

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

**Seventy-sixth Session
March 22, 2011**

The Senate Committee on Finance, Joint Subcommittee on Public Safety/Military/Veterans' Services of the and the Assembly Committee on Ways and Means, Joint Subcommittee on Public Safety/Natural Resources and Transportation was called to order by Chair David R. Parks at 8:07 a.m. on Tuesday, March 22, 2011, in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Sheila Leslie
Senator Dean A. Rhoads

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Joseph M. Hogan, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblyman Kelvin D. Atkinson
Assemblyman David P. Bobzien
Assemblyman Peter J. (Pete) Goicoechea
Assemblyman John Hambrick

STAFF MEMBERS PRESENT:

Michael J. Chapman, Principal Deputy Fiscal Analyst
Catherine Crocket, Program Analyst
Scott Edwards, Program Analyst
Rex Goodman, Principal Deputy Fiscal Analyst
Eric King, Program Analyst
Cynthia Clampitt, Committee Secretary

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OTHERS PRESENT:

Richard P. Clark, Executive Director, Peace Officers' Standards and Training Commission
Tim Bunting, Deputy Director, Peace Officers' Standards and Training Commission
Chris Perry, Acting Director, Department of Public Safety
James Peterson, Lieutenant, Training Commander, Training Academy, Department of Public Safety
Mark Teska, Administrator, Administrative Services Division, Department of Public Safety
Patrick J. Conmay, Chief, Records and Technology Division, Department of Public Safety
Lisa Young, Administrative Services Officer, Records and Technology Division, Department of Public Safety
Julie Butler, Records Bureau Chief, Records Bureau, Records and Technology Division, Department of Public Safety
Catherine Krause, Chief IT Manager, Department of Public Safety
Mark Anthony (Tony) Almaraz, Chief, Highway Patrol Division, Department of Public Safety
Johnean J. Morrison, Administrative Services Officer, Highway Patrol Division, Department of Public Safety
Jay Logue, Chief, Capitol Police Division, Department of Public Safety
John R. Johansen, Impaired Driving Programs Manager, Office of Traffic Safety, Department of Public Safety
Darlene Roullard, Management Analyst, Office of Traffic Safety, Department of Public Safety
Andrew Clinger, Administrator, Department of Administration

CHAIR PARKS:

We will now open the hearing on Budget Account (B/A) 101-3774.

PUBLIC SAFETY

PEACE OFFICERS' STANDARDS AND TRAINING

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Peace Officers' Standards & Training Commission — Budget Page POST-1
(Volume III)
Budget Account 101-3774

RICHARD P. CLARK (Executive Director, Peace Officers' Standards and Training Commission):

I have provided the Joint Subcommittee with a document describing the Peace Officers' Standards and Training Commission (P.O.S.T.) ([Exhibit C](#)).

The P.O.S.T. is a regulatory commission established in 1965, and mandated under the *Nevada Revised Statutes* (NRS) to develop and enforce professional standards that govern the selection, hiring, basic and in-service training and certification of all peace officers in Nevada.

Senate Bill No. 68 of the 70th Session reestablished P.O.S.T. as a stand-alone commission under the authority of the Governor. It reaffirmed the legislative mandates of NRS 289.500. The P.O.S.T. is a non-General Fund agency. Nearly 100 percent of our revenue is derived from court assessments. The funding stream was created in 1983, for the singular purpose of the training and education of peace officers.

The importance of maintaining the highest professional standards for peace officers cannot be overemphasized. Peace officers' duties include:

- Testify under oath.
- Complete accurate reports based on their investigations, which are used as critical evidence in court.
- Take enforcement actions.
- Secure evidence.
- Maintain confidential information.
- Have access to privileged information.
- Handle drugs, money and guns.
- Process crime scenes.
- Maintain crime and traffic reports.
- Protect citizens, including children, from harm.

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Most importantly, they are authorized by law to dispossess others of their constitutional rights and to use deadly force, when appropriate. Most of these decisions are made on scene, instantaneously, without supervision. No other profession carries this level of trust or responsibility.

The P.O.S.T. exists to assure citizens that peace officers meet minimum standards of competency and ethical behavior. Our mission is to ensure that approximately 10,300 active peace officers and 134 criminal justice agencies adhere to mandated professional standards and to provide them with quality, appropriate training. The foundation of quality is increased safety, for peace officers and the citizens they serve. Training also enhances the reduction in liability costs.

A recent National Law Enforcement Officers' Memorial report stated that the number of peace officers killed in the line of duty in 2010 increased by 38 percent. Officers killed by gunfire increased by 24 percent. Officers killed in traffic accidents increased 43 percent.

Criminal justice agencies in the State that fail to train their peace officers are considered deliberately indifferent when identified in court actions. Those situations increase liability costs. Our Agency audits all criminal justice agencies in the State to ensure they are meeting their P.O.S.T.-mandated, 24 hours of continuing education requirements.

We were given directions to reduce our budget by approximately 10 percent. We have made significant cuts in projected spending over the next biennium. Nevada is in a financial crisis and we are all required to be creative in how we manage and stretch our resources. With the additional reductions of approximately \$103,000 in Fiscal Year (FY) 2011-2012 and \$119,000 in FY 2012-2013, or a total of \$222,000 over the biennium, we believe we will still meet our statutory responsibilities for the next two years.

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TIM BUNTING (Deputy Director, Peace Officers' Standards and Training Commission):

Page 1a of [Exhibit C](#) contains P.O.S.T.'s mission statement, vision statement and philosophy. Our mission statement specifies our twofold mission of training and regulating law enforcement agencies statewide.

Page 2 of [Exhibit C](#) contains our organizational chart. The P.O.S.T. consists of three bureaus, each with a unique mission. The Basic Training Bureau conducts two basic training academies each year. Each academy may train as many as 30 cadets. The Professional Development Bureau coordinates and administers continuing education. They also develop or have developed professional certification courses that are provided to peace officers statewide. The Professional Standards Bureau is the support branch of the P.O.S.T. Commission. They also manage records and certifications for the statewide peace officer population and conduct audits of criminal justice agencies and of the academies.

The Administration Section provides support to the 3 bureaus and the 17 P.O.S.T. employees.

Page 3 of [Exhibit C](#) lists the cost-saving measures P.O.S.T. instituted to save the State and law enforcement agencies money.

In May 2010 we changed our workweek from five days a week to four ten-hour days (4/10). That is a savings of approximately \$30,000 annually in operational costs. Our employees and cadets are in favor of this change and it has not affected service.

We have also expanded our use of online training. This change saves agencies training funds and reduces P.O.S.T.'s overhead for instructional supplies.

Page 4 of [Exhibit C](#) is a synopsis of our budget requests. We are requesting approximately \$2.9 million in FY 2011-2012 and roughly \$2.6 million for FY 2012-2013. This request includes \$371,000 of American Recovery and Reinvestment Act of 2009 (ARRA) funds.

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Page 5 of [Exhibit C](#) lists the three enhancement units requested by P.O.S.T. Enhancement Unit E-275 requests \$10,500 in FY 2011-2012 only for the purchase of Formatta computer software. Formatta allows the Agency to complete various forms online. Some forms will be used by other agencies and then will populate data to the P.O.S.T. database of peace officer records. Others will be used to track mandatory training or to register for basic and advanced courses.

E-275 Best Use of Technology — Page POST-3

Decision unit E-710 is a request for replacement equipment. Computers and software are being replaced according to the DoIT schedule.

The requested vehicles are replacements for our training fleet. This request is for \$14,413 in FY 2011-2012 and \$23,117 in FY 2012-2013.

E-710 Equipment Replacement — Page POST-5

Decision unit E-805 is a request to change the personnel classification for six employees from the classified service to the unclassified service with no increased costs. These positions have historically been difficult to fill, yet are important to the operation of P.O.S.T. The Department of Personnel (DOP) approves this request.

E-805 Classified Position Reclassifications — Page POST-6

Page 6 of [Exhibit C](#) contains information on outcome-based performance indicators.

The first academy of FY 2010-2011 trained only 15 cadets. We were concerned this indicated a downturn in the population of cadets. However, the current academy contains 28 cadets. We remain prepared to train up to 30 cadets in each future academy.

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CHAIR PARKS:

Are the requests for reclassification to convert three training officer II positions and three employee development manager positions? Why are these reclassifications necessary?

MR. BUNTING:

Currently, the requirements for training officer positions, as mandated by DOP, specify the applicants must have a degree in education. They must also show a number of years in adult training experience. The functions of P.O.S.T. mean our training officers need law enforcement experience. We do not need persons with a Ph.D. in education to train cadets. We want to title the positions P.O.S.T. training specialists. They will continue the same functions, but it is hoped the changes will broaden our net of potential employees.

CHAIR PARKS:

Our information indicates a change in the position title for the employee development manager. Nothing in that title indicates they would have formal law enforcement experience.

MR. BUNTING:

That is correct. The specific DOP classification is employee development manager. It does not fit what our Agency needs to qualify candidates for a P.O.S.T. bureau chief who has law enforcement experience.

CHAIR PARKS:

What functions are currently performed by these positions and what problems has the agency experienced due to the current classifications?

MR. BUNTING:

Most of the problems occur in the hiring process. Even the employee development manager position requires an advanced degree in education. Our intent is to recruit individuals with law enforcement management experience for the bureau chief.

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CHIEF PARKS:

The positions are currently filled by incumbents. Is the intent to seek reclassification for those individuals?

MR. BUNTING:

That is correct. We are pleased with the competency of the incumbents.

ASSEMBLYMAN GOICOECHEA:

I realize the ARRA funding is \$1.4 million over four years with a one-year extension available. When did the time frame start? When will it be complete?

MR. BUNTING:

The four-year ARRA time frame started one year ago.

ASSEMBLYMAN GOICOECHEA:

Does that mean there are three years left with the possibility of a one-year extension? Is the academy currently opening two 30-cadet classes each year?

MR. BUNTING:

That is correct. The last academy contained fewer than 30 cadets as specified in the performance indicator.

ASSEMBLYMAN GOICOECHEA:

Do the two academies meet the needs of annual P.O.S.T. training for the State?

MR. BUNTING:

Yes, they do.

ASSEMBLYWOMAN CARLTON:

Who is doing the hiring of 60 cadets annually, given hiring freezes and position eliminations?

MR. BUNTING:

The rural counties are currently hiring P.O.S.T.-certified cadets. The current academy includes the following number of cadets:

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- 7 from Washoe County Juvenile Probation.
- 2 from Douglas County.
- 1 from Lyon County.

Cadets are also attending from the Office of the Attorney General, the Nevada Division of State Parks and from the Nevada Department of Wildlife.

ASSEMBLYWOMAN CARLTON:

What happens if the incumbents proposed for reclassification from classified service to unclassified service do not wish to lose the benefits of classified employment?

MR. BUNTING:

The incumbents would have the option of remaining in the classified service.

ASSEMBLYWOMAN CARLTON:

Would future individuals in those same positions be hired as unclassified employees?

MR. BUNTING:

That is correct.

ASSEMBLYWOMAN CARLTON:

In addition to the educational degree requirements, are the recruitment difficulties for bureau chief also related to the State's salary scale compared to other entities?

MR. BUNTING:

Salary is a consideration; however, another difficulty is that the desired applicants for these positions are typically retired peace officer managers who cannot be rehired because they are currently drawing benefits from the Public Employees' Retirement System. Therefore, we predominantly hire individuals from other states for those positions.

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CHAIR PARKS:

The Joint Subcommittee has noted one academy had only a small number of cadets. What is the impact of the budget reductions and its effect on the ongoing operations?

MR. BUNTING:

The academy budget reductions have a minimal effect. The fund savings derived from changing both staff and the academy training to a 4/10 workweek, reduced budgetary needs.

Each cadet, whether they are a category I or category II peace officer, pays a registration fee. More cadet applicants result in greater revenue.

CHAIR PARKS:

In a training environment, it seems cadets would have better retention if their training was five days a week, eight hours a day (5/8).

MR. BUNTING:

The current academy is the second to have a 4/10 training schedule. We have noticed no decline in cadet test scores. That is the measure of their success. Growing pains have occurred in the transition from a 5/8 schedule to a 4/10 schedule. Most of those have been resolved. Our academy is a live-in academy so cadets are there 24 hours a day already.

CHAIR PARKS:

Are the cadets in residence four days a week or five days a week?

MR. BUNTING:

The cadets are at the facility four days a week. One reason they favor the 4/10 schedule is the fact it allows them a three-day weekend. The new schedule allows those cadets from White Pine or Eureka Counties to travel home for weekends, whereas that was not possible under the old schedule.

CHAIR PARKS:

Will the reductions in travel expense funds effect the Agency's ability to conduct their audit function?

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MR. BUNTING:

The reductions will not have a major effect. Priority will be placed on the audit functions because of its importance. Other in-State travel will be reduced as necessary.

CHAIR PARKS:

It appears audits are currently conducted on 25 percent of agencies each year. Performance indicators specify that audits be performed on one-third of the agencies each year.

MR. BUNTING:

Our agency was performing audits on 33 percent of the agencies each year. That will be changed to 25 percent due to the travel fund reductions.

MR. CLARK:

The P.O.S.T. auditor spends more time on each in-State audit trip. For example, on March 16 and 17, 2011, the auditor traveled to Las Vegas and chaired the Southern Nevada Association of Law Enforcement Trainers meeting. After the meeting, he performed audits on the North Las Vegas Constable's Office and the Community College of Southern Nevada Police Department. The next day, he administered and proctored P.O.S.T. certification examinations for academy graduates in that area. Today he is teaching a domestic violence class. We focus on maximizing the benefits each time we travel.

CHAIR PARKS:

To what extent would the electronic forms generated by the software requested in decision unit E-275 reduce the amount of data entry for existing staff?

MR. BUNTING:

One form we have been developing for more than a year is the form completed by agencies that will automatically update our database. Difficulties were encountered due to proprietary software. We needed a utility program that allows agencies other than P.O.S.T. to access the database.

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The current process is that agencies complete their forms and then fax, mail, e-mail or send them by U.S. Mail to P.O.S.T. Our employees must then enter the data and scan the form into the P.O.S.T. database.

The other 14 forms being developed are primarily academy registration forms. Our confidential database will not be accessible for these forms. The forms are being developed as a Microsoft database where forms can be completed online and then it will populate the data to an Excel spreadsheet for our records.

A total of approximately 20 forms are anticipated. These enhancements eliminate considerable handling of paperwork.

CHAIR PARKS:

Will every law enforcement agency complete their forms online? Is this the Formatta software?

MR. BUNTING:

Formatta is the name of the software being used. The agencies will complete their P.O.S.T. paperwork online.

CHAIR PARKS:

Is Formatta proprietary software that must be renewed annually?

MR. BUNTING:

Yes, it is.

CHAIR PARKS:

What is the anticipated reduction in staff time required with implementation of these forms? Will all agencies eventually have access through this software?

MR. BUNTING:

We process thousands of personal action reports each year. Each one takes approximately five minutes to process.

CHAIR PARKS:

Our Staff will discuss this item with you if they have any further questions.

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How will your staff's time and increased capacity be utilized?

MR. BUNTING:

A peace officer's record is maintained for 35 years. The original records are typically produced in paper formats, transferred to digital formats, then stored on a compact disk and eventually microfilmed.

The records management is a difficult, yet highly important process. Peace officer records are maintained for 35 years because they are often requested for trials and other purposes. The staff time savings would be primarily utilized for records management.

MR. CLARK:

The online services which we are proposing not only save our staff time, but it is also a time savings to the 134 criminal justice agencies we serve. Time is money. The result will be training budget savings for all the agencies.

ASSEMBLYWOMAN CARLTON:

Is there a duplication of effort between P.O.S.T. records and DOP records?

MR. BUNTING:

The only possible records duplication would be those for State employees. Our records include local government and rural agencies.

ASSEMBLYWOMAN CARLTON:

The State law enforcement employees would seem to represent a significant number of the total records.

MR. BUNTING:

There are 134 law enforcement agencies in Nevada, of which the Las Vegas Metropolitan Police Department is one of the larger agencies. We maintain more than 18,000 records.

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ASSEMBLYWOMAN CARLTON:

If the same records are maintained by DOP, is there a reason for P.O.S.T. to maintain records for State law enforcement officers as well?

MR. BUNTING:

We must have daily access to those records, including record updates.

ASSEMBLYWOMAN CARLTON:

It just seems redundant.

MR. BUNTING:

That may be true, in some cases. Our records are maintained as law enforcement records, not personnel records. No additional costs are incurred because of the possible duplication.

CHAIR PARKS:

Is P.O.S.T. a repository for all law enforcement officer records?

MR. BUNTING:

Yes, it is. Each record contains:

- Name of the individual.
- PIN identification.
- Personal address.
- Hiring agency.
- Certification requirements and updates.
- Education and training.
- The position classification such as management.

CHAIR PARKS:

Please confirm the P.O.S.T. performance indicator data. It appears the number of cadets for the training academies in 2010 equaled 43.

MR. BUNTING:

Forty-five cadets started P.O.S.T. training; however, only 43 graduated.

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CHAIR PARKS:

For FY 2011-2012, the performance indicators project 60 cadets trained and the same for FY 2011-2012. Please explain.

MR. BUNTING:

The projection is based on the academy capacity for cadets.

CHAIR PARKS:

Does P.O.S.T. plan to hold academies for 60 cadets in each year of the next biennium?

MR. BUNTING:

That is correct.

CHAIR PARKS:

Are most of the cadets primarily replacement officers for agencies that have experienced officer retirements?

MR. BUNTING:

I assume that is correct. We are not made aware of the reason agencies are hiring. However, in most cases, the agencies experience retirements or fill new positions.

ASSEMBLYMAN HAMBRICK:

Do records track officer transfers from one agency to another?

MR. BUNTING:

We do not track that information. The transfer information is reflected in our database when an officer changes agencies. Previously, we did not consider that necessary information.

ASSEMBLYMAN HAMBRICK:

It would be useful to see trends regarding why officers move between agencies. We could learn whether they move because of salary and benefits; geographic locations; family pressure or other reasons.

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MR. BUNTING:

The current version of the personal action report does not contain a field to describe why an officer is changing agencies. The only reasons for movements we track are terminations.

CHAIR PARKS:

Please describe the performance indicator results for the percentage of academies receiving random audits. It appears there was a fluctuation in audits in 2010. Was it a result of staffing concerns?

MR. BUNTING:

One thing we have discovered is that when requesting information from the database, the result depends upon how the request was phrased. For example, the database indicated 45 cadets attended the academy. However, there were only 43 graduates of the academy. The same is true when requesting the percentage of academies receiving audits. If the request is to show the audits sorted by agencies, the result is 25 agencies that provide 43 academies throughout the State. If the request is made for the percentage of agencies receiving audits, the result is a different number than the query for the number of academies that have been audited. We have taken steps to standardize the question of percentage for both graduates and audits.

CHAIR PARKS:

Performance Indicator No. 5 reflects an increase in the number of officers receiving certification. It appears they have grown from an actual figure of 18,481 cadets to a projection of 22,651 for FY 2012-2013.

MR. BUNTING:

The Agency maintains records for both active and inactive peace officers. An active peace officer is one who is assigned to an agency. If they terminate through either retirement, termination or other reasons, their records become inactive for a five-year period. Under provisions of the *Nevada Administrative Code* (NAC), an officer can be rehired within that five-year period. That five-year pool continues to increase. A hiring increase in southern Nevada resulted in a large pool of records requiring retention. The projection was calculated from a trend line, rather than the number of records to be

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retained. If hiring decreases, the actual figure in the next biennium will decrease.

CHAIR PARKS:

A flexible contract was generated using ARRA funds. What happens when the grants expire?

MR. BUNTING:

The contract expires.

CHAIR PARKS:

The other questions on this budget can be addressed with our Staff and the Agency.

We will now close the hearing on B/A 101-3774 and open the hearing on B/A 101-3775, the Department of Public Safety (DPS), Training Division.

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CHRIS PERRY (Acting Director, Department of Public Safety):

James Peterson is the Training Commander for the DPS Training Academy. He will present this budget.

JAMES PETERSON, (Lieutenant, Training Commander, Training Academy, Department of Public Safety):

I have provided a presentation document to Staff ([Exhibit D](#)). Page 2 of the document lists the statutory mandate for formation of the Training Division in 1999 under NRS.480.140. That page also specifies the mission statement for the Division.

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Our programs consist of initial training in conjunction with the P.O.S.T. Academy. We also provide continuing education and career development training following established mandates.

Page 4 of [Exhibit D](#) lists the performance indicators for the Division. The chart shows the actual numbers for each indicator during the 2009-2011 biennium and the 2011-2013 biennium projections.

An academy was provided in FY 2009-2010. The beginning and ending dates of fiscal years do not always coincide with academy classes. The FY 2009-2010 academy consisted of 26 cadets and the FY 2010-2011 academy consisted of 31 cadets.

A new business plan has been established for in-service training. Staff has done an amazing job and is beginning additional in-service training classes. The P.O.S.T. requirements are sometimes scheduled for individual divisions within each region. Classes will be scheduled at the academy to meet ongoing annual P.O.S.T. requirements.

Page 5 of [Exhibit D](#) explains decision unit E-250. The current training budget is split 60 percent from the Highway Fund and 40 percent from the General Fund. This was established a few Legislative Sessions in the past, based on the percentages of cadets from certain agencies.

E-250 Economic Working Environment — Page Public Safety-23

The Division must accommodate all divisions within DPS. It has been noted that the Nevada Highway Patrol (NHP) has the largest number of cadets in the academies. Approximately 80 percent of DPS Training Division cadets are being hired by NHP which required the funding splits for the Division's allocations to be adjusted. The proposed split would be 20 percent from the General Fund and 80 percent from the Highway Fund. The General Fund savings from those changes are shown on the bottom of page 5 of [Exhibit D](#). The savings over the 2011-2013 biennium are \$480,202.

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Page 6 of [Exhibit D](#) contains the Governor's recommended staffing reduction in decision unit E-606.

E-606 Staffing and Operating Reductions — Page Public Safety—23

The Southern Nevada Regional Police Academy was closed two years ago, eliminating all positions at that location. It then made the Division somewhat top-heavy. Therefore, we have eliminated the division administrator who was my supervisor. I will be assigned to manage the Division and report directly to the DPS Director. That will leave the staffing level with my position and one sergeant who will manage the four DPS officer II positions.

Page 7 of [Exhibit D](#) is a snapshot comparison of the funding sources for the FY 2010-2011 and FY 2012-2013. The 60/40 split in FY 2010-2011 was approximately \$1.1 million General Fund. With the 80/20 split adjustments for FY 2012-2013, the General Fund portion will be approximately \$389,000.

Page 8 of [Exhibit D](#) shows historical comparisons of the Division's operating budget. The FY 2006-2007 legislatively approved funding included the Las Vegas Academy and was approximately \$3.3 million overall. The Governor's biennial budget proposal will be approximately \$1.9 million. That is a reduction of approximately \$892,000 from the General Fund from the legislatively approved FY 2010-2011 funding and the proposal for FY 2012-2013.

The Training Division, like all other agencies, is experiencing reductions due to the current economy. However, we will continue to perform our mission goals and objectives with excellence.

CHAIR PARKS:

There are three items on which the Joint Subcommittee would like further detail.

- Position eliminations and budget reductions.
- General Fund and Highway Fund allocations.
- Supplemental appropriations.

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A division administrator position is being eliminated. Is the position currently filled?

LT. PETERSON:

The position is currently filled; however, the individual is on personal leave without pay and has no specified date of return.

CHAIR PARKS:

Is the position no longer required because of the elimination of the Southern Nevada Academy?

LT. PETERSON:

The closing of the southern academy was an economic decision which eliminated one sergeant and three training officers. With that closure, management still consisted of one chief administrator, my position, a sergeant and four training officers. The eliminated position appeared to be the best course of action to accommodate the Governor's recommendations. Otherwise we would have been required to eliminate training officers or other important budget items.

CHAIR PARKS:

Does your position report to the deputy director of DPS?

LT. PETERSON:

That is correct.

CHAIR PARKS:

Given that no new sworn officer positions will be included in the budget, is it necessary to conduct four academies over the next biennium?

LT. PETERSON:

The proposal is to conduct four academies. However, the time span needed for recruitment and the background process is quite lengthy. The four divisions of DPS have considerable vacant positions. Natural attrition of approximately 6 percent to 10 percent occurs in all divisions, which means new officers will need to be hired and trained.

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CHAIR PARKS:

Given the fact there are vacancies throughout all kinds of agencies across the country, would you recruit cadets who are P.O.S.T.-certified from other hard-hit areas?

LT. PETERSON:

Yes, however, each division of DPS hires its own officers. Our efforts are directed to hiring peace officers throughout Nevada and the United States. We have a lateral, in-State and interstate lateral hiring process. Peace officers hired in that manner receive modified academy training. The P.O.S.T. has a testing process which allows candidates from all locations to test and receive a Nevada P.O.S.T. certification.

CHAIR PARKS:

Does the Agency plan to hold four DPS academies throughout the 2011-2013 biennium?

LT. PETERSON:

That is correct.

CHAIR PARKS:

It appears certain operating expenses have not been reduced to reflect the elimination of the division administrator position. Our Staff will work with the Agency to clarify those amounts.

ASSEMBLYWOMAN CARLTON:

There is both P.O.S.T. training and ongoing training. The time for ongoing training takes officers away from the duties of their positions. Have the ongoing training courses been reviewed to determine if certain courses may not be as effective at this time as they might have been five or six years ago?

LT. PETERSON:

The Agency must balance what is required by P.O.S.T. mandates established in NAC and the 24 hours of additional training required for each officer to maintain their P.O.S.T. certification.

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Unfortunately, due to funding concerns, the majority of training we provide is the basic courses required to maintain P.O.S.T. certification.

ASSEMBLYWOMAN CARLTON:

I will discuss the annual training requirements with representatives from DPS. Are they actually required courses and do they need to continue? If the courses do not apply to P.O.S.T. certification, the officers are already struggling to perform their duties. Perhaps the courses could be offered online or in another manner.

CHAIR PARKS:

The Joint Subcommittee is concerned with the funding split changes between the Highway Fund and the General Fund. The previous split was 40 percent from the General Fund and 60 percent from the Highway Fund. The current proposal is to fund 20 percent from General Funds and 80 percent from the Highway Fund. Please explain the intent further.

LT. PETERSON:

When the 60/40 split was established in 2007, there was a more balanced number of cadets from each funding category. Of late, the academies have consisted of approximately an 80/20 split of Highway Fund employees from B/A 201-4713.

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Twenty percent were from other agencies such as the Division of Parole and Probation (P&P) and Capitol Police. The most recent academy consisted of 17 NHP cadets, 4 P&P cadets and 1 Capitol Police cadet. We are attempting to be equitable as it relates to funding from the account of the agencies being represented in each academy. The proposal reduces the burden from the General Fund.

CHAIR PARKS:

The Joint Subcommittee received information the split was actually 23 percent General Fund and 74 percent from the Highway Fund from 2008 to 2010.

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MARK TESKA (Administrator, Administrative Services Division, Department of Public Safety):

One consideration was which agencies we were anticipating sending through the academy in the next biennium. We considered the number of vacancies with NHP versus those from P&P, given the reductions in their number of positions. Based on historical trends, and looking forward, an 80/20 split seemed more appropriate.

CHAIR PARKS:

The next area of concern is the request for a supplemental appropriation. The Agency has requested supplemental funds of \$61,348 to cover anticipated shortfalls in personnel costs. It appears there is a surplus of \$6,440. Please explain.

MR. TESKA:

During the Twenty-sixth Special Session, reductions were made to the Training Division budget. Normally, those should have been split 60 percent Highway Fund and 40 percent General Fund. Through the various processes, the ending split did not reach those percentages. Too much was taken from the General Fund and not enough was taken from the Highway Fund. The supplemental appropriation request corrects that funding problem.

CHAIR PARKS:

Our Staff will discuss decision unit E-801 with the Agency.

E-801 Cost Allocation — Budget Page Public Safety – 25

We will now close B/A 101-3775 and open the hearing on B/A 101-4709, the Criminal History Repository.

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PATRICK J. CONMAY (Chief, Records and Technology Division, Department of Public Safety):

I have provided the Joint Subcommittee with a document presenting information on the Division ([Exhibit E](#)).

Page 2 of [Exhibit E](#) illustrates the authority that created this Division when Senate Bill No. 38 of the 74th Legislative Session was passed. That bill merged the Criminal History Repository (CHR) and the Technology Division. The merger recognized the strong interdependency between the two entities.

Page 3 of [Exhibit E](#) depicts the Division's organizational structure. The Records Bureau is currently staffed with 78 full-time equivalent (FTE) positions. The Technology Bureau is staffed with 53 FTE positions.

Page 4 of [Exhibit E](#) represents a breakdown of the court administrative assessments. Some of those funds are allocated to the Division. The box on the left side of page 4 shows the total court administrative assessments are divided with not less than 51 percent dispersed to court administration and not more than 49 percent to the Executive Branch. The box on the right side of page 4 illustrates that in FY 2010-2011 the Division is designated to receive slightly more than one-quarter of the 49 percent allotment. This is the primary funding source for the Division and it continues to shrink.

Page 5 of [Exhibit E](#) shows the complexity of the Nevada Criminal Justice Information System (NCJIS), the Justice Link (J-Link) structure and the variety of outside entities with whom we interact. The Division's responsibilities reach well beyond DPS and even beyond Nevada borders in support of the State's NCJIS efforts to ensure public safety throughout the State.

Pages 6 and 7 of [Exhibit E](#) provide a high-level overview of each Bureau's responsibility.

Page 6 illustrates the Records Bureau's primary responsibility to provide the Nevada criminal justice community with information necessary to meet their goals and objectives. Over the years the Division has also been tasked with a variety of special services which include:

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- Sex Offender Registry.
- Brady Point of Sale Program for firearm transfers.
- Domestic Violence Protection Order Registry.

While some of the programs are fee-based, others resulted from unfunded requirements. The unfunded programs are being maintained by utilization of the Division's reserves.

Page 7 lists the Technology Bureau's twofold responsibilities. The Bureau provides Nevada's criminal justice and public safety agencies with technical support 24 hours a day, 365 days a year. This includes computer resources, connectivity and security guidance. In addition, the Bureau ensures all users are in compliance with the Federal Bureau of Investigation's (FBI) Criminal Justice Information System security policies and Nevada's NCJIS policies.

The employees of the Division have provided exceptional service within their areas of responsibilities. The staff has demonstrated economical, yet robust, criminal justice information capability every day.

Pages 8, 9 and 10 of [Exhibit E](#) provide an overview of the Division's accomplishments over the 2009-2011 biennium.

Lisa Young will present the Division's individual budget proposals.

LISA YOUNG (Administrative Services Officer, Records and Technology Division, Department of Public Safety):

Page 12 of [Exhibit E](#) begins the specific budget presentation for B/A 101-4709. It represents the Records Bureau's mission and statutory requirements. I have also provided budget details in [\(Exhibit F\)](#) and [\(Exhibit G\)](#).

Page 13 of [Exhibit E](#) lists the organizational chart for the 78 FTE positions. The agency has determined that one vacant FTE position in the Fingerprint Examiner Unit may be eliminated in the *Executive Budget*.

Page 14 of [Exhibit E](#) lists the Bureau's performance indicators.

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Page 15 of [Exhibit E](#) describes the funding sources for the Records Bureau.

Page 16 of [Exhibit E](#) is a depiction of the fund amounts in the revenue stream history. It enhances the narrative descriptions. With the exception of the Brady Point of Sale fees, all other revenue sources are projected at or below the levels received in FY 2004-2005.

Page 17 of [Exhibit E](#) describes the impacts on the Division's fund reserves. Reductions made in FY 2008-2009 and FY 2009-2010, came largely from Assembly Bill (A.B.) No. 3 of the 24th Special Session and A.B. No. 3 of the 26th Special Session. Taken together, the two bills redirected \$5 million from the Record Bureau reserves category to the General Fund. The reserve sweeps combined with declining court assessments and fee-based revenues have placed the Bureau in a situation of fiscal uncertainty.

The Records Bureau increasingly finds itself using fee-based revenue from other programs including the Brady Point of Sale and Civil Applicant Programs, to offset personnel and operating costs for programs such as the Sex Offender Registry. However, as demonstrated on page 16 of [Exhibit E](#), even the fee-based revenues are susceptible to downturns in this economy. These fiscal impacts have a global effect on the Technology Bureau as well.

The budget requests for this budget are relatively simple. We are requesting to transfer 50 percent of the payroll and benefit costs for the division chief and my position to the Technology Bureau in decision unit E-250.

E-250 Economic Working Environment — Page PUBLIC SAFETY-149

The request is in support of the fact that both positions supervise across budgetary lines and spend a significant amount of time on Technology Bureau programs.

We are eliminating one vacant FTE position in the Fingerprint Technician Unit through decision unit E-600.

E-600 Budget Reductions — Page PUBLIC SAFETY-149

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Decision unit E-710 requests computer replacement on a five-year replacement schedule.

E-710 Equipment Replacement — Page PUBLIC SAFETY-152

Page 19 of [Exhibit E](#) explains the budget amendment requested by the Division. At its February 3, 2011 meeting, the Interim Finance Committee (IFC) members instructed the Records Bureau to submit Work Program No. C20268 as part of their *Executive Budget* requests. This work program requested the addition of \$400,000 in Justice Assistance grant funds. It will allow the Bureau to hire an independent consultant to prepare a study of the DPS applications developed using the Usoft computer platform. This platform is the underlying, shared criminal history database platform.

Just as a house would not be built without first developing a set of blueprints, the requested study will recommend a road map, including potential funding sources, to replace these applications over several years. The study recommendations must have a comprehensive review prior to the completion of the first phase. The first phase is scheduled for completion in the Division's budget request for the 2013-2015 biennium. That process needs to begin in approximately one year.

CHAIR PARKS:
Please describe the Civil Name Check Program.

JULIE BUTLER (Records Bureau Chief, Records Bureau, Records and Technology Division, Department of Public Safety):

The Civil Name Check Program is a name-based criminal history background check program. It was established in 1999, primarily because the law enforcement agencies in southern Nevada did not wish to conduct these background checks. These checks are mainly used by the casino industry.

The Program was established as a pilot Program at that time. Currently, three staff dedicate their time to this Program, although one position is vacant at this time. A fee of \$20 is charged for each name search. A computer is dedicated for this purpose connected through a virtual private network to CHR.

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An employer must enter the following information:

- Employee name.
- Social security number.
- Date of birth.
- Any other descriptors available.

The Program will run a check through the criminal history system, State wants and warrants and State protection orders databases. The information will be provided to the employer so they can make a suitability determination.

CHAIR PARKS:

Do the employers have to register with the Division or are they screened in any way? Can someone claiming to be an employer pay the \$20 fee and request information?

MS. BUTLER:

No, the entity must be a registered Nevada employer. They must have a valid Nevada business license with a resident office within Nevada.

ASSEMBLYWOMAN CARLTON:

Are the name checks only completed for Nevada records?

MS. BUTLER:

That is correct.

ASSEMBLYWOMAN CARLTON:

If an employer is in need of a more complete history, for an employee applicant who has moved to Nevada from another area, what must be done? Employers may purchase marketed programs to complete a civil name check. Perhaps it is not at the same level, but I am sure some employers are using those programs. Please explain the differences between the programs.

MS. BUTLER:

There are a few private background screening companies. Some check court or public records. I am not aware of costs for those services. Our Program can

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offer a more comprehensive background check because we are CHR for the State. If an employer needed to know whether an individual had a record in another state, the applicant would be required to submit fingerprints and be subject to a fingerprint-based background check.

ASSEMBLYWOMAN CARLTON:

What is the cost of the fingerprint-based background checks?

MS. BUTLER:

It depends on how the fingerprint information is provided to the Division. If they are sent electronically, the State fee is \$21 and the FBI fee is \$19.25. If they are provided on a paper fingerprint card, the State fee is \$21 and the FBI fee is \$30.25. The total is \$51.25 for a paper card and \$40.25 for electronic submissions.

ASSEMBLYWOMAN CARLTON:

I have asked my next question of the Repository over the past four or five Legislative Sessions. Has a procedure been established by which I can withdraw my fingerprints from the Repository? I was fingerprinted to serve coffee and eggs and I would like my fingerprints removed from the system.

MS. BUTLER:

The civil fingerprint records are not retained. The only fingerprint records we retain are those for teachers and concealed-weapons permit holders. Other prints are retained for a three-year period for billing purposes. All other reports are shredded.

CHAIR PARKS:

The Governor has recommended shifting 50 percent of the costs for the division administrator and administrative services officer (ASO) positions to the Technology Bureau, B/A 201-4733.

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Do the division administrator or the administrative services officer document how their time is spent between the activities for each budget account?

MR. CONMAY:

We do not document daily specific functions. We know from the operation of the Division that time is nearly equally split between the bureaus. We have provided further budget detail in ([Exhibit H](#)).

CHAIR PARKS:

Does the Division consider a 50/50 split to be reasonable?

MR. CONMAY:

Yes, we do.

CHAIR PARKS:

Our Staff will contact the Agency with any further questions on that particular item in the budget.

ASSEMBLYMAN HOGAN:

A vacant fingerprint records technician position is proposed for elimination. Is the position no longer necessary, or is it a cost reduction decision?

MS. YOUNG:

This is a vacant position. In a review of vacancies throughout the Division it has been determined that, while this position has been vacant, other positions in that unit were able to absorb the workload.

CHAIR PARKS:

Are the functions of the position becoming more automated?

MS. YOUNG:

The Division considers each vacant position and assesses the workload associated with the position. In addition, there has been a reduction in the number of requests for fingerprint background reports and some processes have been automated. It has been determined that the other individuals in that unit can absorb the remaining workload.

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ASSEMBLYMAN HOGAN:

The goals stated in the performance indicators relating to timely processing of records have decreased from the actual rates experienced in 2010. Are actions underway to achieve quicker response times?

MR. CONMAY:

We are examining a variety of technology solutions we hope will assist in that area.

CHAIR PARKS:

It appears other costs associated with the vacant fingerprint technician position have not been reduced in this budget. Please work with our Staff to confirm those associated budget reductions.

A budget amendment has been compiled related to the Agency Work Program No. C20268. Please provide further detail regarding the Justice Assistance Grant for \$400,000. Will an independent consultant be hired for the project?

CATHERINE KRAUSE (Chief IT Manager, Department of Public Safety):

The Division has several aging computer applications. Over the past few years, we have replaced much of the hardware infrastructure and upgraded some of the programs. These systems are a part of CHR, which is why the grant has been placed in that budget account. The aging programs were written in a programming language that is 15 years old, making it difficult to respond to various requirements the Legislature and other entities establish.

At some point in the near future, these programs will no longer have support for their infrastructure. The Agency has requested hiring of a consultant with expertise in this area, rather than making a replacement request in this biennium. In the past, the Agency has faced challenges with planning significant efforts to replace systems.

The Agency has identified a few consulting firms nationwide that focus their efforts on public safety information technology. They are aware of what other jurisdictions are doing nationwide. The grant will not affect the General Fund,

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Record Bureau reserves or other areas of the State budget. The outcome is expected to be a valuable resource to the Agency and the Legislature in determining a replacement recommendation in the next biennium. This process would provide better results through an independent review.

CHAIR PARKS:

Does the Agency intend a two-phase process? Would the consulting firm make recommendations and, based on that report, recommend a course of action?

MS. KRAUSE:

That is exactly what is being considered. In the past, the Agency has developed the current applications internally. Fifteen years ago, there were very few "off-the-shelf" software programs that performed criminal history functions. Several different systems share the same database.

CHAIR PARKS:

Has a timeline been set for this project?

MS. KRAUSE:

The Agency will use a two-phase approach. The analysis will be completed during the 2011-2013 biennium. The consultant will be requested to provide information on potential funding sources, including grants, for decreasing the amount of State resources that will be necessary. The replacement costs are expected to be significant. The replacement project will be requested during the 2013-2015 biennium.

I do not have the full details for this hearing. If the budget is approved for this request, we will work expeditiously to develop the request for proposal (RFP) and to initiate this study. It will be a fairly aggressive timeline. The consultant firm is expected to be chosen sometime in the fall of 2011.

The recommendations are anticipated to be presented to the Agency in early to late winter. The Department would review the proposals and bring our recommendations forward as a part of the next budget cycle.

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A formal proposal will be necessary prior to April 2012 for review by the statewide committee for technology projects.

MR. PERRY:

I do not typically "run around yelling fire very often." However, if this infrastructure is not replaced, it is only a matter of time before the system fails. The consequences would be severe. If the infrastructure fails, it would affect every law enforcement agency in the State. I do not want that to happen.

ERIC KING (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

The first proposal Staff was provided indicated a cost of \$500,000 for the study. Please explain the decreased request of \$400,000. Will a budget amendment be provided?

MR. CONMAY:

Two or three years ago, the Division initiated a request for information. Of the companies that responded, the proposed cost ranged from \$250,000 to \$500,000. To err on the safe side of funding, the initial request was made for \$500,000. Subsequently, the Division identified the \$400,000 grant. We had initially planned to supplement that amount by \$50,000 from the Division reserve funding. Because of the condition of the reserve and an attempt to place no further stress on that account, the RFP will be \$400,000.

CHAIR PARKS:

Page 14 of [Exhibit E](#) indicates some of the performance indicators decreasing from 95 percent to 90 percent. Are each of the records categories maintained and processed in an adequate and timely manner?

MS. BUTLER:

The decrease is a result of the projected performance indicators for FY 2010-2011, established two years ago. The FY 2009-2010 actual amounts, in many cases, exceeded the projections. We anticipate exceeding the 90 percent projection in FY 2010-2011.

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CHAIR PARKS:

Our Staff will work with the Agency on other items in this budget. Does the Agency have comments on any of the proposed legislation affecting this budget? Three or four bills that were introduced prior to yesterday's deadline may have a significant impact on this budget.

MR. CONMAY:

My staff has closely monitored each of the bills for impacts to the Agency. We are up to speed with potential impacts. We have provided information as needed to other entities about the impacts. We do not, of course, know which bills will become law and which will not.

CHAIR PARKS:

We will now close the hearing on B/A 101-4709 and open the hearing on B/A 201-4733, the DPS Technology Division.

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MS. YOUNG:

As previously discussed, the Technology Bureau's mission is not only to provide technical services to DPS, but to statewide law enforcement agencies as well. In addition, the FBI sets technical and physical security policies for which the Bureau has auditing responsibility.

Page 22 of [Exhibit E](#) shows the Bureau organizational chart broken down by the number of FTEs in each major function area.

Page 23 of [Exhibit E](#) lists the performance indicators for the Technology Bureau.

Page 24 of [Exhibit E](#) provides a brief overview of the cost allocation for the Bureau.

The Technology Bureau is funded by an internal cost allocation paid by other DPS agencies. The upper half of page 24 outlines how cost allocations are set.

When the cost allocation was first developed many years ago, one of the cost pools delineated costs to operate the J-Link Program. It is also known as the State's computerized, interoperative system for information related to law enforcement. The cost pool was determined by the number of J-Link transactions requested by each agency. The local law enforcement agencies' J-Link transaction counts were paid by the Records Bureau which comprises 90 percent of the overall costs of the Program. This created an inequity because local law enforcement agencies paid nothing for J-Link services, while DPS law enforcement agencies were required to pay for access to the same system.

During the 2009-2011 biennium the J-Link was taken off a mainframe computer, meaning there is no longer software to count the transactions. In conjunction, the cost allocation was changed requiring the Records Bureau to charge for all J-Link transactions, regardless of which agency makes the request.

The other cost allocation change is that concerning a portion of the division chief and ASO II position salaries.

Page 25 of [Exhibit E](#) is a pie chart showing the breakdown of funding sources for cost allocations. Over 50 percent of the Technology Bureau's funding is reliant on court administrative assessments as pass-through funding from the Records Bureau. Highway Funds comprise approximately 20 percent of this budget and General Funds comprise 14 percent.

Page 26 of [Exhibit E](#) lists the enhancement decision units for this budget.

Decision unit E-250 relating to salary allocations has already been discussed.

Decision unit E-278 requests ongoing maintenance costs for the DPS infrastructure upgrade and disaster recovery, hardware and software.

E-278 Best Use of Technology — Page PUBLIC SAFETY-157

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Decision unit E-710 requests replacement of personal computers and laptops for Technology Bureau staff.

E-710 Equipment Replacement — Page PUBLIC SAFETY-159

Decision unit E-903 requests the transfer of two IT professional II positions from NHP to the Technology Bureau. This decision unit will ensure proper oversight and management of the two positions.

E-903 Transfer From Highway Patrol to Technology Div — Page PUBLIC SAFETY-160

CHAIR PARKS:

Do the two IT professional II individuals allocate their time exclusively to activities related to NHP?

MS. YOUNG:

Currently, the salaries for those positions are paid by NHP and are used as much as practicable for NHP tasks. These are the last two technology positions to be removed from other DPS agencies and allocated to the Technology Bureau. By doing so, we have greater oversight and use of limited resources. Tasks can be prioritized.

CHAIR PARKS:

Certain travel and training costs for the two positions were not transferred. Should the transfer costs be revised to include those costs?

MR. CONMAY:

I need to review that portion of the budget and work with your Staff.

CHAIR PARKS:

Our Staff will work with the Agency if they have further questions regarding the various decision units.

We will now close B/A 201-4733 and open B/A 201-4713, Nevada Highway Patrol.

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MARK ANTHONY (TONY) ALMARAZ (Chief, Nevada Highway Patrol, Department of Public Safety):

I have provided the Joint Subcommittee with a presentation document covering this budget, as well as others ([Exhibit I](#)).

Page 2 of [Exhibit I](#) lists the mission and vision statements for this budget account.

Page 3 of [Exhibit I](#) defines B/A 201-4713. The Agency missions include aggressive traffic enforcement, education processes and criminal enforcement. Our goals include reduction of traffic crashes and increase of driving under the influence arrests. The NHP also strives to educate the public on safe driving techniques.

Page 4 of [Exhibit I](#) describes the programs of NHP. While our primary goal is traffic enforcement, we also assist stranded motorists. The NHP enforces certain motor carrier laws and violations and safety of hazardous materials traveling through Nevada daily.

Page 5 of [Exhibit I](#) provides the statutory mandate for NHP under NRS 480.300.

Page 6 of [Exhibit I](#) lists NHP's performance indicators. These include:

- Occupant restraint.
- Traffic safety programs.
- Increase of traffic enforcement contacts.
- Vacancy rates.
- Critical injury or crashes processed through the Major Accident Investigation Team (MAIT).
- Interdiction increases.
- Performance management publications.

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Page 7 of [Exhibit I](#) contains a graph of NHP funding sources. The NHP's primary funding source is from the Highway Fund. A small segment includes other revenue sources and fees generated by the Agency.

Page 8 of [Exhibit I](#) depicts the organizational chart through budget requests. It shows the Division hierarchy. This budget has 613 authorized FTEs. Of that number, 482 are sworn positions and 149 are civilian positions.

Pages 9 through 12 of [Exhibit I](#) list NHP's enhancement decision units.

Decision units E-712, E-713, E-714 and E-717 provide for equipment replacements ranging from the computer aided dispatch system, computer replacements, citation writers and printers used in the field, desktop computers, laptops and printers as specified by the DoIT replacement schedule, and a computer hardware replacement request from the evidence vault staff.

E-712 Equipment Replacement — Page PUBLIC SAFETY-52

E-713 Equipment Replacement — Page PUBLIC SAFETY-53

E-714 Equipment Replacement — Page PUBLIC SAFETY-53

E-717 Equipment Replacement — Page PUBLIC SAFETY-53

Decision unit E-735 requests an engine overhaul for the Cessna T210 aircraft. It is scheduled for its 2,000 flight hour maintenance.

E-735 Airplane Maintenance — Page PUBLIC SAFETY-54

Decision unit E-805 requests reclassification of a classified major position to an unclassified lieutenant colonel.

E-805 Classified Position Reclassifications — Page PUBLIC SAFETY-55

Decision unit E-900 requests a transfer from NHP B/A 201-4713 to the Administrative Services budget account 201-4714 for evidence vault space.

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E-900 Transfer From Highway Patrol to Admin Services — Page PUBLIC SAFETY-55

DPS – Administrative Services — Budget Page PUBLIC SAFETY-28 (Volume III)
Budget Account 201-4714

E-504 Transfer From Highway patrol to Admin Services — Page PUBLIC SAFETY-30

Decision unit E-901 transfers five positions from B/A 201-4713 to the Evidence Vault budget account 101-4701, decision unit E-501.

DPS – Evidence Vault — Budget Page PUBLIC SAFETY-17 (Volume III)

Budget Account 101-4701

E-501 Transfer From Highway Patrol to Evidence Vault — Page PUBLIC SAFETY-17

Decision unit E-902 in B/A 201-4713 transfers visiting dignitary protection functions to B/A 101-4738.

E-902 Trans From Highway Patrol to Dignitary Protection — Page PUBLIC SAFETY - 56

DPS – Dignitary Protection — Budget Page PUBLIC SAFETY-73 (Volume III)
Budget Account 101-4738

E-902 Trans From Highway Patrol to Dignitary Protection — Page PUBLIC SAFETY-78

Decision unit E-904 transfers one administrative services program officer from B/A 201-4713 to the Administrative Services Division in B/A 201-4714, decision unit E-504.

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E-904 Transfer From Highway Patrol to Admin Services — Page PUBLIC SAFETY-57

Decision unit E-906 is another transfer for equipment from NHP B/A 201-4713 to the Evidence Vault B/A 101-4701, in decision unit E-906.

E-906 Transfer From Highway Patrol to Evidence Vault — Page PUBLIC SAFETY-20

Decision unit E-908 in B/A 201-4713 transfers funding for the breath alcohol lab contracts from B/A 201-4706, decision unit E-908 to B/A 201-4713.

DPS – Director's Office — Budget Page PUBLIC SAFETY-1 (Volume III)
Budget Account 201-4706

E-908 Transfer From Director's Office to Highway Patrol — Page PUBLIC SAFETY-5

Page 13 of [Exhibit I](#) requests a one-shot appropriation for vehicle replacements. The NHP is requesting replacement of 123 vehicles. These vehicles include sedans that have exceeded the 105,000-mile threshold and trucks that have exceeded the 125,000-mile threshold.

CHAIR PARKS:

If the request for reclassification from a classified major position to an unclassified lieutenant colonel position is approved, where would the individual be stationed?

CHIEF ALMARAZ:

The position of lieutenant colonel will be a statewide position, primarily working from the headquarters office. However, because the Southern Command is so large, we anticipate considerable need for this position to work from that location. The southern area has a population of 2.5 million people.

The size of our Division brings with it many complexities. We are a 24 hour-a-day, 7 day-a-week (24/7) operation. Tasks include operational

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functions, administrative functions, personnel issues and budgetary issues that may manifest by region rather than statewide.

CHAIR PARKS:

Would this position increase your effectiveness as Chief of NHP?

CHIEF ALMARAZ:

That is why the position is being requested. It is not abnormal in other such large organizations with similar functions to have a deputy chief position. I become inundated with personal action issues, budgetary issues or other ancillary duties. Sometimes, while the majors are efficient in their regions, communications must come to my level of functionality, when I should be reviewing future visions and goals for the Division.

CHAIR PARKS:

Would this position be responsible for operational and administrative activities?

CHIEF ALMARAZ:

This position would monitor many operational, administrative, personnel and budget issues.

ASSEMBLYMAN HOGAN:

Did NHP consider the possibility of recognizing the special needs in the Southern Command to initiate a different designation of chief deputy for southern Nevada as opposed to a position with statewide responsibility?

CHIEF ALMARAZ:

Positions of major are designated in each command area. They act, many times, as a deputy chief. I am the appointing authority for the Division. However, there are many functions in which a major cannot make decisions because of the level of authority.

I have considered the Southern Command needs and that is why this position most likely would be versatile to oversee many issues and problems that seem to surround that geographic area.

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ASSEMBLYMAN HOGAN:

The new position is replacing the position of a current position classified as a major. Is the major currently, and after approval of the reclassification, serving in the Southern Command?

CHIEF ALMARAZ:

There will still be a major in Las Vegas.

ASSEMBLYMAN HOGAN:

Are some of the duties of the current major being assumed by the higher grade lieutenant colonel position?

CHIEF ALMARAZ:

Not necessarily. The lieutenant colonel could act in the capacity of major as needed. However, the major position will continue his normal functions in the Southern Command.

ASSEMBLYMAN HOGAN:

Why is the request for an unclassified lieutenant colonel position rather than a classified position?

CHIEF ALMARAZ:

I would like to seek an individual with skills and education suitable for this position. This position's functions will be similar to my position which is unclassified.

CHAIR PARKS:

Are there other unclassified lieutenant colonel positions in DPS?

MR. PERRY:

There are none.

ASSEMBLYMAN HAMBRICK:

When NHP officers are required to provide protection for dignitaries such as the President and Vice President of the United States, and NHP bills the appropriate agency, when that bill is paid, does the revenue go back into NHP budget

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accounts or to the General Fund? If it costs \$500,000 to provide protection for a visit from the President for a political function, regardless of political party, to which budget is the billed revenue directed?

CHIEF ALMARAZ:

The NHP does not receive repayment for costs of dignitary protection. Anytime such a dignitary is visiting, the cost is funded from B/A 201-4713. Our function is primarily traffic enforcement and control.

CHAIR PARKS:

Who currently supervises the individuals in the positions being transferred in decision unit E-903 of B/A 101-4713?

CHIEF ALMARAZ:

Currently, the two positions report to the Technology Bureau.

CHAIR PARKS:

Describe the duties of the program officer being transferred to the Administrative Services budget in decision unit E-904. How will the duties benefit DPS divisions other than NHP?

CHIEF ALMARAZ:

This position is currently a program officer located in the Training Division. She was providing background investigations for NHP as well as others. It is hoped the transfer will make the position more multifunctional.

CHAIR PARKS:

A new Evidence Vault account is being created. Under decision unit E-900, in B/A 101-4701, space rent and five positions are being transferred. Will the Highway Funded officers provide protection to visiting dignitaries? If dignitary protection is provided, will NHP reimburse the Highway Fund for those costs?

CHIEF ALMARAZ:

Decision unit E-904 in B/A 101-4713 will move the funding into the proper B/A 101-4738, Dignitary Protection.

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CHIEF PARKS:

How does NHP use breath analyzers versus the use of similar equipment by P&P?

CHIEF ALMARAZ:

The breathalyzers are considered an evidentiary item, not unlike the preliminary breath test used in the field, which are tools for field sobriety testing. The breathalyzer is an evidentiary test used on a daily basis statewide. They are used in court settings and administratively at the Department of Motor Vehicles for drivers' license revocations and suspensions. This is one component of our mission.

I am not certain of the use of breathalyzers by P&P. Many times they will use a component or tool to identify controlled substances, other than alcohol, used by their offenders.

CHAIR PARKS:

Our Staff may have questions related to the replacement equipment requests. They will work with NHP concerning the one-shot appropriation for vehicle replacements. Please clarify how many vehicles are being requested in the next biennium.

CHIEF ALMARAZ:

We are requesting a total of 123 vehicles over the biennium. In FY 2011-2012, NHP is requesting 20 sedans and in FY 2012-2013, an additional 69 sedans.

Twenty-one SUVs are being requested in the first year and thirteen in the second year of the biennium. The threshold for replacement of sedans is 105,000 miles and 125,000 for SUVs and pickups.

The NHP is looking at long-term projections for its vehicle fleet. Mileage for a trooper is based on the averages they drive on both a monthly and yearly basis. We also consider the trends.

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CHAIR PARKS:

When I divided the request of \$5.3 million by 123 vehicles the total per vehicle cost was roughly \$43,000. Is the equipment in a decommissioned vehicle moved to a new vehicle?

CHIEF ALMARAZ:

Generally, new equipment is purchased for new vehicles. However, there are some cases in which some used equipment is moved to a new vehicle. For the most part, the law enforcement vehicles are built with new equipment. We attempt to keep up with new technology within the necessary budgetary responsibility.

CHAIR PARKS:

It appears NHP vehicles are smaller in size than in the past.

CHIEF ALMARAZ:

That is correct.

CHAIR PARKS:

We will close B/A 201-4713 and open the budget on hearing on B/A 201-4721, the Highway Safety Grants account.

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Budget Account 201-4721

CHIEF ALMARAZ:

Budget account 201-4721 is the Motor Carrier Safety Assistance Program (MCSAP). Page 14 of [Exhibit I](#) begins the explanation of this budget. It is a program-driven budget account. This budget is funded from federal grant funds. The MCSAP Program focuses on the enhancement of enforcement programs in a uniform manner.

Page 15 of [Exhibit I](#) describes this Program. The grant funding is through the U.S. Department of Transportation. The grant is administered in conjunction

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with the Federal Motor Carrier Safety Administration focusing on accident fatality reductions through education.

Page 16 of [Exhibit I](#) provides a summary of the federal grant funding this budget. In addition to MCSAP, the New Entrant Safety Program is designed to provide safety audits, primarily in southern Nevada.

Page 17 of [Exhibit I](#) lists the statutory mandates for MCSAP.

Page 18 of [Exhibit I](#) lists the performance indicators for this budget.

Page 19 of [Exhibit I](#) is a graph of the funding sources for B/A 201-4721.

Page 20 of [Exhibit I](#) shows the organizational chart for this budget which is authorized for ten civilian FTE positions. The hierarchy is similar to that of B/A 201-4713, with the addition of the ten civilian FTE positions. The positions range from administrative support services to commercial vehicle safety inspectors (CVSI).

Page 21 of [Exhibit I](#) shows the decision units for B/A 201-4721. Decision unit E-710 is a request for replacement equipment such as computers, software and a scheduled replacement for one vehicle.

E-710 Equipment Replacement — Page PUBLIC SAFETY-178

Decision unit E-805 is a reclassification request to change one of the CVSI II positions to a DPS training officer II position. That position is specific. This gentleman is resourceful. He is frequently called upon to educate his community regarding commercial motor vehicles, new laws and safety programs. He is a "one-man band" shop.

E-805 Classified Position Reclassification — Page PUBLIC SAFETY-70

CHAIR PARKS:

Are the CVSI positions civilian positions?

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CHIEF ALMARAZ:
That is correct.

CHAIR PARKS:
Does that person act as the training coordinator for all commercial inspections?

CHIEF ALMARAZ:
He coordinates commercial inspections and education.

CHAIR PARKS:
Would the duties of this position change when it is reclassified, or does the reclassification simply bring the position more in line with the duties currently being performed?

CHIEF ALMARAZ:
Lieutenant Bill Bainter will respond. He is the direct supervisor for that position.

LT. BANTER:
The position reclassification is an upgrade for the CVSI II position. I am currently working with DOP to title the position CVSI III. The reclassification would result in a 10 percent salary increase and the position would remain in the CVSI classification series. The position would be a statewide trainer for DPS and for the motor carrier industry. In addition, he will have supervisory responsibilities for civilian staff at headquarters.

ASSEMBLYMAN GOICOECHEA:
The civilian inspectors must have a certain amount of mechanical expertise to perform these functions. Do they also have the ability to issue citations?

LT. BANTER:
No, they cannot issue citations.

ASSEMBLYMAN GOICOECHEA:
Would a sworn officer need to be present to write a citation?

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LT. BANTER:

That is correct. However, in the capacity as a CVSI III, this position will be a statewide training coordinator. He will still have responsibilities for conducting inspections, training civilian employees and industry representatives and supervisory responsibilities at headquarters.

ASSEMBLYMAN HOGAN:

In our daily search for savings in the current economy, we are alert to situations in which we may be providing a valuable service through certain agencies. You have described a highly-skilled safety instructor for an array of private industry and public activities. Is there a possibility of attaching a value to the service and creating a revenue stream?

LT. BANTER:

I did not consider that possibility. I agree the service we provide to industry includes training courses tailored for many companies throughout the State. We coordinate these efforts with trucking associations, the Associated General Contractors and others. This is a proactive program in which we train individuals regarding regulations and laws to hopefully prevent violations and accidents on the roadways.

ASSEMBLYMAN HOGAN:

Charging for these services may not be a popular decision, but other budget decisions are not extraordinarily popular either.

CHAIR PARKS:

Where would this CVSI trainer be located? Would he travel throughout the State?

LT. BANTER:

The individual would be located at the Carson City DPS Headquarters. Currently, the training programs for officer certifications occur in Las Vegas, Reno and Elko. The class per diem expenses are being funded through the MCSAP grant. The National Training Center of the National Commercial Safety Association pays for training costs outside of its grant funding.

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The classes are not only offered for Nevadans, but those from other states. It is not uncommon to see five to eight out-of-state law enforcement officers in these classes.

CHAIR PARKS:

Would the reclassification of this position in any way affect the ability of the Agency to conduct inspections and audits?

LT. BANTER:

The individual currently in the position is already providing the other activities specified without an impact on the conduct of inspections and audits.

CHAIR PARKS:

One of the vehicles scheduled for replacement only has 105,000 miles of service, which is less than the standard 125,000 miles. Is there a particular reason for requesting replacement of this vehicle?

CHIEF ALMARAZ:

That mileage is simply a projection at this time.

CHAIR PARKS:

Has the Agency discussed transitioning the management of its fleet to the Motor Pool Division as recommended by an Executive Branch audit in June 2010?

CHIEF ALMARAZ:

My staff has attended several meetings to review every option available in terms of our fleet and the Motor Pool Division. The result always seems to be that, in terms of how we manage vehicles and their being released to the Purchasing Division after our use, the change would not be of value to NHP. It is easier to maintain our vehicles. They are used on a daily basis and used hard.

CHAIR PARKS:

Are most of the vehicles in the fleet individually assigned?

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CHIEF ALMARAZ:

That is correct. All sworn officers have a specific vehicle assigned to them.

ASSEMBLYMAN HOGAN:

What is the approximate balance between sedans and SUVs in the general patrol functions? Which type is more predominantly assigned to an officer and likely to be on the roads on a daily basis?

CHIEF ALMARAZ:

A larger number of sedans are on the roadways. The SUVs are used by some of the traffic enforcement officers in high mountain areas where adverse weather conditions occur and in some rural posts that encounter snowy conditions. The pickups and SUVs are primarily designated to the commercial enforcement staff. We can provide a breakdown of that information.

CHAIR PARKS:

We will close the hearing on B/A 201-4721 and open the hearing B/A 101-4738, Dignitary Protection.

CHIEF ALMARAZ:

Page 22 of [Exhibit I](#) begins the presentation for this budget account. The Dignitary Protection Detail (DPD) coordinates resources for the Governor and his family. They assess inappropriate correspondence to the Governor. They collaborate with other federal, State and local agencies to ensure the safety of the Governor and his family.

Page 23 of [Exhibit I](#) further describes the functions of the Detail which include advance work for functions attended by the Governor or his family, and provision of 24/7 protection services.

Page 24 of [Exhibit I](#) describes the statutory mandate for this budget.

Page 25 of [Exhibit I](#) lists the performance indicators for this budget. As you will see, the projected indicators are all at 100 percent regarding protection of the Governor and his family.

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Page 26 of [Exhibit I](#) is the funding map for B/A 101-4738. The columns labeled FY 2010 and FY 2011 should read FY 2012 and FY 2013. The General Fund provides 100 percent of funding in this account. The decrease in funding reflects elimination of the pass-through account.

Page 27 of [Exhibit I](#) depicts the organizational hierarchy for this budget account. The authorized FTEs were downsized from the past as required by the Governor. The budget currently consists of one DPS sergeant and four DPS officer II positions, all located in Carson City.

Page 28 of [Exhibit I](#) lists the decision units in B/A 101-4738.

Decision unit E-900 reflects the request that funding for Governor's Mansion security transfer to the Capitol Police, B/A 710-4727.

E-900 Trans From Dignitary Protection to Capitol Police — Page PUBLIC SAFETY-77

DPS – Capitol Police — Budget Page PUBLIC SAFETY-164 (Volume III)
Budget Account 710-4727

E-900 Trans From Dignitary Protection to Capitol Police — Page PUBLIC SAFETY-170

Decision unit E-902 in B/A 101-4738 requests the transfer of \$3,031 in each year of the biennium from 201-4713 to 101-4738 to fund visiting dignitary protection.

E-902 Trans from Highway Patrol to Dignitary Protection — Page PUBLIC SAFETY – 78

CHAIR PARKS:

Nevada has a new Governor and he has a larger family in the Mansion. With three children in the Mansion, how does that add to the dignitary protection duties?

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CHIEF ALMARAZ:

Currently, we are carrying on as in other areas and agencies. Any kind of dignitary protection detail brings with it a certain amount of the unknown. This is a relatively new administration with the addition of children, yet we are downsizing the number of positions available. The overall operation at the headquarters office has not changed.

At this time, there have been no particular issues with protection of this Governor and his family. We have consistently configured scheduling in a distinctive manner. Unfortunately, the Governor has schedule changes that require last-minute changes that must be accommodated by DPD. Sometimes that means our staff must be flexible in movement from one shift to another. That may include flex time or changes in days off duty, to make proper accommodations. These gentlemen are knowledgeable in what must be done.

CHAIR PARKS:

Why is the transfer of funding for overtime for visiting dignitary protection from NHP to the Capitol Police budget necessary?

JOHNEAN J. MORRISON (Administrative Services Officer, Highway Patrol Division, Department of Public Safety):

This is a housekeeping issue. Currently, DPD provides much one-on-one protection, not only to the Governor, but also to visiting dignitaries. The funding for this function was in B/A 101-4713. However, because of the economic environment and departmental changes, DPD staff is being utilized to provide the one-on-one protection. Because B/A 101-4713 is solely funded from the Highway Fund, we felt it was better to move it into B/A 710-4738. All dignitary protection functions and duties will be within one budget account.

When staff from B/A 101-4713 perform visiting dignitary protection duties, a transfer from B/A 710-4738 is made to the Highway Fund to cover the costs.

ASSEMBLYMAN HOGAN:

Who is currently managing DPD? Was that affected by the reclassification of the lieutenant who had been in charge of this Detail? What plans have been made for management of DPD?

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CHIEF ALMARAZ:

The DPD is currently being supervised by a sergeant position located in Carson City. The middle management function is the responsibility of a headquarters lieutenant who oversees some of the budgetary components of DPD. The sergeant works closely with headquarters staff.

CHAIR PARKS:

Who would provide security services to visiting dignitaries if the existing sworn staff were on other assignments or unavailable?

CHIEF ALMARAZ:

That sometimes proves difficult. Many times visiting dignitaries have some of their own security staff traveling with them. We are always hopeful that will be the case. If they do not have security staff traveling with them, we are usually able to accommodate the situation.

CHAIR PARKS:

I brought the issue forward only because 2012 is a Presidential election year, which will keep DPD staff very busy.

CHIEF ALMARAZ:

That is true. Many of those assignments are done by staff in B/A 201-4713 when strictly providing traffic control for very high-level dignitaries such as the President.

ASSEMBLYMAN GOICOECHEA:

It would make sense to transfer the function to the Capitol Police budget. Would Capitol Police staff be utilized if there were a need to backfill for security purposes?

CHIEF ALMARAZ:

Each agency has very specific missions that do not necessarily transfer well. We work with the Capitol Police on a daily basis.

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I would be remiss if I did not mention that I have a large contingency of individuals who work diligently for NHP. Without them, we would not be as successful as we are.

The NHP has drafted a comprehensive divisional strategic plan. Many of the items in the plan map the path for NHP into the future. It identifies many of our weaknesses and strengths, internal and external stakeholders and it will be quite valuable.

The NHP grant applications have been successful. These include programs such as High Intensity Drug Trafficking Areas, MAIT, Nevada Ticketing Aggressive Cars and Trucks (NTACT), and Joining Forces. The MAIT team has been called upon in many instances to diagram crime scenes for other agencies. Joining Forces reduces carnage on the road through driving under the influence (DUI), speed and pedestrian enforcement. A grant was received for Idle Reduction using solar panels to reduce emissions into the air. Several academy graduations have increased the number of troopers on the road. Successful civilian hires for dispatch have improved officer and community safety.

We have implemented an in-house driver safety program for our own employees. One of my goals was to reduce the number of crashes experienced by our officers. Our duties include inherent exposure to those incidents.

The Driving Responsibly Includes Vehicle Education Program has been instituted for the communities. It targets youthful drivers. We are going into schools to educate young drivers on proper driving techniques, laws, what to do if you are stopped, how to not get stopped by law enforcement and how to avoid traffic crashes. The Program is being expanded.

We are maintaining our goals for DUI enforcement, increasing enforcement for traffic violations, education and prompt response to traffic crashes.

CHAIR PARKS:

When I talk to constituents I stress successful programs such as NTACT. It is helpful when these programs are noted in the media. A few years ago NHP had

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a specially painted pickup or SUV vehicle in the south. Do you still have that vehicle?

CHIEF ALMARAZ:

That was the Aggressive Driving Program vehicle and it is operated in both the north and the south. Unfortunately, we are unable to put it on the streets as often as we would like. Several troopers are involved in its operation because one person is the "rabbit" who goes out and looks for violators similar to the aircraft collaboration. The vehicle contains emergency equipment, but we prefer to have marked vehicles make the traffic stops.

CHAIR PARKS:

We will now close B/A 710-4728 and open B/A 710-4727. There are three issues needing clarification in this budget account.

JAY LOGUE (Chief, Capitol Police Division, Department of Public Safety):
I have provided a written presentation of this budget account ([Exhibit J](#)).

Page 2 of [Exhibit J](#) describes the Division's vision and mission statements and the statutory authority for the Division.

The Division budget's internal service revenue from The Buildings and Grounds Division of the Department of Administration funds 23 FTE; 22 sworn FTE and 1 civilian FTE. The second funding source is from the General Fund in the form of a pass-through from B/A 101-4738. These funds provide five sworn FTE assigned to the Governor's Mansion.

Page 4 of [Exhibit J](#) lists the various State locations for which the Division staff provides security services.

Page 5 of [Exhibit J](#) depicts the Division's organizational chart. I will be discussing the five positions funded by the Dignitary Protection budget account and the management analyst I position.

Page 6 of [Exhibit J](#) lists the Division's enhancement requests.

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Decision unit E-900 transfers General Fund monies for five officers at the Governor's Mansion from B/A 101- 4738 to B/A 710-4727. Currently, the General Fund appropriation that funds Governor's Mansion security is contained in B/A 101-4738 and passed through to B/A 710-4727. This decision unit will place the General Funds for this function directly into Dignitary Protection, B/A 710-4727. The Division will continue to track the matching expenditures separately, but would have the mechanism in place to pay all expenditures without the additional administrative steps currently necessary.

E-900 Trans From Dignitary Protection to Capitol Police — Page PUBLIC SAFETY-170

Decision unit E-907 transfers the management analyst I position in the DPS Administrative Services Division, B/A 201-4714. The Department will provide a greater range of services through a centralized pool of positions.

E-907 Trans From Capitol Police to Admin Services — Page PUBLIC SAFETY-171

Page 7 of [Exhibit J](#) depicts the organization chart identifying the eliminated position.

Page 8 of [Exhibit J](#) describes decision unit E-902. It transfers the costs of associated contract services from B/A 710-1349, Division of Building and Grounds (B&G), to B/A 710-4727. The service currently provides security at the Bradley and Belrose Office Buildings in Las Vegas. Because the costs were related to security, supervision of the function would be more appropriately placed in the Capitol Police Division.

E-902 Trans From Bldgs & Grounds to Capitol Police — Page PUBLIC SAFETY-171

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Budget Account 710-1349

Page 9 of [Exhibit J](#) lists explanations for decision units E-251, E-710 and E-705 in B/A 710-4727. Decision unit E-251 requests travel funds for annual training required for the armorers and additional ammunition and training taser cartridges for new equipment purchased in the last biennium.

E-251 Economic Working Environment — Page PUBLIC SAFETY-166

Decision unit E-710 requests replacement of one computer and printer in FY 2011-2012 and two in FY 2012-2013 following the approved replacement cycle. It also requests batteries for the handheld radios.

E-710 Equipment Replacement — Page PUBLIC SAFETY-169

Decision unit E-750 requests in-State travel funds to allow the chief four trips each year for meetings and interviews.

E-750 Budget Restorations — Page PUBLIC SAFETY-169

Page 10 of [Exhibit J](#) lists the Capitol Police Division performance indicators.

CHAIR PARKS:

Please work with our Staff regarding the appropriation request of \$6,605 for contract services. The Joint Subcommittee understands the intent for contract services. Is it your plan to continue contract security in Las Vegas? Because the Belrose and Bradley Office Buildings house primarily administrative services, does the Division experience much call for services?

CHIEF LOGUE:

These facilities utilize contract security originally administered through B&G. It is a new program for the Capitol Police Division. We have yet to identify the

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number of calls for services or review the current contract to determine the need for an armed security officer or unarmed security officer.

ASSEMBLYWOMAN CARLTON:

In regard to the contracted security, what is broken that we need to fix?

CHIEF LOGUE:

We do not have that information as yet for this new program, currently placed under B&G.

ASSEMBLYWOMAN CARLTON:

The Joint Subcommittee needs to pose the question to B&G. It is the same amount of funding, simply a change in supervision. Is there a real need for this transfer?

CHIEF LOGUE:

Because our Division is a law enforcement agency and we also provide security functions, it would be more appropriately placed in our Division. The B&G's primary function is maintenance of facilities.

ASSEMBLYWOMAN CARLTON:

Not every building needs a sworn officer to provide security.

CHAIR PARKS:

Is the intent for the Capitol Police Division to assume administration, rather than B&G? When does the contract expire?

CHIEF LOGUE:

That is correct. We would assume the costs of the contract. I am not sure of the renewal or expiration date of the contract. Andrews Security holds the State contract.

CHAIR PARKS:

We will now close the hearing on B/A 710-4727 and open the hearing on B/A 201-4689, the Bicycle Safety Program.

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DPS – Bicycle Safety Program — Budget Page PUBLIC SAFETY-183 (Volume III)
Budget Account 201-4689

JOHN R. JOHANSEN (Impaired Driving Programs Manager, Office of Traffic Safety,
Department of Public Safety):

We have provided the Joint Subcommittee with an overview document for this budget account ([Exhibit K](#)).

The Office of Traffic Safety (OTS) is tasked with reducing fatalities and injuries on Nevada's roadways in all modes of travel. Two of our budget accounts are fee-based accounts. The remainder of accounts are grant-based revenue from the National Highway Traffic Safety Administration (NHTSA).

The Bicycle Program, B/A 201-4689, is funded in two different agencies. The bicycle education portion is administered by an education officer within OTS and the bicycle engineering solutions are administered by the Nevada Department of Transportation (NDOT) under the auspices of the Nevada Bicycle Advisory Board. A fee of 50 cents is charged for issuance of each drivers' license to fund the NDOT program.

Budget Account 201-4691 is the Motorcycle Safety Program established in statute. Fees for motorcycle registrations are used to train motorcyclists in Nevada. Extensive beginning and experienced rider training programs have been established. Other educational efforts are in place through this program.

DPS – Motorcycle Safety Program — Budget Page PUBLIC SAFETY-188
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Budget Account 201-4691

Page 5 of [Exhibit K](#) is the organizational chart for the current structure. One FTE administers the Bicycle Program. The Motorcycle Safety Program has one FTE and one contract employee. The OTS had one FTE in 2000 because of the unique skill set needed to train motorcyclists. We no longer have that position. The needs are being addressed through a contract employee.

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The new proposal moves the Bicycle Program from OTS to consolidate it with NDOT's program. Our behavioral program transfers more easily into the NDOT Program than trying to bring engineering solutions into OTS.

Page 9 of [Exhibit K](#) lists performance indicators for OTS. Although there are times when the Program experiences a drastic increase in one type of roadway accident or another, we are essentially meeting our standards. One example of this is the current issue of distracted drivers. That area is increasing which means other areas are decreasing. We use additional standards to validate our performance measures and in meeting federal reporting requirements.

The fee for motorcycle safety training was established by statute in 1992 when the Program was created. The fee no longer covers costs of the Program. The OTS requested fee changes, which were unsuccessful, during the 2009 Legislative Session. The OTS is currently using reserves to maintain the Program.

CHAIR PARKS:

What are the benefits and efficiencies to be realized by joining the bicycle programs of OTS and NDOT?

MR. JOHANSEN:

The revenue for the Bicycle Education Program has been drawing on the reserves. The primary purpose of the Program is to promote bicycle safety. Fortunately, bicycle safety is identified as a minor problem in Nevada roadway fatalities. The number of fatalities from bicycle incidents seldom exceeds single-digit numbers. The number is typically between six and eight incidents each year. Over the past five years, the total number of fatalities for various causes has been reduced from more than 430 fatalities annually to 243 in 2009. It will be difficult for fees alone to continue support of the Program.

CHAIR PARKS:

What factors were considered in moving the Bicycle Education Program to NDOT versus moving NDOT's Program to OTS? Was there a particular factor that made this decision more favorable?

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DARLENE ROULLARD (Management Analyst, Office of Traffic Safety, Department of Public Safety):

The NDOT currently administers the Safe Routes To School Program which has the education component for children in kindergarten through Grade 8. It seemed better for OTS to move its comprehensive education program for children through adulthood to NDOT. We do not have space to move the staff of NDOT's program into our building. The NDOT does have sufficient space for our one program employee. The NDOT is eager to accept the equipment and knowledge inherent to our Program. The NDOT Program combines pedestrian education in its Program while pedestrian issues are a separate program within OTS.

CHAIR PARKS:

Will a bill draft request (BDR) be needed to combine the Programs?

Ms. ROULLARD:

A BDR has already been proposed.

ANDREW CLINGER (Administrator, Department of Administration):

A budget bill has been submitted.

CHAIR PARKS:

It appears the Program requires 309 square feet of office space; however, only one position is being eliminated from OTS. Please explain.

Ms. ROULLARD:

The office occupied by our education staff member was already committed for rent purposes under B&G. The OTS Fatal Accident Reporting System analyst will be moving into that space. The front office will then be better configured for copying and filing needs. The space will be billed to the corresponding federal program.

CHAIR PARKS:

A request has been made to replace the contract employee with a program officer III. Please explain the advantages of making it a State position.

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MS. ROULLARD:

We have tried to fill the position with a State employee without success. It was felt perhaps, given the current economic situation, we might find an applicant with appropriate skills. It is preferable to have a State employee rather than a contracted position in that role. It would allow OTS to have more control of the position functions.

CHAIR PARKS:

Is the current contract employee retiring?

MS. ROULLARD:

That is correct.

ASSEMBLYMAN HOGAN:

The performance indicators seem to portray a somewhat higher than projected rate of fatal accidents in the motorcycle category. Is that a year-to-year variation or is additional action needed to reduce the number of fatalities?

MR. JOHANSEN:

The problem with using the percentage of totals is that we drastically reduced total fatalities. The majority of the reduction has occurred with motor vehicle operators. As those numbers reduced more quickly than motorcycle or pedestrian numbers, percentages for motorcycles and pedestrians become a greater part of the total percentage. In this case, both motorcycle and pedestrian totals are declining, but not as quickly as other motor vehicle totals. The OTS also considers the increase or decrease in the number of registered motorcycles. They are slightly more difficult to disseminate into publications. Reviewing rates for registered motorcycles in Nevada gives us an idea of whether it is becoming safer or more dangerous to ride in the State. The same methodology is used for annual vehicle mileage rates. Fatalities per 100 million vehicle miles traveled can be compared to identify if progress is being made in reducing the accident rate.

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CHAIR PARKS:

The OTS budget includes a replacement schedule for motorcycles in the inventory. I was surprised to learn there are 173 motorcycles in the Program. Is that correct?

MS. ROULLARD:

The replacement schedule requests 15 motorcycles each year to maintain the 10-year replacement cycle. The OTS has motorcycles at the various community colleges throughout the State and others are in the local programs.

CHAIR PARKS:

In other words, most individuals who attend the motorcycle safety classes do not bring their own motorcycle for the training.

MS. ROULLARD:

The motorcycles we provide are training motorcycles which do not have a long life due to the duress of training.

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CHAIR PARKS:

Seeing no further business before the Joint Subcommittee, we are adjourned at
11:18 a.m.

RESPECTFULLY SUBMITTED:

Cynthia Clampitt,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman Joseph M. Hogan, Chair

DATE: _____

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<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Richard Clark, P.O.S.T.	Presentation Document
	D	James Peterson, DPS	Presentation Document
	E	Patrick J. Conmay, DPS	Presentation Document
	F	Lisa Young, DPS	Budget Detail 201-4709
	G	Lisa Young, DPS	Budget Explanations 201-4709
	H	Patrick Conmay, DPS	Budget Explanation 201-4733
	I	Mark Anthony (Tony) Almaraz, NHP	NHP budget presentations
	J	Jay Logue, Capitol Police Division	Budget presentation
	K	John J. Johansen, OTS	Budget presentation