funds from the contingency fund for the State Emergency Response Commission and also Division of Environmental Protection (NDEP) funds. Mr. Wright said those funds were focused on hazardous materials training. While the Division would focus on hazardous material training, it would still allow enough funding to provide the basic standard firefighter training that was required. Mr. Wright commented that the Division had looked for ways to achieve General Fund savings and also keep the training delivery in place.

Decision unit E251 was a modification of the Division's Fire Protection Licensing schedule of fees. Mr. Wright said the Division had a problem with fees that were coming through the licensing program, because of overpayments, underpayments, and refunds. As the system was analyzed, the Division discovered that the fee structure allowed discounted fees to individuals who had multiple licenses. After researching the subject, the Division found no authority to provide any type of discount to the fee structure. In the recent code adoption process, the problem was addressed in the administrative rule-making process, which was being reviewed by the Legal Division of the Legislative Counsel Bureau (LCB). Mr. Wright acknowledged it was a problem, but it had been corrected, and the Division was not attempting to increase fees.

In response to a question from Assemblyman Bobzien, Mr. Wright explained that the Director and he were going to contact the administration and advise them that the rule-making process was in progress at the time of the administration change. He noted the Executive Order that the Governor issued regarding regulations contained a Department of Public Safety exemption. Approximately \$40,000 could be realized by eliminating the bundle plan.

Assemblyman Goicoechea commented that the Division was going to eliminate at least four officer positions and wondered whether it could function with the reduction in staff.

Mr. Wright responded that the Division would be able to meet its obligations even with the positions being eliminated. Referring to plan reviews, Mr. Wright said the Division had made great strides in improving the time frame for

processing plans in the rural areas. The budget proposal retained a plans examiner for the office, enabling the Division to continue to perform plan reviews for the rural and frontier counties. In addition, there was a fire protection engineer on retainer to the Fire Marshal's office that could help should the workload become too heavy. Mr. Wright said the contract plan service could help the Division when needed and then be discontinued until it was needed again. He said the contract had provided a vital service and was also cost-effective.

Mr. Wright continued his presentation of budget account (BA) 3816.

Mr. Wright referred to page 9 of [Exhibit H](#), and said decision unit Enhancement (E) 607 was the elimination of a Department of Public Safety (DPS) officer position in Elko. At one time there had been two positions in Elko but currently there was only one. Mr. Wright said that it would create a small loss in service, but the remaining officer in Elko did a good job in servicing the rural counties.

Decision unit E608 was the elimination of a training officer 2 position. Mr. Wright stated this position was vacant in the Las Vegas area. He said the Division had developed a new model for its training delivery. Training officers were not necessarily providing the training to the actual fire departments. The Division had used a cadre of adjunct instructors that were on contract, with the Training Bureau staff performing the coordination. The Training Bureau coordinated requests from the fire services for the type of training needed and provided an instructor for it. Mr. Wright said by consolidating the Training Bureau into the Carson City headquarters, it allowed the elimination of one position in southern Nevada. He further commented that the Division could still achieve training delivery from a coordination standpoint using training instructors.

Decision unit E690 eliminated three DPS officer 2 positions and the state's coordination efforts for the National Fire Incident Reporting System (NFIRS). Mr. Wright commented that the NFIRS was not a requirement but a voluntary process that dealt with the gathering and distribution of fire incident information. The State Fire Marshal had been the state-level collecting point. Data was collected from local fire jurisdictions, forwarded to the U.S. Fire Administration, where it was compiled into national statistics and circulated nationally. Mr. Wright explained the Fire Marshal's role had been to help local jurisdictions arrive at the means and methods to use that information. While the NFIRS program was a small amount in the budget, Mr. Wright said it

was determined it could be given up because it did not prevent the local fire jurisdictions from submitting information at the federal level.

Decision unit Enhancement (E) 673 addressed the elimination of travel and associated costs with the merger of the Fire Service Standards and Training Committee and the State Board of Fire Services. The Board and the Committee had overlapping responsibilities, according to Mr. Wright. He explained there had been meetings with both appointed boards and they were in agreement on approving a merger. Members of both entities believed a merger was an efficient way to deal with businesses and still conduct business from a training standard perspective. The State Board of Fire Services was an advisory board to the Fire Marshal to provide information on needed codes and regulations, with the Fire Service Standards and Training Committee providing the same information for the training side. Mr. Wright said both entities had overlapping duties and by combining these duties the Board of Fire Services became an appeals board to the State Fire Marshal. The number of individuals that were appointed to these boards was also reduced. Mr. Wright said he saw the comingling as a model of what state government should be trying to achieve in consolidating these efforts.

Mr. Wright said the other decision units were basic cleanups for the internal cost allocations and budget transfers dealing with office rents for the Elko office. The State Fire Marshal received the responsibility of overseeing the state personnel assigned to the State Emergency Response Commission (SERC). The Commission had a separate office located in Carson City, and that office would become the responsibility of the State Fire Marshal. Mr. Wright said that would bring efficiencies in the accounting processes between the Commission and the Fire Marshal Division. The interaction between the Emergency Response Commission and the State Fire Marshal, related to the combined hazardous material database that was shared, which would also be improved.

Page 12 of [Exhibit H](#) contained the budget summary for the State Fire Marshal Division. The total requested for fiscal year (FY) 2012 was \$2,442,578 and for FY 2013 was \$2,436,143. Reductions over the FY 2011 budget were \$722,136, or 22.8 percent in FY 2012, and \$728,571, or 23 percent in FY 2013. The budget request supported 21 full-time equivalent (FTE) positions, which was a reduction from 27 FTEs. Mr. Wright noted that when he began working over four years ago in the State Fire Marshal Division, the agency had 38 authorized FTEs.

In response to a question from Chair Hogan, Mr. Wright clarified that the State Emergency Response Commission (SERC) was the same organization as the Emergency Response Commission (ERC), a Governor-appointed commission dealing with hazardous materials. The State Fire Marshal was a co-chair on SERC. Mr. Wright said the responsibility of the Fire Marshal was to oversee the two state employees that were assigned to SERC as administrative help.

Performance indicators for the State Fire Marshal Division were illustrated on page 13 of [Exhibit H](#), and accomplishments of the Division were shown on page 14 of [Exhibit H](#).

Mr. Wright advised the Joint Subcommittee that the State Fire Marshal Division had implemented the fire safe cigarette program, acquired upgraded radio communications for sworn officers, appointed special deputy state fire marshals in Henderson and Las Vegas, and maintained the plan review and inspection of the Clark County School District. The State Fire Marshal had the authority to appoint special deputies. In Henderson and Las Vegas qualified inspectors had been appointed to conduct school inspections to make sure those schools remained safe. Mr. Wright said the State Fire Marshal was working with county fire departments to perform the same inspections in the near future.

Assemblyman Goicoechea asked whether the State Fire Marshal would have the same capability in the Elko or Humboldt County areas as long as a local person had the expertise.

Mr. Wright replied that the Division could use local personnel in other areas to perform inspections. He said a program had also been started whereby State Fire Marshal officers had begun to perform inspections when traveling through rural areas. He used the example of the motels and hotels along the I-80 corridor that had been lacking inspections and the fact that the officers had been inspecting those businesses when possible.

Mr. Wright informed the Joint Subcommittee about the implementation of a self-inspection program for licensed care facilities. The State Fire Marshal Division had the statutory responsibility to ensure those facilities were inspected. The plan was to have a deputy fire marshal perform an initial inspection for a licensed care facility, and for renewals, allow the facility to perform a self-inspection, which would be submitted to the Division for review and approval. The Division inspectors would randomly perform spot inspections. Mr. Wright said the plan helped the licensed care facility to get the inspection and certification and also helped the Division with the workload.

Mr. Wright continued with the presentation and referred to page 15 of [Exhibit H](#), which illustrated the Division goals. Mr. Wright commented that the following goals were very important:

- Continue improving the image, reputation, and the mission services provided by the State Fire Marshal Division.
- Continue improving internal programs, and business and administrative processes to be audit ready.
- Continue improving and expanding cooperative working relationships.
- Performing our duties and responsibilities to the best of our abilities in the most professional, efficient, and effective manner.
- Developing and implementing innovative means to accomplish the Division's responsibilities.

Page 16 and 17 of [Exhibit H](#) provided a summary of budget reductions made by the State Fire Marshal Division.

On page 18 of [Exhibit H](#) Mr. Wright reviewed the following policy considerations:

- To streamline operations and support the core missions, integrate the State Fire Marshal Division with the Division of Emergency Management which will prove to be a beneficial union of services and resources.
- Merge the Fire Service Standards and Training Committee with the Board of Fire Services into one Board. This reduces the members from 16 to a proposed 9. In addition, this merger eliminates duplicative duties by each board and enhances efficiencies.
- Transfer State Emergency Response Commission (SERC) staff to State Fire Marshal Division for administrative support and administration.
- Transfer the inspection of state facilities to the State Public Works Division.

Mr. Wright concluded with the following points:

- Over the past few years, considerable amounts of work has been dedicated to achieving a “raising of the bar” of performance, professionalism, credibility, strength, and accomplishments of the State Fire Marshal Division.
- The State Fire Marshal Division is committed and has the desire to continue proving our worth and ability in meeting today’s needs, as well as tomorrow’s.

Senator Parks referred to the consolidation of the budgets and said he had observed that the function of the Fire Marshal seemed to be different from the function of the Emergency Management Division. He noted there seemed to be many things the Fire Marshal did that were unique to that office.

Mr. Wright commented that fire service in today’s world was becoming integrated in emergency management delivery. Several fire chiefs in Nevada served as the jurisdictions’ emergency managers and they were also serving Homeland Security appointments on commissions. Currently, a local fire jurisdiction was dealing with three entities: Emergency Management, Fire Marshal’s office, and emergency medical services. Mr. Wright said that as those disciplines were consolidated, the local first responders were going to have an easier time dealing with the state level in certifications and delivery of training.

Mr. Wright further apprised the Joint Subcommittee that the Fire Marshal could provide additional personnel to Emergency Management with the activation of the State Emergency Operations Center. He said his concern was that if the Emergency Operations Center was open for any long duration with only Emergency Management personnel, those individuals would be exhausted within 72 hours if it were a 24-hour operation. State Fire Marshal staff had already participated in initial training to become part of the State Emergency Operations Center.

Assemblyman Goicoechea said he could not agree more. There had been a transition for fire departments over the last 30 to 40 years and he was very supportive of it.

DEPARTMENT OF PUBLIC SAFETY

**DPS-CIGARETTE FIRE SAFETY STANDARD AND FIREFIGHTER SUPPORT
(000-3819)**

BUDGET PAGE PUBLIC SAFETY-144

James Wright, Chief, State Fire Marshal Division, Department of Public Safety (DPS), presented the budget for the Cigarette Fire Safety Standard and Firefighter Support, budget account (BA) 3819.

Mr. Wright said BA 3819 was a new budget account dealing with the cigarette fire-safe standard and firefighter protection program.

Page 2 of [Exhibit I](#), "Budget Request 2012-2013," explained the mission of the Cigarette Fire Safety Standard and Firefighter Protection Fund was to save lives and prevent injuries and devastation from cigarette-ignited fires. Mr. Wright said the statutory authority for fire-safe cigarettes was *Nevada Revised Statutes* (NRS) 477.172 through 477.214. There were questions about what fire-safe cigarettes were, and Mr. Wright referred to the diagram provided on page 2 of [Exhibit I](#) which provided a picture of a fire-safe cigarette.

Page 3 of [Exhibit I](#) contained the program statement:

The Cigarette Fire Safety Standard and Firefighter Protection Fund is a special revenue fund for the purpose to support fire safety and fire preventions programs. This Fund was created through Assembly Bill No. 229 of the 75th Session. NRS 477.172 through NRS 477.250 authorizes this budget and allows the State Fire Marshal Division to enforce regulations concerning the standards for fire-safe cigarettes, and all such cigarettes sold in Nevada must be certified by the State Fire Marshal Division.

Mr. Wright advised the Joint Subcommittee the law was enacted in June 2010, the last month of the fiscal year, but the State Fire Marshal Division received testing documentation from 123 brand families of cigarettes certified in Nevada. The cigarette manufacturers were required to certify that the cigarettes they manufactured met the national standard for fire-safe cigarettes. The State Fire Marshal Division approved the certification, and the manufacturers could proceed with selling their brands of cigarettes in the state.

To date, the State Fire Marshal Division had received testing documentation for an additional 16 brand families of cigarettes for certification. Recently a work

program was submitted and approved at the February 3, 2011, Interim Finance Committee (IFC) meeting to carry out the program. As part of the funding provision, the State Fire Marshal Division was acquiring a fire extinguisher training tool to provide fire safety and prevention training and commence field enforcement activities to ensure compliance with the law.

Mr. Wright said the State Fire Marshal Division worked closely with the Attorney General's Office and the Department of Taxation because those departments were also monitoring cigarette sales for taxation purposes and for the Master Settlement Agreement (MSA). The State Fire Marshal Division worked closely with the Department of Taxation and its investigators who checked vendor locations for taxation issues and also checked for fire-safe cigarette compliance as well.

Assemblyman Hambrick asked whether the Indian nations were monitored and Mr. Wright replied they were not because of sovereign nation status. He further remarked that some tribal entities had agreed to abide by the fire-safe cigarette mandate.

On page 5 of [Exhibit I](#) was the total request for budget account (BA) 3819 of \$123,000 for fiscal year (FY) 2012 and \$224,698 for FY 2013. There were also pictures which showed the fire-safe (FSC) marking on a pack of fire-safe cigarettes.

Mr. Wright said page 6 of [Exhibit I](#) reflected the performance indicators for BA 3819. The certification was in a three-year cycle. In 2013 the cigarette manufacturers would recertify the fire-safe cigarettes.

Senator Parks asked whether exotic cigarette-type materials caused a problem with the fire-safe cigarette program.

Mr. Wright acknowledged that depending on the make of the cigarette there could be a problem, not only for the fire-safe aspect, but also the Department of Taxation was very interested in any smoking material sold. The fire-safe cigarette legislation excluded certain things such as cigars and rolling papers. According to Mr. Wright it was mainly the major manufacturers that were complying with the fire-safe cigarette program.

Assembly Committee on Ways and Means
Senate Committee on Finance
Joint Subcommittee on Public Safety/Natural Resources/Transportation
February 18, 2011
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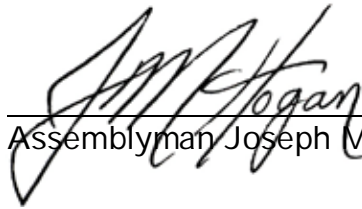
Chair Hogan closed the hearing on BA 3819.

The meeting adjourned at 10:27 a.m.

RESPECTFULLY SUBMITTED:

Anne Bowen
Committee Secretary

APPROVED BY:



Assemblyman Joseph M. Hogan, Chair

DATE: _____

Senator David R. Parks, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Ways and Means/Senate Committee on Finance Joint Subcommittee on Department of Public Safety/Natural Resources/Transportation

Date: February 18, 2011

Time of Meeting: 8:08 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign-in Sheet
	C	Sheri Brueggemann, ASO 3, Department of Public Safety	2011-2013 Budget Request, BA 4706
	D	Lt. Jackie Muth, Commander, Office of Professional Responsibility, DPS	2011-2013 Budget Request, BA 4707
	E	Sheri Brueggemann, ASO 3, Administrative Services Division, DPS	2009-2011 Budget Request, BA 4714
	F	Sheri Brueggemann, ASO 3, DPS	2011-2013 Budget Request, BA 4701
	G	James M. Wright, Acting Chief, Emergency Management, Emergency Management Assistance Grants, Homeland Security	2011-2013 Budget Request, Budget Accounts 3673, 3674, 3675
	H	James M. Wright, Chief, State Fire Marshal Division	2012-2013 Budget Request, Budget Account 3816
	I	James M. Wright, Chief, State Fire Marshal Division	2012-2013 Budget Request, Budget Account 3819