

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

**Seventy-Seventh Session
February 15, 2013**

The Joint Subcommittee on Public Safety, Military and Veterans' Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair David R. Parks at 8:04 a.m. on Friday, February 15, 2013, 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 Joyce Woodhouse
Senator Pete Goicoechea

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman David P. Bobzien, Chair
Assemblyman Tom Grady
Assemblyman John Hambrick
Assemblywoman Marilyn Kirkpatrick
Assemblyman Michael Sprinkle

SUBCOMMITTEE MEMBERS ABSENT:

Assemblyman Steven J. Brooks, Vice Chair (Excused)

STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Joi Davis, Senior Program Analyst
Karen Hoppe, Program Analyst
Annette Teixeira, Committee Secretary

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OTHERS PRESENT:

Mark Teska, Administrative Services Officer, Director's Office, Department of Public Safety
Chris Perry, Director, Department of Public Safety
David Gustafson, Administrator, Division of Enterprise Information Technology Services
James Wright, Deputy Director, Department of Public Safety
Lieutenant Jackie Muth, Commander, Office of Professional Responsibility, Department of Public Safety
Christopher B. Smith, Administrator, Division of Emergency Management, Department of Public Safety
Captain David Jones, Deputy Chief, Investigation Division, Department of Public Safety
Peter J. Mulvihill, Chief, State Fire Marshal Division, Department of Public Safety
Traci Pearl, Administrator, Office of Traffic Safety, Department of Public Safety

Chair Parks:

I will open the meeting today with an overview of the Department of Public Safety budget. We will start with budget account (B/A) 201-4706.

PUBLIC SAFETY

DEPARTMENT OF PUBLIC SAFETY

DPS - Director's Office — Budget Page PUBLIC SAFETY-10 (Volume III)
Budget Account 201-4706

Mark Teska (Administrative Services Officer, Director's Office, Department of Public Safety):

This budget account is outlined in my handout titled "Director's Office 2013-2015 Gov. Rec. Budget" ([Exhibit C](#)). Our mission is to protect our citizens and visitors to Nevada. Page 5 of [Exhibit C](#) states the Director's Office is responsible for establishing policy and providing leadership for the Department of Public Safety (DPS). The Department also oversees the operations and administration of the divisions and offices. Page 6 of [Exhibit C](#) outlines how the Department is funded. The cost allocation is divided into several different cost pools. They include the

Director's Office administration and various human resources and fiscal services. This accurately illustrates how the costs are allocated to various divisions.

Page 7 of [Exhibit C](#) describes decision unit E-247 and the consolidation of DPS technology services within the Enterprise Information Technology Services (EITS). Currently, the DPS has its own Technology Bureau and its own budget account. We are proposing to combine our staff and our resources with the EITS. That shifts us from a cost-allocated model to a rate model. Currently, the Technology Bureau allocates costs based on various cost pools to all the utilizing divisions within the Department. With this consolidation, the individual divisions within the Department will, essentially, be purchasing IT services from the EITS. This is similar to how other State agencies work. This involves the transfer of 48 positions, and the associated operating costs, from the DPS technology budget to the technology budget within the EITS. Almost all of the Department budgets throughout this hearing contain a decision unit E-247. That is the mechanism by which we are accomplishing this consolidation.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-12

On page 8 of [Exhibit C](#) we are proposing to consolidate the nonsworn operational support services within a single budget account within the Records and Technology Division, renamed the General Services Division. This is contained in decision unit E-924. The goal is to realize efficiencies by having a single function for the Department in one place. An example of this would be the warrant function that we are proposing to transfer from the Nevada Highway Patrol (NHP), rather than each division having their own warrants unit. Under the General Services Division, we would retain the Records Bureau, which is the Central Repository for Nevada Records of Criminal History, and then we would add a dispatch bureau within this new budget account. Currently, dispatch is located in the NHP budget, and is funded by an allocation from the participating agency. The NHP is the single biggest user, but they also provide dispatch services for other State agencies. That function would go to the General Services Division under the dispatch bureau. The warrant function for the NHP would transfer first in this consolidation. In future biennia, other warrant functions for the other divisions will be transferred. We eventually will have a centralized warrant function, as well as the records and evidence functions within the various warrant divisions.

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E-924 Transfer from DPS Technology to Directors Office — Page PUBLIC SAFETY-15

DPS - Technology Division — Budget Page PUBLIC SAFETY-165 (Volume III)
Budget Account 201-4733

E-924 Transfer from DPS Technology to Directors Office — Page PUBLIC SAFETY-177

Page 9 of [Exhibit C](#) describes the elimination of an auditor III position as defined in decision unit E-600. We need to focus on recruitment and hiring, particularly in the sworn positions. The primary reason for the elimination of this position is to get the vacancies filled. Most of the audit-related tasks will be transferred to the fiscal staff in the Director's Office. However, we have consulted with the Division of Internal Audits, and they are willing to assist as needed.

E-600 Budget Reductions — Page PUBLIC SAFETY-13

Page 10 of [Exhibit C](#) focuses on recruitment and retention in decision unit E-248. We are looking to increase the three part-time administrative assistant III positions to full-time positions. These positions perform background investigations for all new employees. The focus is to maximize the number of cadets in each academy. It can take as many as 1,000 applicants to get enough candidates to fill 50 slots in the academy. We need to be able to complete more background investigations, get more candidates through the process, and then fill the vacancies that we have. As an example, the most recent academy started with 50 cadets. That is a significant increase over what we have had in prior academies. The intent is to do this at least for one more academy, if not more, to address the vacancies.

E-248 Efficient and Responsive State Government — Page PUBLIC SAFETY-12

The next item is the annual maintenance for the Lexipol police policy system referenced in decision unit E-225. The Lexipol contract was originally funded by the POST. The DPS was a participant. We have converted all of our policies to Lexipol. They are available to all employees. We are asking for the annual maintenance of this system under standardized framework for law enforcement policy.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-11

Page 11 of [Exhibit C](#) describes decision unit E-900, the transfer of one grants and projects analyst III position from the Director's Office to Office of Traffic Safety (OTS). Last Session we did a fiscal centralization within the Director's Office. We eliminated a couple of positions department-wide and transferred four positions to the Director's Office to centralize the fiscal function for five of the smaller divisions. It has been operating well for the operations-based divisions; it is very cumbersome with the grants division. Since we are not located in the same offices, inefficiencies occur. There is not a lot of interaction between the grants division and the fiscal division. In order to lessen the inefficiencies and realize that we were not adding a significant value by having the positions in the Director's Office, we are simply transferring that position back to the OTS so that they would have their dedicated fiscal position. There is no net increase in staff; it is a transfer from the Director's Office to the OTS.

E-900 Trans from Directors Office to Highway Safety Plan — Page PUBLIC SAFETY-15

DPS - Highway Safety Plan & Admin — Budget Page PUBLIC SAFETY-229
(Volume III)
Budget Account 101-4688

E-900 Trans from Directors Office to Highway Safety Plan — Page PUBLIC SAFETY-237

Page 12 of [Exhibit C](#) describes two enhancements. Decision unit E-750 restores some training funds. As part of the budget reductions over the last several years, the training budget was eliminated from the Director's Office. This provides a minimal amount of training for human resources management, Equal Employment Opportunity Commission issues and fiscal analysis. This will provide a minimal amount of training for staff on an annual basis.

E-750 Budget Restorations — Page PUBLIC SAFETY-15

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We are seeking standard computer replacements based on the 5-year replacement cycle in decision unit E-710. There is also a transfer of technology circuit costs within the Technology Bureau as part of the consolidation with the EITS.

E-710 Equipment Replacement — Page PUBLIC SAFETY-14

On page 13 of [Exhibit C](#) we list the performance measures. Two performance measures that support management and policy activity are focused on communications and compliance. Chiefs' meetings are conducted so that they can be involved and know the direction the Department is going. A review of the policies of at least 10 percent of the Department is conducted to ensure that the policies are in line with the operations.

On page 14 of [Exhibit C](#) the human resources performance measures are outlined. The focus is on retention, prompt resolution of discipline, compliance and communication, and the timely completion of performance evaluations.

Finally, on page 15 of [Exhibit C](#), the fiscal and contract functions within the Director's Office are outlined. The focus is on quality and accuracy. The performance measures indicate how many of the various items are rejected by the same entity due to inaccuracy. The goal is to produce a quality product coming out of the Director's Office.

Chair Parks:

In the transfer of the Departmental IT function to the EITS, are you transferring the majority of your functions, leaving some stand-alone areas? Do you subscribe and pay a membership for the functions that you are retaining?

Mr. Teska:

There are 53 positions within the Technology Bureau; we are transferring 48 to the EITS. The positions retained are specific to the Nevada Criminal Justice Information System. Chief Pat Conmay of the Records and Technology Division oversees the System and is required to comply with the various FBI rules and regulations regarding criminal history information. That function will still reside with the Bureau. Technology, hardware and resources are moving over to the EITS. There are two positions associated with the Department. There are also two administrative positions that would move to the new General Services Division

and one technology position assigned as a liaison between the Department and the EITS. Since we are transferring the entire function, we need to be unified as a Department regarding our IT needs.

Chair Parks:

Why is the transfer being done at this time? Is the proposed date for the transfer July 1?

Mr. Teska:

Yes. They are sitting at desks and offices within the DPS. On July 1, they are not going to move to another location. We are not moving any hardware. Over time, with the function being within the EITS, they will be able to evaluate efficiencies. The same people will be doing the same jobs that they are doing now, but over time, they will migrate completely to the EITS.

Assemblyman Bobzien:

It is good to have a test case and a pilot case. Eventually I would like to see that you will be able to realize efficiency, cost savings and better ways to do business. By constructing a pilot program, we were able to gauge what lessons were learned and what things could have been done better. We are going to have to take this experience and apply it to other areas of State government as we move forward.

Chris Perry (Director, Department of Public Safety):

Yes. This is a test case. When it comes to technology, I do not have the ability to make decisions that are critical in nature as to whether or not we should move from one computer platform to another. I am not qualified to do that. I rely on my staff to do that. We do have expertise in State government and that is why David Gustafson, Chief Information Officer of the EITS and I got together early on to talk about the transfer. This will eventually be a business plan for other agencies to follow. There are a number of efficiencies to be realized.

David Gustafson (Administrator, Enterprise Information Technology Services):

We have a revenue project manager in our budget so that we can plan this appropriately and establish correct milestones. We are going to be able to tackle and address risks as they are identified. We will develop an action plan afterwards.

Assemblyman Bobzien:

How is \$562,726 in additional assessments for administrative support services in the consolidation budget determined?

Mr. Teska:

The technology budget within the DPS is cost-allocated to all of the units and divisions. Years ago there was a significant overhaul to the Department that did cost-allocations. The decision was made that the cost-allocated budgets would not receive allocations from other cost-allocation budgets. It greatly simplifies doing the allocations, especially when time is of the essence in the Legislative approval process. We are able to provide accurate allocations among all of the divisions. Some accuracy is lost by assuming that the services between all of the cost-allocated budgets are equal. The Technology Bureau never received an allocation from the Director's Office for human resources support and fiscal support, as did all the other department budgets. Now that it is transferred over to the EITS, all of those budgets pay a cost allocation to the Department of Administration for fiscal support and human resources. There is a brand new budget in the EITS with 48 employees. To receive some of those services it is now absorbed into those cost-allocations. As a result, this is a new cost to the DPS because it was not previously identified specifically with technology.

Assemblyman Hambrick:

I am concerned about the seamless transfer of data. At some point, as responsibilities change the distribution of the duties between the DPS and the EITS staff, it will change. Is there a plan for this?

Mr. Gustafson:

Yes. The DPS is regulated by the FBI and is required to manage and maintain a secure environment. That control will always remain in the DPS. We are facilitating skills and leveraging what infrastructures and resources are already available in the Executive Branch.

Assemblyman Hambrick:

What is the time line for the transfer?

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Mr. Gustafson:

We have had to change our approach due to budget account restrictions. This is due to the way our services are rendered and our reserve accounts are allocated. A new budget account, B/A 101-4705, will come over from the Executive Budget. It will have all of the resources, equipment and personnel in one budget account. The transition will be planned over time.

DPS - NHP K-9 Program — Budget Page PUBLIC SAFETY-45 (Volume III)
Budget Account 101-4705

Chair Parks:

Is this a cost-neutral move? Do you foresee long-range-cost efficiencies in the future? If so, what will those be?

Mr. Perry:

The DPS is at a crossroads. The current infrastructure is 15-years old and out-of-date. There is no support left for the system. This is the best time for us to take that \$15.5 million project and transfer it to the EITS with the understanding that Mr. Gustafson already has some of the problems solved. He has a much more efficient system than we do. In addition, there will be other issues that are identified throughout State government that will allow multiple solutions from one application. This made it the right time to make the transfer. There will be a large savings to the Department.

Mr. Gustafson:

When we look at other states that have consolidated IT, we have yet to find one that has lost revenue in the process. Consolidation has resulted in improved services, lower costs and a more secure environment. As a result, our economy of scale gets larger so when we use collective buying power or an enterprise agreement, we can leverage the same technology and lower the cost.

Assemblyman Bobzien:

Will we be able to track the benefits? What are the benchmarks?

Mr. Gustafson:

We have developed new performance measurements to track the benefits. We will use this to measure and track the benefits of the consolidations as we move

forward. Our job is to facilitate the Departments' business. They are our customers.

Assemblyman Sprinkle:

How did you determine which functions are going to stay within the Department and which ones are going to be consolidated? Why are we not transferring everything?

Mr. Teska:

One example of a technology cost that will be staying within the DPS is the ongoing maintenance for our Computer-Aided Dispatch Records, Management System. It was purchased from Spillman Technologies. It is specific to the DPS and other law enforcement agencies. We are paying the annual maintenance for their continued support of the system.

Assemblyman Hambrick:

Has there been any recruitment from the military for the academy?

James Wright (Deputy Director, Department of Public Safety):

We maximize our academy draw by reaching out in our recruitment drives to the military. It is a very easy transition to the academy from the military. It took approximately 1,300 candidates to fill the 50-person academy. Half of the applications we receive do not meet the qualifications we require. The physical agility testing process is failed by 35 percent of the candidates that appear for the examination. Twenty percent of the candidates who pass the exams, fail the Department interview. Of the 30 percent of the candidates who pass the interviews, some fail the initial background check, which includes employment checks, credit history and personal contacts. From that point, 50 percent of the candidates who pass step one, fail in step two. Step two consists of a polygraph, psychology tests and medical and drug testing. We are facing those hurdles along with many of the other law enforcement agencies across the Nation.

Assemblyman Sprinkle:

I am a public servant myself and appreciate the process. In order to accomplish the recruitment, you are losing an auditor position. What impact will this have?

Mr. Teska:

The audit position and the function are valuable. When a need is identified, most of those tasks will go to the fiscal unit within the Director's Office. We have also been in contact with the Division of Internal Audits. They have agreed to provide assistance on an as-needed basis.

Assemblyman Sprinkle:

Have you communicated with these departments? Do they anticipate a problem with the increased workload?

Mr. Teska:

I have spoken with the departments and they do not anticipate a problem at this point.

Chair Parks:

We have additional questions on the transfer of parole services to the Nevada Department of Corrections (NDOC). What impact does the proposal have on the Division of Parole and Probation (P&P)?

Mr. Perry:

We have been working on this operational issue. The NDOC and the DPS created an 18-page business plan that outlines the issues specifically. For the DPS, it simply carves out the parole function and moves it over to the NDOC. It will not affect the probation function from that point forward. We will administer probation, and the NDOC will administer parole.

Chair Parks:

We will move forward to close the hearing on B/A 201-4706 and open B/A 201-4707, the Office of Professional Responsibility.

DPS - Office of Prof Responsibility — Budget Page PUBLIC SAFETY-17 (Volume III)
Budget Account 201-4707

**Lieutenant Jackie Muth (Commander, Office of Professional Responsibility,
Department of Public Safety):**

I will be presenting the Office of Professional Responsibility budget. We conduct administrative investigations into employee misconduct within the Department. We

also provide training to all of our supervisors, both sworn and nonsworn, in the identification, prevention and handling of any misconduct issues that arise with our employees.

On page 18 of [Exhibit C](#) we have decision unit E-225, a critical upgrade to our Administrative Investigations Management software. It is specific to our Early Intervention System (EIS). The EIS is a police management database designed to identify whether officer behavior is problematic, and to provide a form of intervention to correct the performance. In order for this System to be fully operational, we need to go to a Web-based database. The System is primarily for our first-line supervisors and their chain of command to be able to monitor and track our employees that we have identified as necessary. Currently, we do not have a system in place. We can identify our employees who fall under the EIS guidelines, but we have no way to provide the intervention that is necessary to salvage these employees and prevent them from going into the disciplinary arena. This would further minimize any liability issues we may face when an employee displays misconduct.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-18

The second enhancement is included in decision unit E-710. This is for replacement of our computer hardware and software consistent with the 5-year replacement policy. This includes one computer and a docking station.

E-710 Equipment Replacement — Page PUBLIC SAFETY-20

On page 19 of [Exhibit C](#) our performance measures are outlined. We are currently meeting the established guidelines that we have in place. Our current staffing level is one investigator for every 430 employees. We are achieving our 70 percent performance measure for our Category 1 investigations completed within 45 days. We are exceeding the training guidelines for our supervisors.

Chair Parks:

Is the software upgrade proprietary?

Lieutenant Muth:

Yes. It is proprietary software. It would make the program available to all supervisors, which currently it is not.

Chair Parks:

The nonsworn staff in the Investigation Division has experienced an increase in caseload of 100 percent. Will this software assist them with their caseload?

Lieutenant Muth:

Yes. Our EIS has the ability to identify nonsworn staff. Our focus with the EIS is for sworn staff, since that is our highest liability. We have focused on the training of our supervisors, including our nonsworn supervisory staff. They are trained in the handling of various conduct issues with their nonsworn subordinates. Since last Session, we have received an increase in our caseload, especially with our nonsworn staff. The Department has a disciplinary matrix with specific guidelines on how to handle our administrative investigations internally. It removes any discretionary handling of misconduct issues. It has made our disciplinary system consistent. For these reasons, you are seeing a slight increase in the nonsworn cases that we are handling.

Assemblyman Sprinkle:

What type of behavior would you consider misconduct?

Lieutenant Muth:

Misconduct is anything that could result in discipline. For example, something that could be handled through training is a work performance issue.

Assemblyman Sprinkle:

If it can be handled by training, then that would be behavior you are trying to modify. If it has gone beyond that, is it actually a disciplinary or misconduct issue?

Lieutenant Muth:

Yes.

Chair Parks:

Your indicators state that you had a 26 percent increase in the total number of cases investigated between fiscal year (FY) 2010-2011 and FY 2011-2012. Was there any particular significance to that percentage increase?

Lieutenant Muth:

Yes, for the same reasons I just explained with the nonsworn staff. We are holding the sworn supervisory staff to the same level of consistency and guidelines we have put in place for the nonsworn staff. Some of these cases are out of our control. Approximately 55 percent of the cases that we investigate are from external cases, with 45 percent being internal cases. We have no control over the environment. Based on the training and consistency of policies and protocols we have put in place, we are handling these correctly.

Chair Parks:

Nevada Revised Statute (NRS) 284.387 requires investigations to be completed within 90 days. Does this have a large impact on your operations?

Lieutenant Muth:

Yes. It certainly has changed our mechanisms and the way we do business on a daily basis. There has been an increase in compensatory time for our investigative staff. Our workload increased to be able to meet the 90-day requirement. The result is maintaining the 70 percent for our performance measures, with nothing above that percentage.

Mr. Perry:

This points directly to why we need an early warning system. It keeps staff out of the disciplinary realm. We identify problems when they still can be corrected by training. That is something the supervisors would have the ability to recognize in the early stages. It allows us to retain more employees who do not go to the next step of discipline and then possible termination. This is the number one priority of the Office of Professional Responsibility.

Assemblyman Sprinkle:

Once this is implemented, it might also help with recruitment. You can identify potential behavioral patterns and help eliminate potential candidates at the beginning of the recruiting process. Are there other issues through the current

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investigations that have helped change the way you look at recruiting new employees?

Lieutenant Muth:

I cannot say that there has been anything specific that we have been able to utilize in our administrative investigations. We are talking about pre-employment versus post-employment activities. The EIS may be able to identify conduct in the recruitment process.

Chair Parks:

We will close the discussion on B/A 201-4707 and open B/A 101-4703, Forfeitures.

DPS - Forfeitures - Law Enforcement — Budget Page PUBLIC SAFETY-22
(Volume III)
Budget Account 101-4703

Mr. Teska:

I will review the forfeiture budget, located on page 21 of [Exhibit C](#). In the course of a law enforcement agency's daily business, they may seize assets. Judicial orders are issued that indicate the disposition of seized assets. Pursuant to court orders, the assets are liquidated and the involved parties share in those assets. The DPS uses the acquired assets for various law enforcement purposes. The Department of Justice publishes a guide to equitable sharing that we follow explicitly when spending forfeiture funds.

Page 22 of [Exhibit C](#) discusses decision unit E-225. The vehicle builds support the K-9 program. The operating costs for the Highway Patrol K-9 program are funded out of forfeiture funds. The vehicles are replaced on a periodic basis. This is outlined in the NHP budget. Specific equipment is required for those K-9 units. They include K-9 inserts, a cooling system, weapon storage and narcotics lockers. We are requesting five builds in the first fiscal year and one in the second fiscal year. This is based on the replacement schedule of the vehicles.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-23

Page 23 of [Exhibit C](#) outlines decision unit E-710 for a department-wide replacement of electronic control devices referred to as Tasers. The bulk of the Tasers currently in stock were purchased in 2006. Taser International, Inc. has indicated that the estimated useful life is 5 years. We are already beyond that 5-year useful life of the vast majority in stock. This wholesale replacement will ensure that all sworn staff will be using the same device. This cost represents approximately \$1.35 million.

E-710 Equipment Replacement — Page PUBLIC SAFETY-23

On page 24 of [Exhibit C](#) we are asking for replacement of Netbooks used by the cadets in the academy. They are essentially tablet computers issued to the cadets containing lessons and reference materials they utilize during their stay at the academy. They undergo heavy usage on a daily basis in the field. We are asking to replace 14 Netbooks in FY 2013-2014 and another 14 in FY 2014-2015 as outlined in decision unit E-711. This would allow inventory for cadets who do not provide their own Netbook during the academy training.

E-711 Equipment Replacement — Page PUBLIC SAFETY-24

Chair Parks:

With the large number of vacancies, is it necessary to have an additional 10 percent allowance of Tasers in stock?

Mr. Teska:

We have a 10 percent allowance to ensure that if any of the Tasers are not functional we can replace them in the field while the original Tasers are being repaired. We currently have 69 sworn vacancies. The goal is to keep recruiting to fill these positions. The 10 percent allowance is based on full staffing. This is our best estimate.

Assemblyman Grady:

You have allowed funding for the K-9 units. How many K-9 units do we have statewide and do we still have K-9 units in rural Nevada?

Mr. Teska:

There are currently eight K-9 units. There are three in southern Nevada, one in Reno, one in Fallon, which is in the Northern Command West region, and there are three in the Northern Command East region, which consists of Elko, Winnemucca and Ely.

Chair Parks:

Has the Department researched whether it is more cost-effective to purchase the extended warranties for all devices, or simply to budget for ongoing replacement of Tasers that fail after the initial warranty? The cost of the extended warranties equates to an additional \$300 per unit when there is already a one-year warranty for each unit.

Mr. Teska:

We are looking into this issue. We have asked all of the divisions to supply us with the number of repairs they have had in recent years to make this determination. We are analyzing that data to determine if it is still cost-effective to purchase the warranty, or if it would be cost-effective to have funds in reserve to repair the Tasers or to buy replacements as they fail.

Chair Parks:

Is part of your process to review the reliability of the various manufacturers?

Mr. Perry:

Yes. One manufacturer meets the criteria. That manufacturer is Taser International, Inc.

Senator Goicoechea:

How often do you use a Taser in a year?

Mr. Perry:

We have recently completed an analysis on usage. I do not have the numbers with me today. I will provide you with that information.

Chair Parks:

Please clarify the type of Netbook device that is used in the academy.

Mr. Teska:

We are not asking for fully functional laptop computers. The Netbooks are tablet computers for use by the cadets. Most of their lesson plans are on flash drives. This eliminates the need for a significant amount of lessons in hard copy. All of the materials are in one place, allowing research to be conducted and electronic submission of some assignments.

Chair Parks:

If the academy has approximately 50 cadets at any one time, would you need a minimum of 50 tablets?

Mr. Teska:

Ideally, we would need 50 for the academy. Some of the cadets use their own tablet or laptop. We do need to have them available to cadets so that they are all starting from the same place in the curriculum.

Chair Parks:

Should the request be adjusted to 11 Netbooks per year to replace one-third of the Netbook inventory every year? You are currently requesting 14 Netbooks every year. Would one-third be more appropriate?

Mr. Teska:

Our request is essentially a one-third replacement. The number is an estimate at the time of compiling the data. Some of the devices have not been utilized for an extended amount of time. We do not have a lot of history on what their useful life is estimated to be. The Netbooks are used in the field and in the classroom.

Chair Parks:

Due to the usage of the Netbooks, is the accelerated replacement schedule justified?

Mr. Teska:

Yes.

Chair Parks:

This concludes B/A 101-4703. We will open the hearing on B/A 101-3673, the Emergency Management Division.

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DPS - Emergency Management Division — Budget Page PUBLIC SAFETY-115
(Volume III)
Budget Account 101-3673

Christopher B. Smith (Administrator, Division of Emergency Management, Office of Homeland Security, Department of Public Safety):

I will review both the Nevada Division of Emergency Management (NDEM) B/A 101-3673, and the Nevada Office of Homeland Security (OHS), B/A 101-3675, in our budget request for 2013-2015 ([Exhibit D](#)). Our mission is to coordinate the efforts of the emergency responders, our Division and other assets around the State, to prevent, deter, detect, mitigate, prepare, respond and recover from all hazardous events. We believe in enhancing preparedness through leadership and building relationships around the State. Budget account 101-3673 represents the NDEM operating budget. Budget Account 101-3675 represents the OHS operating budget, and B/A 101-3674 is a pass-through account to our subgrantees.

DPS - Homeland Security — Budget Page PUBLIC SAFETY-129 (Volume III)
Budget Account 101-3675

DPS - Emergency Management Assistance Grants — Budget Page PUBLIC SAFETY-125 (Volume III)
Budget Account 101-3674

The Division itself has 33 full-time employees (FTEs), 29 of them are operating under B/A 101-3673 and 4 operate under B/A 101-3675. The Division contains the following sections: Operations and Planning section is in charge of activities throughout the State; The Homeland Security works on prevention, information sharing and ensuring that we are able to coordinate our responses effectively; Grants Recovery Mitigation deals specifically with our grants administration and has a damage assessment team that responds to the affected jurisdictions; Preparedness deals specifically with planning, training and exercise; and Fiscal is responsible for our fiscal administration within the Division.

Our overall revenue projections for FY 2013-2014 are represented on Page 5 of [Exhibit D](#). The largest support comes from U.S. Department of Homeland Security (DHS) grants at 41 percent. The Federal Emergency Management Agency's (FEMA)

Emergency Management Performance Grant also administered by the DHS and the FEMA represents 35 percent. Thirteen percent of the revenue is from the U.S. Department of Energy fund from fees that are paid to the Nevada National Security Site for low-level radioactive waste that is transported into the State. The General Fund represents 10 percent, and the FEMA Disaster and Hazard Mitigation Grants comprises 1 percent, for a total of \$5,053,330. We do not anticipate any significant changes with our funding through FY 2014-2015. The grant funds are not slated for elimination. There are significant reductions to grant funds allocated to the individual states. The DHS is cutting back substantially on those funds.

In B/A 101-3673, decision unit E-710 highlights our request for computer and software for the State Emergency Operations Center over the biennium. Initially the computers in this Center were donated by the Las Vegas Metropolitan Police Department.

E-710 Equipment Replacement — Page PUBLIC SAFETY-133

Our federal funding decreases have affected the Homeland Security Grant program by approximately 45 percent in the last year. Although we believe that the funds will be in existence through the next biennium, we do forecast a steady reduction. We operate with project funds as well as management administration funds that we receive through those grants. With a substantial reduction to the funds, staffing will be impacted in the Division. We have just experienced the end of the Public Safety Interoperable Communications (PSIC) grant program. This was in existence for approximately 5 years, totaling \$12 million. We have spent substantial amounts of federal resources to improve the capabilities of our first responders around the State with communication systems. With the end of the PSIC grant, our management and administration capabilities have diminished.

Our largest grant fund, the Emergency Management Performance Grant (EMPG), has a match requirement from the federal government. That match is 50 percent, which means we have to match either with revenue or like services. The EMPG program helps us maintain emergency management programs throughout the State, not just for our agency. We subgrant to local entities that have emergency management programs. This fund was developed by the U.S. Congress to ensure that emergency management is fully operational nationwide. This is the only federal grant in the DHS or the FEMA that went through the last budget process without

a reduction. It received an increase. The U.S. Congress supported the grant program because of the effectiveness on a State and local level. Currently, our matching funds have been donated by the Las Vegas Metropolitan Police Department. They provide the funds for similar services. We anticipate that this funding will continue.

Our performance indicators on Page 11 of [Exhibit D](#) reflect our daily mission that the responders are well trained and we are able to coordinate resources and information appropriately. The performance indicators for B/A 101-3675 have been included in B/A 101-3673. The performance indicators no longer exist for B/A 101-3675.

The DHS has nationally sponsored the Community Cyber Security Maturity Model training exercises for many states. Through the cooperation of the Department of Administration and the Governor's Office, we were able to acquire this exercise model for Nevada focusing on the counties of Clark, Washoe and Carson City. This type of an exercise brings about the level of concern that we have with Cyber Security to ensure the people in our communities are aware of these threats. It continues to build their capabilities to ensure they are ready.

We have updated our "Response and Recovery Guide for Local Governments." This guide is essential for our local governments when we have emergencies. We have conducted training and awareness with the local emergency management professionals to ensure that they understand their role and the role of state and federal government in an emergency. We have coordinated with our local community when it comes to enhancing hazard mitigation. We are one of only a few states that has an enhanced hazard mitigation plan. Our plan reaches a higher level than most plans in the Nation.

Our Homeland Security Division works with the DHS to conduct a special events data call. This national event gives the DHS an idea of where special events are and their size. This year we had an increase because we have done considerable outreach to the rural areas and have collected more events from around the State. We are currently tracking 285 events.

The three main goals in the Division are to build capabilities within the NDEM that will serve the agencies and jurisdictions in the State at all times, to invest in people

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whenever possible and to improve the day-to-day and long-term growth of the NDEM. We would like to continue to lead Nevada and the Nation in emergency management.

Chair Parks:

This concludes B/A 101-3673 and 101-3675. We will now proceed with B/A 101-3743, the Division of Investigations.

DPS - Division of Investigations — Budget Page PUBLIC SAFETY-98 (Volume III)
Budget Account 101-3743

Captain David Jones (Deputy Chief, Investigation Division, Department of Public Safety):

I will be going over the “2013-2015 Investigation Division Overview Budget 3743” ([Exhibit E](#)). The Investigation Division mission is to proactively enforce controlled substance laws and to provide investigative services to criminal justice agencies. Reflected through our Nevada Threat Analysis Center (NTAC), we collect, analyze and disseminate criminal intelligence and information concerning controlled substance violators. The primary statutory authority for the Investigation Division is under NRS 480, NRS 453, NRS 454 and NRS 639. This is reflected in our Division through our six narcotics task forces statewide. We also have one officer assigned to the Reno Drug Enforcement Administration task force. The criminal investigative and polygraph services are primarily located in our major crimes unit in Carson City. We have staff consisting of one sergeant, five detectives and two polygraph examiners. One polygraph examiner is located in Carson City and one is in Las Vegas. We investigate and enforce provisions of laws relating to theft and fraud concerning motor vehicles.

On page 4 of [Exhibit E](#) there is an overview of our staffing. Please refer to the color-coding for ease in understanding. The personnel reflected in a black outline are sworn positions. The blue outline is the administrative personnel. We supervise a large number of personnel that are assigned to our task forces from other agencies. We also have three contract employees that are funded through grant funds within our NTAC fusion center.

We provide drug education and training to communities, organizations, schools and law enforcement. We have a program named Nevada Drug Investigators School.

It is a comprehensive two-week class that all federal, state and local officers attend for narcotics training. The setting for the training is in a mock courtroom with a prosecutor. We have a lot of training in public forums like high schools, grade schools and the mining industry to educate people in the field of narcotics. The NTAC unit is primarily used for the prevention, detection, and investigation of threats to the State's infrastructure and to citizens and visitors to Nevada. We actively participate in the collection, analysis and dissemination of criminal intelligence. This is located in our NTAC unit. The reduction and availability of illicit and prescription controlled substances is maintained through multijurisdictional drug task forces. We continue to provide law enforcement agencies assistance with independent criminal investigative cases. This is important when dealing with officer-involved shootings and allegations of criminal conduct of officers. We also have been asked to review the conduct of elected officials. We are an independent agency requested to do these jobs.

On page 6 of [Exhibit E](#) our Division accomplishments for FY 2011-2012 are highlighted. We opened 767 cases and conducted 236 polygraph examinations. Our polygraph examiners have three major types of exams that they conduct. They conduct criminal polygraph examinations, pre-employment exams for candidates once they have an initial offer of employment, and those in the sex offender management program. The sex offender management program is for individuals that are under supervision of the P&P who are brought in for exams to determine whether or not they are in compliance. We made 732 arrests in FY 2011-2012. The Division seized or purchased controlled substances with an estimated street value of \$56.1 million.

Page 7 of [Exhibit E](#) represents our current FY 2012-2013 accomplishments. The Division has 444 open cases, conducted 113 polygraph examinations, 347 arrests were made and 563 individuals received drug education training. We had the highest number of felony arrests this year, with a significant amount of narcotics taken off the street. The number of marijuana plants varies depending on the time of year and the environment. Last year we had our highest number seized. Many cases came out of Lincoln, White Pine and Douglas Counties.

Page 8 of [Exhibit E](#) highlights the NTAC. The Center is 1 of 78 federally recognized centers in the Country. We receive requests for case history and research. Our formal trainings are presented to our liaison officers. We also offer active-shooter

training, information regarding suspicious activities, and training on international and domestic terrorist groups. We conducted 14 site-vulnerability assessments and 20 special-event threat assessments. Examples of special events would be Burning Man, various motorcycle events and the National Championship Air Races in Reno. Information is gathered that is available publicly from law enforcement agencies and our contacts. We try to assess what type of risk exists based on the history of the event and the current environment.

Page 9 of [Exhibit E](#) is a summary of our current staffing. The Investigation Division currently has 53 employees, 36 sworn personnel and 17 civilian personnel. Our positions depend on grant funding. The majority of our grant funding has ended.

Page 10 of [Exhibit E](#) shows that in FY 2011-2012 we had 71 employees. In FY 2012-2013 we had 53 employees, a decrease of 25 percent. Position reductions are due to the closure of the Las Vegas office, the elimination of an administrative services officer position, and the transfer of two fiscal staff positions to headquarters. We originally had five positions under the American Recovery and Reinvestment Act (ARRA) grant; three of those positions were lost. The ARRA grant positions were approved in FY 2010-2011. The last of the five positions expires this month. We did not lose any more personnel due to vacancies elsewhere in the Division. The Justice Assistance Grant (JAG) was started in FY 2010-2011. The salary portion of the grant is set to expire in December.

Page 12 of [Exhibit E](#) shows a visual representation of our current task force personnel in the State. The areas shown in white no longer have active task force functions for narcotics. The largest area affected is Clark County. We do not have a task force focus in those areas.

Page 13 of [Exhibit E](#) shows our program changes. Decision unit E-233 proposes to add one management analyst III and one management analyst I position to support and supervise the analytical unit and the NTAC.

E-233 Efficient and Responsive State Government — Page PUBLIC SAFETY-102

In decision unit E-490, we are eliminating one of the DPS officer II positions due to the expiration of JAG funding.

E-490 Expiring Grant/Program — Page PUBLIC SAFETY-103

In decision unit E-491, we propose to eliminate two DPS officer II positions due to the expiration of the ARRA grant.

E-491 Expiring Grant/Program — Page PUBLIC SAFETY-103

Decision unit E-600 proposes the closure of the Mesquite office due to the dissolution of the Mesquite Drug Task Force resulting in the elimination of the sergeant position and reassignment of two FTEs to task forces in Las Vegas.

E-600 Budget Reductions — Page PUBLIC SAFETY-104

I would like to go over some of the issues with the loss of our Mesquite Drug Task Force. We no longer have a task force working narcotics in Mesquite, which is a conduit for traffic from Las Vegas into Utah and northeastern Nevada. In FY 2011-2012, the Mesquite Drug Task Force arrested 80 individuals. With the closure of the office, the number will be reduced to zero. The closure resulted in the reassignment of the officers to functions in Las Vegas. Our officers routinely assisted them in urgent issues and provided backup for officers and follow up for their investigations. Without the task force, we are taking a loss on asset forfeiture. The Mesquite officers will not be there to provide assistance to other existing task forces on a case-by-case basis. When issued search warrants from our Ely office, or we have had large projects anywhere else in the State, we utilized those officers on occasion to support projects for officer safety reasons and investigations. Not having those officers minimizes that ability. We are losing a conduit to maintain intelligence on narcotics activity. We no longer have information to cultivate informants.

Page 15 of [Exhibit E](#) shows costs that we have incurred from diminishing budgets in JAG and our child sexual predator program grant. Decision unit E-226 requests funding for three cell phones and two air cards. Decision unit E-232 requests funding for additional travel and training for the polygraph examiner. The additional travel is the result of the closing of the Mesquite office.

E-226 Efficient and Responsive State Government — Page PUBLIC SAFETY-101

E-232 Efficient and Responsive State Government — Page PUBLIC SAFETY-101

You can see the number of polygraph reports we complete remains consistent. The number of our cases that ultimately result in an arrest is reflective of the number of arrests divided by the number of cases. Not every case ends up in arrest. Our open cases are reduced from the loss of staff. Because of the JAG funding losses for our task forces, our allied agencies are also reducing their staff.

Chair Parks:

What is the long-range impact from the closure of the Las Vegas office in the previous budget?

Captain Jones:

The primary impact was the loss of narcotics intelligence. We are no longer working any narcotic cases in the region. We still have one officer assigned to the Southern Nevada Counter Terrorism Center. Two of our officers are assigned to the U.S. Marshals Fugitive Apprehension Team. What we do not know is the influx of information in the area due to the loss of the officers. The loss has hurt us because of the numbers that we are no longer producing for the investigations. We communicate with the Drug Diversion Task Force in Las Vegas. This was a very productive unit for the Division. We continue to have contact with the Nevada State Board of Pharmacy, but they no longer have the ability to refer cases to us. This is in an environment having numerous issues with illicit and prescription drugs. Referrals are given to the Task Force. We continue to get questions on why we are not down in that area of the State. We would prefer to be back in Mesquite. This is currently not an option.

Assemblyman Bobzien:

What was their reasoning for not continuing with the Mesquite Task Force? This is a major area of concern to leave without any task force.

Captain Jones:

In October 2012, the Mesquite Chief of Police notified the DPS Investigation Division through the Mesquite Police Officers Association that due to staffing problems he could no longer assist the Task Force. Mesquite withdrew from the Task Force at that time. Some of the unique parameters for the Investigation Division are that the Task Force was operated out of the facilities in the Mesquite

Police Department. We staffed the Task Force with our sergeant, and had two detectives assigned. At the high point, the Mesquite Police Department provided two detectives and administrative support for the unit. When it closed, the office contained four officers and a part-time administrative assistant from the Mesquite Police Department. It is my understanding that Chief Troy Tanner was having difficulties maintaining other functions that he believed were a priority for his Department. He could no longer staff the Task Force. We no longer had sufficient staffing to keep the Task Force functioning.

Assemblyman Bobzien:

Was the Task Force a budgetary concern or was it problematic to the Mesquite Police Department?

Mr. Perry:

We have had direct conversations with Chief Tanner and he explained that he did not have the resources to staff the Task Force. He was asked if there was anything we could do to assist him, and he stated that there was nothing to be done. That is his position.

Senator Goicoechea:

Would it be appropriate to move away from Mesquite and look to Pahrump and Nye County?

Mr. Perry:

This came at the end of our budget preparation. We did not have the opportunity to talk to anyone else regarding the possibility of moving to Nye County, or another area. The problem is that our individual employees, who are on the task force, are tied to the community in Mesquite.

Senator Goicoechea:

The Nevada Department of Wildlife (NDOW) and the U.S. Bureau of Land Management dispatch forest rangers. Are you connected with the NDOW and their 32 officers for dispatching and coordination of communication?

Mr. Perry:

They operate their own independent dispatch center. Their radio frequency is not compatible with our radio system.

Senator Goicoechea:

It concerns me that different departments in the area do not have communication with each other.

Assemblyman Grady:

Looking at the map, it appears that no one is covering Mineral, Esmeralda and Nye Counties. There seem to be miles of uncovered land.

Captain Jones:

The Mineral and Storey County Sheriff's Offices have provided assistance to our task forces. We have the ability to request a police or sheriff's department to address specific issues. We also have the ability to deploy our own officers to assist them. The Burning Man event is an example of joint assistance. Under the agreement we have with Washoe County, personnel can be deployed to work narcotics or other general crimes investigations around the State. We do not have the infrastructure or staff present in the rural communities. It would be effective to develop on-site cooperating resources that have an understanding of the community.

Assemblyman Bobzien:

The map shows Churchill County having its own task force separate from other counties. What is the reason behind the separate task force?

Captain Jones:

A task force exists based on the need of the community. In Churchill County, staffing currently includes one officer from the Churchill County Sheriff's Office, one officer from the City of Fallon Police Department, a sergeant and a detective from the DPS Investigation Division. We provide the support staff and all of the funding for the office. Most of our allied agencies that have officers have some funding, whether for personnel or overhead, from grants. The composition of those task forces can be adjusted by membership, but those are long-standing task forces. The focus point of need is usually the city where they are centered.

Assemblyman Bobzien:

Why did Washoe County decide to cease operating as a fusion center? Please describe how the Regional Crime Analysis Center in Washoe County would serve in an adjunct support capacity to the NTAC.

Mr. Wright:

The Washoe County Sheriff's Office operated as a fusion center prior to the development of fusion centers in the State. They were never a recognized center. There are two centers recognized by the OHS, one in Las Vegas and the other in Carson City. They received OHS funding to operate their centers and to function as fusion centers. In the first few years, we started fielding questions on how many fusion centers this State really needs. What are real fusion centers? Since Washoe County was not recognized as a center, the Nevada Commission on Homeland Security, which our Governor chairs, had us look at merging the State fusion center and the Washoe County fusion center. Neither of the centers had adequate space for the operation. We were unable to combine the Washoe County's fusion center and the NTAC due to the 30-mile distance between the centers. Washoe County asked to dissolve their fusion center. With the number of crimes occurring in Washoe County, it suits them to focus on local crime analysis and how they can deploy their resources.

We went back to the original two fusion centers in Las Vegas and Carson City. The Commission on Homeland Security will finalize this decision. Confusion still exists within the community on how they are functioning. We have taken the approach with the county sheriff's offices that we are going to be performing fusion center functions and that they will become an area of responsibility for the NTAC to cover. They will provide adjunct support for information flow from Washoe County to the NTAC. The crime analysis they would be doing is vital information to a fusion center. We understand their need to focus on a local level for crime analysis. They also function as an extension of the Terrorism Liaison Officers. Our program trains law enforcement to look for activities prior to terrorism acts.

Assemblyman Bobzien:

Has the workload of the analytical unit increased since Washoe County's decision to cease operating as a fusion center in September 2012?

Mr. Wright:

We are beginning to see an increase in workload. We are utilizing the resources of our county sheriff's offices.

Assemblyman Bobzien:

Please explain the justification for budgeting the proposed management analyst III position at a Step 10. Is there already a specific recruit in mind for the position?

Mr. Wright:

They are expected to analyze information on possible threats and are specialists in their fields. We are competing with other organizations that can pay their analysts a higher salary. We have lost staff to other counties that can pay more. It is a critical position.

Chair Parks:

Would the analyst still report to the DPS sergeant? Would critical information and the requirements of confidentiality stay within the analyst ranks?

Mr. Wright:

Everything the analysts are responsible for is highly confidential and they would receive clearance to perform the work. The analyst would report to the sergeant assigned within the NTAC chain of command. We are looking at the analyst to take over the supervisory duties at this level. We are requesting a second analyst to build in a supervisory range within those analysts performing the functions.

Senator Goicoechea:

Would there be an opportunity for the former Mesquite Task Force in Logandale or Overton?

Mr. Wright:

We have reached out to Clark County with the possibility of continuing the Task Force, but it is a resource commitment issue for them. They have resident officers out in those locations, but feel they could not fulfill a commitment to a task force out in that area.

Senator Goicoechea:

I hope we can find a solution to replace the Task Force in that area, given the vast jurisdiction.

Mr. Perry:

We have started deploying our NHP Task Force farther north of Las Vegas. We have started covering some of Interstate 15 (I-15) with this group. We will start working closer to the vicinity of the Moapa area up to Mesquite in an attempt to close this uncovered area. The NHP Task Force is currently responsible for that entire 124-mile stretch of I-15, but they have been directed to move even further north.

Chair Parks:

Why are 59 vehicles required to carry out division operations, given that the Agency only has 51 employees, including 17 nonsworn staff?

Mr. Perry:

Many of those vehicles are specialty vehicles that are not used on a daily basis. We also have vehicles that are expensive to operate, such as our towing and flatbed trailers for our All-Terrain Vehicles. When the vehicles that are equipped in an unmarked capacity need repairs, or have been involved in an accident, spare vehicles are available for use with radio equipment and resources to deploy around the State in conjunction with all of our offices. We also keep spare vehicles for travel to other locations. Some vehicles are used for narcotics operations and surveillance activities. When there is a concentrated effort to follow our target suspects, those vehicles become recognized by the public in the target neighborhoods. As result, we keep vehicles for a temporary exchange basis so that the familiarity in those regions is not so obvious.

Chair Parks:

We will now close B/A 101-3743 and open B/A 101-3816.

DPS - Fire Marshal — Budget Page PUBLIC SAFETY-189 (Volume III)
Budget Account 101-3816

Mr. Perry:

Before I start on B/A 101-3816, I would like to answer Senator Goicoechea's earlier question regarding the frequency of Taser deployments we have in a year.

We have recorded the following:

- 2 in 2005
- 10 in 2006
- 16 in 2007
- 18 in 2008
- 12 in 2009
- 11 in 2010
- 7 in 2011
- 7 in 2012

Senator Goicoechea:

Thank you for the information. I was just curious how much it was costing us per incident. It is expensive to maintain, but definitely preferred over using bullets.

Peter J. Mulvihill (State Fire Marshal, Department of Public Safety):

My presentation is entitled "State Fire Marshal Division" ([Exhibit F](#)). The mission of the State Fire Marshal is to protect life, property and the environment from fires and hazardous materials in the State. This is accomplished by developing fire prevention education, fire service training, fire protection engineering, licensing, permitting and investigation enforcement. We deliver that either directly through our operating bureaus or in coordination with the public safety community.

Our Fire Protection Engineering Bureau is staffed by a plans examiner III in Carson City, and two fire/life safety inspectors, one based in Carson City and one based in Las Vegas. The staff share one administrative assistant. This Bureau reviews and inspects fire and life safety plans for all State construction projects and all rural county commercial construction projects. In some of the rural counties, we have interlocal agreements in place where the local building or fire departments conduct the work on our behalf. We assist them with major projects or challenges, such as technical questions or code issues. We also utilize part-time contract plan reviewers to assist with peak workloads. We do not generate sufficient permit fees currently to have full-time plan review examiners in the State. This Bureau also coordinates our inspections of State facilities. The schedule has changed in the last 2 years from a requirement to inspect all State buildings on an annual basis. We have implemented a risk- and hazard-based priority schedule where major facilities, such as the Capitol or the Legislative Building, would be inspected on an annual

basis and the smaller buildings inspected every other year or every fourth year. We also coordinate and provide technical assistance to other State and local agencies. In order to better serve our customers and reduce our travel costs, we moved one of the inspector positions from Carson City to Las Vegas in the last fiscal year.

Our Fire Service Training Bureau has two training officers and an employee development manager. The Bureau trains both local and State emergency first responders across the State. They also administer the professional qualification certification program. The International Fire Service Accreditation Congress nationally accredits our program. Our training program follows national standards that are adopted by the State Board of Fire Services. Fire Service training standards are set by a Board appointed by the Governor. Our training is recognized in 48 states and by the U.S. Department of Defense (DOD). Prior training in the military by the DOD for a U.S. Air Force firefighter certificate is recognized by our training. We issue them a Nevada firefighter certificate. It is helpful especially in the rural areas for our volunteer fire department to train their new staff. In the last biennium, we eliminated one training officer position. As a result, our training officers manage, rather than administer, the program. Contract personnel that are members of the fire service training community conduct the actual training course across the State.

Our Fire Protection Licensing Bureau staff is listed on page 7 of [Exhibit F](#). They manage our fire protection contractor licensing program and our hazardous fire activity licensing program. They also manage the hazardous materials permit system. A portion of the fees from the permit system supports our Training Bureau, with another portion going to the State Emergency Response Commission. This Licensing Bureau also generates our fire data reporting. They also administer our Fire Standard Compliant Cigarette program with revenue support from our fire prevention education programs across the State.

Our Investigation and Enforcement Bureau is comprised of one lieutenant in Carson City and four officers, two in Carson City, one in Elko and one in Las Vegas. They investigate all fire incidents, and hazardous material incidents at State-owned and occupied facilities across the State. They investigate suspected fire fatalities and criminal acts in the rural counties. They also perform regulatory investigations when complaints come in on licensed fire protection contractors or if there are any irregularities in the certification program. They support our

Fire Protection Engineering Bureau in the fire and life safety inspections of State facilities, health care facilities and other mandated facilities where we are required to do inspections. They support other DPS divisions and local agencies in their areas of expertise. In the last biennium, our officer positions were reduced from eight to four. We have never refused a request to inspect a fire where a fatality has been involved, but we have not been able to send officers out to do investigations for smaller fires. Gradually, the number of fires in the State has increased year to year. This is due to the increasing population.

Our fiscal and administrative support includes an administrative services officer, an administrative assistant, an account technician and myself. Two years ago, we eliminated the assistant state fire marshal position. The workload carried by that position was shifted to the other Bureau chiefs and my position.

We have requested three budget enhancements. The first is decision unit E-228 requesting two ballistic vests. There is a 5-year life cycle on the vests for safety issues.

E-228 Efficient and Responsive State Government — Page PUBLIC SAFETY-192

Decision unit E-247 is for the standard computer and software items that fall within the 5-year recommended schedule of replacement.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-193

Our final decision unit is E-225. We have two options for misconduct of our licensed fire protection contractors in the State. We can file a criminal complaint for deceptive trade practices or we can take administrative action against their license. The only administrative actions that we can take currently are to give them a reprimand or revoke their license and put them out of business. Revoking their license is a severe penalty, particularly in the economy today. We are asking to apply language from the State Contractors' Board on administrative fine capabilities to our program. We do not have a lot of contractors that fall into this category. Our goal is not to generate revenue, but to change the behavior of this small group of companies committing the violations by taking away their profit incentive.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-192

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Chair Parks:

Is there a bill draft request (BDR) for the implementation of this administrative fine proposal?

Mr. Mulvihill:

Yes. It was submitted as part of our budget.

Chair Parks:

Why does the Agency wish to deposit the fine revenue into its budget account as opposed to the General Fund?

Mr. Mulvihill:

We have no objection to the revenue going back to the General Fund.

Mr. Perry:

This budget BDR has not yet been drafted.

Chair Parks:

Will the BDR establish the fine amounts and the criteria that you will assess for a particular fine?

Mr. Mulvihill:

In the BDR, we are proposing the statutory authority to establish the program. There is a limit on how large the fines can be. We would promulgate regulations through the rule-making process and put it in the *Nevada Administrative Code* (NAC). That will require workshops, public hearings, input from industry and Legislative Commission approval before it is enacted.

Senator Goicoechea:

With Nevada Division of Forestry (NDF) not having any all-risk counties, such as Elko and Eureka, you clearly must anticipate a larger load for the Fire Marshal's Office. I realize that you are investigating the ones with fatalities, but typically in rural areas there is not the expertise since the NDF will no longer be available.

Mr. Mulvihill:

Part of the training program for most fire officers and firefighters is a first responder arson awareness program. The firefighters can recognize certain key indicators that something may not be right. They are not arson investigators, but they know how to recognize the warning signs, protect the scene and call us. It has been several years since the NDF has had fire investigators. We actually have a local agreement to perform fire investigations for them. We will maintain those relationships and be on call when cases are turned over by the NDF. We are aware of the changes in the NDF and we are trying to support the local communities as best we can.

Senator Goicoechea:

I realize that NDF did not have any paid investigators, but they did have people out in the areas to respond. I anticipate that you will see a larger workload especially in the volunteer environment.

Chair Parks:

This concludes B/A 101-3816. We will now move on to B/A 101-4688, the Highway Safety Plan and Administration.

DPS - Highway Safety Plan & Admin — Budget Page PUBLIC SAFETY-229
(Volume III)
Budget Account 101-4688

Traci Pearl (Administrator, Office of Traffic Safety, Department of Public Safety):

I will be referring to the "Office of Traffic Safety" ([Exhibit G](#)) for my presentation. We are one of the few Divisions within the DPS that does not have any sworn officers. We are funded by grants. We apply for federal grants for the State of Nevada and then award those grants to State, local and nonprofit agencies to conduct projects to reduce traffic fatalities and serious injuries. We work closely with the Nevada Department of Transportation and law enforcement agencies with a primary mission of education to the public on laws, best practices, and how to stay safe.

In decision unit E-710, we are asking for a replacement computer per the regular replacement schedule. Decision unit E-720 addresses tablet computers for our

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program managers who conduct on-site monitoring visits statewide for the grant projects.

E-710 Equipment Replacement — Page PUBLIC SAFETY-234

E-720 New Equipment — Page PUBLIC SAFETY-235

There are some new programs under the federal legislation for the Highway Safety Act of 1966. They are the Graduated Driver's License (GDL) and Distracted Driving programs. The legislation has been implemented, but they are still working on the final rules. Decision unit E-737 is our best estimate of what those new funding sources will provide with these new programs.

E-737 New Programs — Page PUBLIC SAFETY-235

In decision unit E-900, the Director's Office is reversing the transfer of a financial position which was initially consolidated in the last biennium.

E-900 Trans from Directors Office to Highway Safety Plan — Page PUBLIC SAFETY-237

Decision unit E-923 represents our portion of the costs for the telephone circuit transfer.

E-923 Transfer from DPS Technology to HWY Safety Plan — Page PUBLIC SAFETY-237

Pages 7 and 8 of [Exhibit G](#) highlight MAP-21, which stands for Moving Ahead for Progress in the 21st Century. This is new federal legislation. It consolidates multiple grant applications, such as seatbelts, alcohol and motorcycle safety into one application. It is only a 2-year authorization instead of the normal 5- to 6-year authorization. A lot of this is due to the fragility of Section 402 of the State and Community Highway Safety Grant program at the federal level. They are being prescriptive in how the laws should read and what the definitions of high, medium and low rate states are in relation to alcohol-related crashes and seat belt usage.

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MAP-21 is about accountability and transparency in the State. All of the projects are data driven. There are proven countermeasures to reduce fatalities and injuries. They are getting away from innovative projects and moving to what has proven to work and where the data shows you need to put your resources.

Page 9 of [Exhibit G](#) details our performance indicators for B/A 101-4688. They are in direct alignment with the State Strategic Highway Safety Plan (SHSP) as well as the federal Toward Zero Deaths plan. The goal of the SHSP is to have fatalities and serious injury statistics in 2030 equivalent to the year 2006. We are progressing favorably toward this goal. Between 2008 and 2011, we reduced fatalities by 24 percent and serious injuries by 21 percent.

Page 10 of [Exhibit G](#) discusses our revenue projections for the next biennium. Budget account 101-4687 is the pass-through account for the grants and B/A 101-4688 is our main account. As you can see, 98 percent of our revenue source is federal with a slight match from the Nevada Highway Fund.

DPS - Traffic Safety — Budget Page PUBLIC SAFETY-226 (Volume III)
Budget Account 101-4687

Page 11 of [Exhibit G](#) outlines our issues that we will be facing in the OTS. With the lack of rules in MAP-21 we are waiting for guidance. I think all departments and divisions are going to state that they are having a loss of historical knowledge due to attrition.

We have had great success in the reduction of fatalities and injuries. Last biennium we were able to implement an automated grants management system.

Chair Parks:

Please address whether Nevada meets all eligibility requirements at the federal level for the GDL and the Distracted Driving grant.

Ms. Pearl:

The GDL requirements specify that if the state does not have a minimum criteria established, they would not be eligible for the grant. If states are not eligible, they will receive revenue to help work toward qualifying. In Nevada, our law as implemented in 2005 is very strong. One item missing from the preferred federal

model is an intermediate stage. We currently have two stages of the GDL and our intermediate stage requires drivers to be at that level for 6 months in order to pursue their regular driver's license. The federal program wants drivers to be at that intermediate stage until the age of 18. They also want permits only allowed at age 16 and Nevada allows a permit at the age of 15 years and 6 months. Many states are not going to meet these prescriptive guidelines. We are working with State associations and at the federal level.

Our distracted driving law went into effect last biennium. It is comprehensive and addresses all requirements except the GDL for teens. No cell phone usage is allowed up until age 18. This coincides with the GDL intermediate stage. Nevada's distracted driving law applies to everyone, but it does not specify the age 18, and on an intermediate license it cannot be used. There is some discrepancy in the definition. In the first year of MAP-21, which started October 1, 2012, a grant application can be submitted for a 1-year texting ban. This means if the driver does not meet all of the criteria required for the GDL, and the state has at least a nontexting ban for all drivers, the state can apply for a grant. Our law comprehensively covers this, as well as first, second and consecutive fines for offenses. We have already applied for the Distracted Driving Grant revenue for this year. No decision on award amounts have been made.

Assemblyman Sprinkle:

What is the definition of a public safety service announcement release?

Ms. Pearl:

It covers a television or radio ad, press events, brochures, or other types of public education on traffic safety.

Assemblyman Grady:

What is the duration of the MAP-21 fund? Will we be applying for additional funds in the future?

Ms. Pearl:

The federal government has kept the Section 402 Highway Safety Grant funds which is primarily an umbrella-funding source for all programs. We have received half of this year's current funding through this source. Because MAP-21 was an interim final rule which just came out January 23, 2013, the federal government is

scrambling to get the application process to the states so applications can be filed for the rest of the remaining funds. The six primary grants have been consolidated into one. The grant includes occupant protection, seat belts, the GDL, defensive driving, impaired driving, motorcycle safety and traffic records. The overall funding levels are at the federal level, but they still do not know if the State is going to be eligible and how much it will be eligible for based on the prior years of appropriation.

Chair Parks:

MAP-21 is a 2-year plan. Do we know what the future holds?

Ms. Pearl:

They are solid on accountability and transparency. The instructions to the states on how the process should go forth are still vague.

Chair Parks:

In the last Legislative Session, we established the Office of Grant Procurement Coordination, and Management. Do you work with this Office on any of your grants?

Ms. Pearl:

We notify the Grants Office when we have submitted a grant application and whether there is any type of audit. We are not required to consolidate. Federal grants have different qualifications. They are aware of the grants that have been awarded to our office and how they are being administered.

Chair Parks:

We will now close B/A 101-4688 and open B/A 101-4691, the Motorcycle Safety Program.

DPS - Motorcycle Safety Program — Budget Page PUBLIC SAFETY-240 (Volume III)
Budget Account 101-4691

Ms. Pearl:

I will now discuss my handout titled "Office of Traffic Safety, Motorcycle Safety Program" ([Exhibit H](#)). This is a separate budget because it is a State fee-based program for motorcycle safety. It is determined by statute to train new motorcycle

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program riders, certify instructors and adopt rules and regulations necessary to carry out the program.

Page 6 of [Exhibit H](#) shows the enhancement requests for this budget. Decision unit E-710 is for the regular replacement schedule for motorcycle training. It also covers replacement of our truck that is used as a classroom in the rural areas throughout the State. The truck houses the motorcycles, computers and classroom equipment. The truck is currently 7 years old. This decision unit also replaces computers on the regular maintenance schedule.

E-710 Equipment Replacement — Page PUBLIC SAFETY-244

There is a slight change to BDR 43-1152 to increase the cap on the fee charged for taking the motorcycle class, which is outlined in decision unit E-225.

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-242

BILL DRAFT REQUEST 43-1152: Increases the fee charged for the Program for the Education of Motorcycle Riders. (Later introduced as A.B. 472.)

On Page 7 of [Exhibit H](#) our performance indicators are outlined. They are in line with the SHSP. On Page 8 of [Exhibit H](#), our revenue projections are primarily 94 percent, which is \$6 from every motorcycle registration going to fund the program, along with class registration fees. If the BDR is approved to increase the cap on those motorcycle fees, we anticipate an increase in revenue. The Treasurer's interest is minimal.

We do not know where our funding for MAP-21 is going to come from in the future.

Assemblyman Bobzien:

Please comment on the Division's implementation schedule to increase the registration fee over time to the maximum fee of \$150. There appear to be two approaches. One, when you administer the class and another for community colleges that have a class. Can this be established in the NAC rather than have this capped in statute to give you the flexibility to assess how much the fee should be?

If we do set the fee at \$150, what is the projection for how long this amount will cover the cost of the program?

Ms. Pearl:

This cap was set in the NRS when the program began in 1991. The average gas price in 1991 was \$1.69 a gallon. In addition, we have a standardized motorcycle safety curriculum used by all of the instruction classes in the State. This curriculum is what 95 percent of the states use. It is part of the OTS's responsibility to do quality control on all instruction. This is an additional expense. In order for the community colleges to continue to provide the courses, we have had to contract with them and pay them an additional \$40 above the \$100 cap. We pay them the \$40 difference so that they will still offer the courses based on their cost estimates. We have to maintain those partnerships because they have a large audience along with the space needed to conduct the classes. If we raise our cap, we do not know if the community colleges will want additional funds. Our office does not plan to immediately go to the \$150 fee. In looking at projections for our budget, without some sort of assistance either through the NAC or NRS, the program will no longer be viable after FY 2015-2016.

Assemblyman Bobzien:

Which house is sponsoring the BDR?

Ms. Pearl:

The Assembly Committee on Transportation has the BDR.

Assemblyman Bobzien:

I will track the BDR. I understand that we need to cover the costs for this program. I would like to see the issue of the fee put into the NRS or NAC for flexibility.

Chair Parks:

Please comment on the division's implementation schedule to increase the registration fee over time to the maximum fee of \$150.

Ms. Pearl:

It is addressed in the BDR. We do not know how much federal funding will be provided. This will be a factor in what we charge. Initially, for the next 2 years, we

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are proposing to raise it to \$110 from \$100, based on other revenue sources so that we are not making a profit, but we are maintaining the program.

Chair Parks:

Can a training sponsor establish its own training fees? Does the Division specify how quickly the sponsor may increase the fee?

Ms. Pearl:

We only have authority over the State fee.

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Chair Parks:

There being no further business before this Subcommittee, this hearing is adjourned at 10:54 a.m.

RESPECTFULLY SUBMITTED:

Annette Teixeira,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman David P. Bobzien, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	2		Attendance Roster
	C	25	James Wright	Director's Office 2013-2015 Gov. Rec. Budget
	D	16	Christopher B. Smith	Nevada Division of Emergency Management and Homeland Security
	E	16	David Jones	2013-2015 Investigation Division Overview
	F	14	Peter J. Mulvihill	State Fire Marshal Division
	G	11	Traci Pearl	Office of Traffic Safety - Highway Safety Plan
	H	9	Traci Pearl	Office of Traffic Safety - Motorcycle Safety Program