

**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
April 17, 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 8:09 a.m. on Wednesday, April 17, 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

FISCAL STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Eileen O'Grady, Chief Deputy Legislative Counsel
Michael J. Chapman, Principal Deputy Fiscal Analyst
Alex Haartz, Principal Deputy Fiscal Analyst
Karen Hoppe, Program Analyst
Kristin Kolbe, Program Analyst
Thomas Hutton-Potts, Committee Secretary

OTHERS PRESENT:

Mark Teska, Administrative Services Officer, Department of Public Safety
Charles E. Powell, Lieutenant, Nevada Highway Patrol, Department of Public Safety

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Chair Parks:

We will begin this hearing on budget closings with the Department of Public Safety (DPS) and the Peace Officers' Standards and Training (POST) Commission budget account (B/A) 101-3774.

PUBLIC SAFETY

PEACE OFFICER STANDARDS & TRAINING

Peace Officers Standards & Training Commission — Budget Page POST-7
(Volume III)
Budget Account 101-3774

Kristin Kolbe (Program Analyst):

Budget account 101-3774 contains two major closing issues.

Budget Amendment No. A13A0044 represents an increase in administrative court assessments of \$134,980 to adjust pay for six of the nine unclassified positions in this budget over the 2013-2015 biennium to correct a calculation error.

Does the Subcommittee wish to approve Budget Amendment No. A13A0044 to correct the calculation error and adjust the pay for six unclassified positions?

ASSEMBLYMAN HAMBRICK MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE BUDGET AMENDMENT NO. A13A0044 IN B/A 101-3774 AND THE INCREASE OF \$134,980 IN ADMINISTRATIVE COURT ASSESSMENTS OVER THE 2013-2015 BIENNIUM TO ADJUST PAY FOR SIX UNCLASSIFIED POSITIONS IN B/A 101-3774.

SENATOR GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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The second major closing item, Budget Amendment No. A13A0082, is the restoration of reserves reduced by lower administrative court assessments. A projection, performed by the Judicial Branch, found the 2013 administrative court assessments generated lower reserves than the legislatively approved levels for fiscal year (FY) 2012-2013 by approximately 7.5 percent. Budget Amendment No. A13A0082 was submitted on April 12 to increase administrative court assessments by \$149,207 to assist the reserve level in this budget account in FY 2013-2014 and FY 2014-2015.

Does the Subcommittee wish to approve Budget Amendment No. A13A0082 to increase administrative court assessments and reserve levels in FY 2013-2014 and FY 2014-2015?

Senator Goicoechea:

Is the increase in administrative court assessments just a paper increase and not an increase in court assessment fees?

Ms. Kolbe:

Administrative court assessments are split 51 percent to the Judicial Branch and 49 percent to the Executive Branch. The Executive Branch placed approximately \$3 million into the General Fund and, of that, they are taking out \$149,207 for this account to be placed into reserves.

SENATOR WOODHOUSE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE BUDGET AMENDMENT NO. A13A0082 AND THE INCREASED ADMINISTRATIVE COURT ASSESSMENTS TO RESTORE THE RESERVES LEVEL IN B/A 101-3774 BY \$149,207 OVER THE 2013-2015 BIENNIUM.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

There are additional closing items within B/A 101-3774 which all appear to be reasonable to Fiscal Division Staff. Fiscal Staff recommends the other items in this account be closed as recommended by Governor Brian Sandoval with authority for Fiscal Staff to make technical adjustments.

E-226 Efficient and Responsive State Government — Page POST-9
E-350 Safe and Livable Communities — Page POST-9
E-710 Equipment Replacement — Page POST-10
E-711 Equipment Replacement — Page POST-11
E-751 Budget Restorations — Page POST-11
E-752 Budget Restorations — Page POST-11

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE THE OTHER CLOSING ITEMS IN B/A 101-3774, INCLUDING THE \$7,500 EXPENSE FOR INSTALLATION OF ADDITIONAL WIRING AND ELECTRICAL OUTLETS IN POST TRAINING CLASSROOMS IN DECISION UNIT E-226; THE INCREASE OF \$16,384 IN FOOD COSTS THROUGH THE 2013-2015 BIENNIUM FOR POST CADETS IN DECISION UNIT E-350; THE COMPUTER EQUIPMENT REPLACEMENT EXPENSES OF \$27,922 IN DECISION UNIT E-710 AND \$6,470 TO REPLACE TIES IN DECISION UNIT E-711; THE RESTORATION OF \$14,508 FOR POST OPERATING COSTS, FREIGHT, POSTAGE CHARGES, BUILDING AND VEHICLE MAINTENANCE IN DECISION UNITS E-751 AND E-752 AS RECOMMENDED BY THE GOVERNOR AND AUTHORITY FOR STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

Let us move forward to the DPS Parole Board budget, B/A 101-3800.

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DPS - Parole Board — Budget Page PUBLIC SAFETY-272 (Volume III)
Budget Account 101-3800

Ms. Kolbe:

The Parole Board budget has no major closing issues; however, the budget features six other closing items.

Other Closing Item No. 3, on page 6 of the Joint Senate Committee on Finance Subcommittee on Public Safety, Military and Veterans' Services and Assembly Committee on Ways and Means Subcommittee on Public Safety, Natural Resources and Transportation Closing List #3 April 17, 2013 ([Exhibit C](#)), is an item that Fiscal Staff wishes to point out to the Subcommittee.

Decision unit E-247 represents transferring department information technology (IT) activities to the Department of Administration's Enterprise Information Technology Services (EITS) budget account.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-274

The decision regarding the transfer of the DPS IT functions to the EITS budget will be determined by the Joint Subcommittee on General Government during the EITS budget closing.

Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations.

Fiscal Staff recommends this account be closed as recommended by the Governor, including authority for Fiscal Staff to make technical adjustments as needed.

M-100 Statewide Inflation — Page PUBLIC SAFETY-272

E-225 Efficient and Responsive State Government — Page PUBLIC SAFETY-274

E-226 Efficient and Responsive State Government — Page PUBLIC SAFETY-274

M-800 Cost Allocation — Page PUBLIC SAFETY-273

E-800 Cost Allocation — Page PUBLIC SAFETY-277

E-710 Equipment Replacement — Page PUBLIC SAFETY-276

E-711 Equipment Replacement — Page PUBLIC SAFETY-276

E-720 New Equipment — Page PUBLIC SAFETY-276

ASSEMBLYMAN BOBZIEN MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE B/A 101-3800 AS RECOMMENDED BY THE GOVERNOR TO INCLUDE INCREASED GENERAL FUND EXPENSES OF APPROXIMATELY \$150,000 IN THE 2013-2015 BIENNIUM FOR THE PROVISION OF UPGRADED IT SERVICES TO THE NEVADA DEPARTMENT OF CORRECTIONS IN DECISION UNITS M-100, E-225 AND E-226; TO DECREASE GENERAL FUND EXPENSES OF \$3,967 FOR ADJUSTMENTS TO THE DPS DIRECTOR'S OFFICE COST ALLOCATION IN DECISION UNITS M-800 AND E-800; TO AUTHORIZE \$4,779 FOR COMPUTER EQUIPMENT REPLACEMENT IN DECISION UNIT E-710; TO AUTHORIZE \$54,133 FOR THE REPLACEMENT OF VIDEO CONFERENCING EQUIPMENT IN DECISION UNIT E-711; TO AUTHORIZE \$16,400 FOR THE REPLACEMENT OF SWITCHES AND EXTERNAL STORAGE UNITS IN DECISION UNIT E-720; TO ACKNOWLEDGE THAT DECISION UNIT E-247 WILL BE ADDRESSED AT A FUTURE DATE BY THE JOINT SUBCOMMITTEE ON GENERAL GOVERNMENT; AND TO AUTHORIZE STAFF TO MAKE TECHNICAL ADJUSTMENTS.

SENATOR GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

Chair Parks:

The next budget we will hear is B/A 101-4703.

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Karen Hoppe (Program Analyst):

This account has two major issues in need of discussion. In decision unit E-710, on page 8 of [Exhibit C](#), the Governor recommends use of \$1.4 million in FY 2014-2015 for the purchase of 882 electronic control devices which are also known as "Tasers." These Tasers would outfit the 802 sworn positions in several divisions of the DPS as well as allow for a 10 percent spare allowance.

E-710 Equipment Replacement — Page PUBLIC SAFETY-23

The Subcommittee questioned the extended warranty charge of \$300 included in each Taser's price. The Agency indicated to Fiscal Staff that they did an analysis of the cost of the extended warranty compared to the establishment of a reserve for the outright replacement of the units. If the Tasers were replaced at a rate of 50 units per year, the cost over 5 years would be approximately \$250,000 and the cost of the warranties in this recommendation is approximately \$264,000 which is a difference of approximately \$14,000.

Additionally, there is a pending request regarding the transfer of 71 sworn positions from the DPS to the Nevada Department of Corrections (NDOC). This decision has yet to be made. If the transfer decision is approved, Fiscal Staff would recommend the reduction in purchasing of 71 Taser units as the positions would be transferred to the NDOC.

Does the Subcommittee wish to approve the Governor's recommendation to utilize forfeiture funds to replace 882 Taser units and associated supplies, with the authority for Fiscal Staff to make technical adjustments based on the decision regarding the proposed transfer of parole functions to the NDOC?

Senator Goicoechea:

What happens to the old Tasers? Do they make them available to other law enforcement agencies, as some of the units would still be functional?

Ms. Hoppe:

The Division indicated that the Tasers are nearing the end of their predicted functional life; however, there is no indication as to how these units are to be disposed of.

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Mark Teska (Administrative Services Officer, Department of Public Safety):

We are looking to trade in the existing Tasers with the hope that we can receive an allowance and reduce the overall purchase price of the new units.

Chair Parks:

Would that be issued as a credit or would that be a refund on the sale? If you got a trade, and that came back in the form of funds, would those funds flow back into B/A 101-4703?

Mr. Teska:

As we trade in the old units, this would be issued in the form of a credit essentially reducing the purchase price of the new units.

Chair Parks:

If the possible transfer of the 71 sworn positions, now part of the DPS Division of Parole and Probation (P&P), were to take place, would it be inappropriate to use forfeiture funds to obtain Tasers for those individuals? Do P&P officers currently carry Tasers?

Mr. Teska:

Yes, they do.

Senator Goicoechea:

If we make the transfer of the 71 P&P positions to the NDOC, will the NDOC be responsible for buying those 71 particular units?

Mr. Teska:

Yes, that is correct.

Chair Parks:

Would the 71 officers get to take their existing Tasers with them to the NDOC?

Mr. Teska:

It is anticipated that if the transfer of the 71 P&P officers to the NDOC were approved, the officers would take their existing equipment with them.

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Ms. Hoppe:

Does the Subcommittee wish to approve the Governor's recommendation to utilize forfeiture funds to replace 882 Taser units and associated supplies, with authority for Fiscal Staff to make technical adjustments based on the decision regarding the proposed transfer of parole functions to the NDOC?

ASSEMBLYMAN GRADY MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE DECISION UNIT E-710 IN B/A 101-4703 AS RECOMMENDED BY THE GOVERNOR TO USE FORFEITURE FUNDS TO REPLACE 882 TASERS AND PURCHASE ASSOCIATED SUPPLIES; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS.

SENATOR GOICOECHEA SECONDED THE MOTION

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. Hoppe:

The second major issue within B/A 101-4703 is decision unit E-711 in which the Governor recommends the use of \$11,200 in forfeiture funds over the biennium for the purchase of 28 Netbook computers for academy cadets. These computers would allow cadets to access most of their lessons, perform research and complete homework assignments, electronically.

E-711 Equipment Replacement — Page PUBLIC SAFETY-24

Does the Subcommittee wish to approve the Governor's recommendation to purchase 28 replacement Netbooks over the 2013-2015 biennium?

Assemblyman Hambrick:

Will these new Netbooks go with the academy graduates into the field for continuing education? Should we buy new ones for each class or are these to be turned in for use by the new classes?

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Ms. Hoppe:

It is my understanding that the Netbooks will stay with the academy.

SENATOR WOODHOUSE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO PURCHASE 28 REPLACEMENT NETBOOKS FOR DPS ACADEMY CADETS USING FORFEITURE FUNDS IN DECISION UNIT E-711 UNDER B/A 101-4703 AS RECOMMENDED BY THE GOVERNOR; AND TO AUTHORIZE STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We have three remaining closing items in this budget which consist of decision unit E-225, Budget Amendment No. A130014703 and a balance forward correction.

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

Ms. Hoppe:

Item number 2 on page 9 of [Exhibit C](#) is Budget Amendment No. A130014703 which is a small adjustment to reconcile the transfers in the Base Budget between the Forfeitures Account and the Nevada Highway Patrol (NHP) K-9 Account. This request appears to be reasonable to Fiscal Staff.

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE CLOSING B/A 101-4703 INCLUDING \$34,962 IN FORFEITURE FUNDS FOR SPECIAL K-9 EQUIPMENT FOR 6 VEHICLES AS RECOMMENDED BY THE GOVERNOR; OVER THE 2013-2015 BIENNIUM; TO AUTHORIZE \$3,516 FROM B/A 101-4703 AS OUTLINED IN BUDGET AMENDMENT NO. A130014703 TO RECONCILE THE NHP K-9 PROGRAM ACCOUNT; AND TO ALLOW FISCAL STAFF TO MAKE

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A TECHNICAL ADJUSTMENT TO CORRECT AN ERROR IN THE
FY 2013-2014 BALANCE FORWARD AMOUNT WITH AN ADJUSTMENT IN
THE RESERVE BALANCE OF \$277,665 AT THE END OF FY 2013-2014,
AND \$649,649 AT THE END OF FY 2014-2015.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next budget account is B/A 101-4705.

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

Ms. Hoppe:

Budget account 101-4705, on page 10 of [Exhibit C](#), is the NHP K-9 program. This budget has one major closing issue. Under decision unit E-710, the Governor recommends forfeiture funds of \$34,962 over the 2013-2015 biennium to equip six replacement vehicles with specialty K-9 equipment. For clarification, this request does not include the vehicles which are requested in the one-shot appropriation bill.

E-710 Equipment Replacement — Page PUBLIC SAFETY-46

There was some prior discussion during the budget hearings process about reusing this specific equipment. Because of the size of the vehicles changing as indicated on page 11 of [Exhibit C](#), the Division has indicated that they are not able to reuse the equipment.

Does the Subcommittee wish to approve specialty K-9 equipment for six replacement vehicles?

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Senator Goicoechea:

Is this a redundant expenditure? Comparing this expenditure to decision unit E-225 in B/A 101-4703 to decision unit E-710 in B/A 101-4705, are we talking about the same expenditure?

Ms. Hoppe:

In B/A 101-4703 we recommended the transfer of funds to NHP K-9 where the funds will be expended in B/A 101-4705. This is not a duplicate expenditure request.

ASSEMBLYMAN SPRINKLE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE PURCHASING SPECIALTY K-9 EQUIPMENT FOR \$34,962 UNDER B/A 101-4705 IN DECISION UNIT E-710 AS RECOMMENDED BY THE GOVERNOR.

SENATOR WOODHOUSE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Senator Parks:

We will now hear B/A 201-4713.

DPS - Highway Patrol — Budget Page PUBLIC SAFETY-47 (Volume III)
Budget Account 201-4713

Ms. Hoppe:

Page 13 of [Exhibit C](#) shows the one major closing issue within this budget, decision unit E-712, for the replacement of portable radios. The Governor recommends a Highway Fund appropriation of approximately \$1.1 million over the 2013-2015 biennium to replace portable radios that are carried on the person of each sworn officer.

E-712 Equipment Replacement — Page PUBLIC SAFETY-53

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The Division proposed a schedule that would allow for replacement of the radios over a 5-year period instead of a bulk purchase. The total request over 5 years would be for approximately 500 units. The table on page 13 of [Exhibit C](#) details the Division's proposed portable radio replacement schedule.

During the budget hearing, the Subcommittee questioned what appears to be a 4-year replacement schedule in the table, not a 5-year schedule as suggested by the Agency. In response to Fiscal Staff inquiries, the Agency agreed to a 5-year schedule that would replace 200 units in FY 2016-2017, and 50 units in FY 2018-2019. While this adjustment will not affect the 2013-2015 biennium request, Fiscal Staff notes the concurrence for reference in the 2015-2017 biennium.

During review of this decision unit, Fiscal Staff noted that it contained a separate line item for wall chargers, although the \$4,148 unit price of the radio from the manufacturer appeared to include a charger. In response to Fiscal Staff inquiries, the Agency indicated that this charger was mistakenly included in decision unit E-712, and should have been included in decision unit E-713 to accompany the replacement of citation writers and printers. Additionally, the Agency concurred with adjustment of the number of wall chargers to match the number of printers in decision unit E-712. Fiscal Staff has included the adjustments in this closing document, reducing the Highway Fund appropriation by \$5,933.

E-713 Equipment Replacement — Page PUBLIC SAFETY-53

Does the Subcommittee wish to approve the Governor's recommendation to replace 250 portable radios over the 2013-2015 biennium with Staff's ability to make technical adjustments?

Assemblyman Grady:

We have had problems in the past because officers have had to carry more than one radio to get coverage. Will these new radios be of a quality that can cover the entire State?

Charles E. Powell (Lieutenant, Nevada Highway Patrol, Department of Public Safety):

Yes, the new radios provide statewide coverage.

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Senator Parks:

I got the impression that you would be continuing to use Harris Corporation as the Agency's radio manufacturer. Is this a proposal to rebid all of the radios, or are you on a multiyear contract with Harris? I ask this because I know Las Vegas has changed their radios vendor and will no longer be using Harris.

Lt. Powell:

I am unaware of a multiyear contract with Harris. We will be placing this order with the Department of Administration's Purchasing Division to follow all of the proper laws.

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO REPLACE 250 RADIOS OVER THE 2013-2015 BIENNIUM IN B/A 201-4713, DECISION UNIT E-712, AND REDUCE THE HIGHWAY FUND APPROPRIATION BY \$5,933 IN DECISION UNIT E-713 WITH THE REMOVAL OF THE DUPLICATE RADIO CHARGER EXPENSES, AS RECOMMENDED BY THE GOVERNOR; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. Hoppe:

We have already discussed the small adjustment in Closing Item No. 6, decision unit E-713, with regard to wall chargers and this decision unit appears reasonable.

I want to draw the Subcommittee's attention to Budget Amendment No. A130014713 on page 16 of [Exhibit C](#).

Item 9 on page 15 is a reclassification of positions under decision unit E-805. The Governor recommends a decrease in the Highway Fund allocation of \$2,804 over the 2013-2015 biennium to reclassify two classified DPS major positions to

unclassified service. The Agency indicates individuals reaching the rank of major within the Department function as the deputy chief for their respective division. The positions represent the office of the chief. These two positions serve as deputy chiefs for NHP Northern Command and Southern Command, and are involved with executive management and policy setting. This reclassification would provide the chief the ability to appoint individuals to carry out the chief's mission and vision. Approval of this reclassification would require an addition of this position title to the Unclassified Pay Bill. Changes to unclassified positions will be made by Fiscal Staff based upon final approval by the money committees.

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

Michael J. Chapman (Principal Deputy Fiscal Analyst):

Clarifying item 9 on page 15 of [Exhibit C](#), decision unit E-805, this issue will be taken up by the money committees at a later date so you are not approving the reclassification at this time. This will be taken up as a global decision affecting all unclassified positions at a later date.

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEMS 1 THROUGH 12, EXCLUDING ITEM NO. 9, AND INCLUDING BUDGET AMENDMENT NO. A130014713 IN B/A 201-4713, AS RECOMMENDED BY THE GOVERNOR; AND TO AUTHORIZE STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN HAMBRICK SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. Hoppe:

The following 2 items are informational only and require no action by this Subcommittee. These items reside within B/A 201-4713.

At the request of the Subcommittee, the Agency provided Fiscal Staff with correspondence between the Department of Administration, Division of Internal Audits (DIA) and the NHP, subsequent to DIA Report No. 13-02 issued in December 2012. The Agency accepted the audit report recommendation to reduce the number of sworn NHP vehicles and manage the vehicle inventories based upon the number of sworn positions, plus 5 percent. However, the Agency expressed concerns related to the actual number of vehicles stated in the audit report, and requested follow-up clarification with DIA. The parties subsequently agreed on an appropriate fleet size of 543 vehicles.

The DIA Administrator indicated in a March 29 letter to the Agency that the DIA had not included the 34 nonpatrol vehicles in the audit scope of Report No. 13-02, and concurred with the NHP fleet size of 543 total vehicles. Fiscal Staff would note that the DIA audit reported 593 vehicles in August 2012; the Agency provided Fiscal Staff with a February 2013 schedule that reflected 569 vehicles. A Fixed Asset Inventory Report, obtained by Fiscal Staff from the state accounting system on April 12, reflected 530 vehicles.

Assembly Bill (A.B.) 470 requests a one-shot appropriation of approximately \$10.9 million to replace 199 patrol vehicles and \$693,726 to replace 17 motorcycles over the 2013-2015 biennium which have exceeded the mileage threshold set by the Department.

ASSEMBLY BILL 470: Makes appropriations to the Nevada Highway Patrol Division of the Department of Public Safety to replace fleet vehicles and motorcycles that have exceeded the mileage threshold. (BDR S-1188)

Additionally, A.B. 478 requests a General Fund supplemental appropriation of \$14,803 to reimburse the NHP budget for visiting dignitary protection assignments performed by NHP staff, and a Highway Fund supplemental appropriation of \$731,409 to fund a projected shortfall due to the increase in fuel costs. The Agency testified at the A.B. 478 hearing before the Assembly Committee on Ways and Means on April 1, that the \$731,409 supplemental appropriation in section 2 could be removed from the bill, because the Agency expects to use position vacancy savings projected for FY 2012-2013 to pay for the increased fuel costs.

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ASSEMBLY BILL 478: Makes supplemental appropriations to the Nevada Highway Patrol Division of the Department of Public Safety as reimbursement for unanticipated visiting dignitary protection assignments and for an unanticipated shortfall resulting from an increase in fuel costs. (BDR S-1192)

Senator Parks:

We will now hear the Highway Safety Grants Account, B/A 201-4721.

DPS - Highway Safety Grants Account — Budget Page PUBLIC SAFETY-61
(Volume III)
Budget Account 201-4721

Ms. Hoppe:

Budget account 201-4721 appears on page 18 of [Exhibit C](#) and was not heard during the budget hearing by the Subcommittee. There are no major closing issues in this account.

Several other closing items include the transfer to EITS in decision unit E-247, which I mentioned earlier, will be determined by the Joint Subcommittee on General Government, and equipment replacement of computers in decision unit E-710. Fiscal Staff notes these are all federal funds.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-63
E-710 Equipment Replacement — Page PUBLIC SAFETY-65

Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations as noted in the table on page 19 of [Exhibit C](#).

Fiscal Staff recommends closing this account as recommended by the Governor, including authority to make technical adjustments as needed

ASSEMBLYMAN BOBZIEN MOVED TO RECOMMEND TO THE FULL COMMITTEES TO DEFER THE TRANSFER OF DEPARTMENT IT ACTIVITIES TO EITS UNDER DECISION UNIT E-247 AND APPROVE \$252,060 FOR COMPUTER AND PRINTER EQUIPMENT IN DECISION UNIT E-710

UNDER B/A 201-4721 AS RECOMMENDED BY THE GOVERNOR; AND TO
AUTHORIZE STAFF TO MAKE TECHNICAL ADJUSTMENTS.

SENATOR GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will now hear the Dignitary Protection account, B/A 101-4738.

DPS - Dignitary Protection — Budget Page PUBLIC SAFETY-69 (Volume III)
Budget Account 101-4738

Ms. Hoppe:

The Dignitary Protection account has not been heard by the Subcommittee. This is a Fiscal Staff-recommended closing within which there are no major closing issues. Other closing items in this account include Budget Amendment No. A130014738 submitted by the Department of Administration's Budget Division on March 14, 2013. A portion of the amendment corrects the adjusted Base Budget for the amount transferred to Capitol Police to fund five positions at the Governor's Mansion. The amendment recommends an additional General Fund appropriation of \$5,073 in FY 2013-2014 and a reduction to the General Fund of \$7,353 in FY 2014-2015. However, Fiscal Staff has determined that in order to balance the transfer between the Dignitary Protection and Capitol Police accounts, the adjustment should be a reduction to the General Fund appropriation of \$14,927 in FY 2013-2014 and \$7,353 in FY 2014-2015. The Budget Division has concurred.

Transfer of departmental IT activities is found in decision unit E-247. The Governor recommends General Fund monies of \$1,980 over the 2013-2015 biennium to transfer departmental IT activities to EITS as part of the first phase of the Governor's effort to consolidate IT services within EITS. The decision regarding the

transfer of DPS IT functions to EITS will be determined by the Joint Subcommittee on General Government during the EITS budget closing.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-71

Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations.

Fiscal Staff recommends closing this account as recommended by the Governor, with the adjustment noted by Fiscal Staff and authority to make technical adjustments as needed.

ASSEMBLYMAN HAMBRICK MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE THE ADJUSTMENT UNDER BUDGET AMENDMENT NO. A130014738 TO REDUCE THE GENERAL FUND APPROPRIATION OF \$14,927 IN FY 2013-2014 AND \$7,353 IN FY 2014-2015 AS RECOMMENDED BY THE GOVERNOR; TO DEFER THE ADDED EXPENSE OF \$1,980 OVER THE 2013-2015 BIENNIUM FOR TRANSFER OF THE DEPARTMENT'S IT ACTIVITIES TO EITS IN DECISION UNIT E-247 UNDER B/A 101-4738; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS.

SENATOR GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Parks:

We will now move to B/A 101-3743, the Division of Investigations budget.

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

Ms. Hoppe:

The three major issues for the Division of Investigations budget appear on pages 23 through 25 of [Exhibit C](#).

The first major issue is the new positions requested under decision unit E-233.

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

The Governor recommends a General Fund appropriation of \$269,751 over the 2013-2015 biennium to add one management analyst III and one management analyst I position to the Nevada Threat Analysis Center (NTAC), including operating costs.

The NTAC was established in April 2008 within the Division of Investigations, and is a multidisciplinary operational center that facilitates the sharing of homeland security and crime-related information and intelligence across all levels and sectors of government and private industry. The Governor has designated the NTAC as the State fusion center, part of a national integrated network of state and major urban information fusion centers. The NTAC has primary responsibility for 16 of the State's 17 counties; Clark County has its own fusion center, the Southern Nevada Counter Terrorism Center (SNCTC) which takes responsibility for that jurisdiction. Until recently, Washoe County operated its own fusion center, the Northern Nevada Counter Terrorism Center that was managed by the Washoe County Sheriff's Office (WCSO). In September 2012, the WCSO advised the NTAC that it was no longer going to be a fusion center and would become a Regional Crime Analysis Center, providing adjunct support to the NTAC. Therefore, the Division indicates that its area of responsibility for fusion activities has been expanded to include Washoe County, the second most populous region in the State.

The NTAC currently employs two nonsworn positions who serve as intelligence analysts. These analysts have received specialized training and have undergone security background clearances to be assigned to the NTAC. The two intelligence analysts report to a DPS sergeant in the NTAC section. However, the Division indicates that because of the specialized nature of the intelligence unit, the technical supervision of the analysts provided by the DPS sergeant is limited. The analyst duties include the creation of oral and written reports and bulletins for dissemination to law enforcement, security personnel, first responder and

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emergency management personnel statewide, and communication and coordination with the federal Department of Homeland Security intelligence officer currently assigned to the NTAC.

The Governor recommends adding two more positions to the NTAC analytical unit: an analyst position that would serve as a third analyst, and an analyst position to act as senior intelligence analyst who would supervise the three analysts. The Division indicates that the supervisory position would serve as the main point of contact for the analytic section to the command staff of the NTAC, the Division and the Department. Additionally, the position would act as a liaison with the SNCTC in Clark County and the RCAC in Washoe County for sharing information, collaboration on joint intelligence and maintaining open lines of communication; and would perform analysis and write analytical reports as needed. The proposed management analyst III would report to the DPS sergeant, a position that also supervises a criminal investigator III, DPS officer II, administrative assistant III, and oversees four contracted positions in addition to the analytical unit. The four contracted positions are an infrastructure coordinator, terrorism coordinator, IT developer and analyst.

The Division indicates that the two new positions are needed because of the expanded area of responsibility that now includes Washoe County, and because the DPS sergeant does not have the technical specialized intelligence analyst training that is required to supervise the unit. The Agency testified at the February 15 budget hearing that the NTAC is starting to see an increase in workload as a result of adding Washoe County to its area of responsibility. The Agency further indicated that a step 10 accelerated rate was requested for the management analyst III position due to recruiting difficulties and competitive pay offered by nonstate entities for the same specialized duties.

Does the Subcommittee wish to approve the Governor's recommendation to add a management analyst III position and a management analyst I position to the NTAC?

ASSEMBLYMAN BOBZIEN MOVED TO RECOMMEND TO THE FULL COMMITTEES TO AUTHORIZE \$269,751 OVER THE 2013-2015 BIENNIUM IN B/A 101-3743 UNDER DECISION UNIT E-233 FOR A MANAGEMENT ANALYST III POSITION AND A MANAGEMENT ANALYST I POSITION FOR

THE NTAC AS RECOMMENDED BY THE GOVERNOR; AND TO AUTHORIZE
FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS.

SENATOR WOODHOUSE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Hoppe:

The second closing item is the closure of the Mesquite Office of the Division of Investigations in decision unit E-600. The Governor recommends the closure for a net decrease to the General Fund appropriation over the 2013-2015 biennium of \$83,502. The Division indicates that the office was closed in early December 2012 because of the discontinuation of the Southern Area Interdiction Narcotics Teams (SAINT) task force. The task force was comprised of one DPS sergeant and two DPS officer II positions from the Division, and one detective from the Mesquite Police Department (MPD). The Division indicates that the MPD police chief made the decision to withdraw from the task force due to lack of staffing resources. The task force operated from office space inside the MPD facilities at no cost for rent or utilities for the Division. Due to the dissolution of the task force, the MPD requested the removal of the Division's officers from their facility.

E-600 Budget Reductions — Page PUBLIC SAFETY-104

Of the three sworn officers at the Mesquite office, two DPS officer II positions have been reassigned to the U.S. Marshals Service task force in Las Vegas, with one assigned to the sex offender fugitive unit and the other assigned to the general fugitive unit. The DPS sergeant position is recommended for elimination effective June 30, 2013, and there is an incumbent in the position. The Executive Budget includes \$148,915 in FY 2013-2014 to pay the incumbent for 3.25 years of Public Employees' Retirement System (PERS) service per the *Nevada Revised Statute* (NRS) 286.3007, and estimated annual, sick and compensatory time termination pay. Combined with the savings from the position

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elimination, a General Fund appropriation of \$33,495 would be required in FY 2014-2015.

The Agency testified at the February 15 budget hearing that the Division was considering transferring the DPS sergeant position, instead of a layoff. In response to follow-up inquiries from Fiscal Staff, the Agency indicated that the DPS sergeant position should be eliminated; however, the Agency is seeking clarification on the incumbent's eligibility for a PERS buyout effective July 1 and confirmation has not been received from PERS. Should the incumbent prove to be eligible for the buyout, \$115,735 included in this request for retirement purchase of service would be required. If the incumbent is not eligible for the buyout, then the incumbent will transfer to a vacant position and the \$115,735 buyout would not be required. In that case, the Agency would revert these funds at the beginning of FY 2014-2015. If this decision unit is approved, Fiscal Staff seeks authority for technical adjustments based on clarification of the incumbent's eligibility for the PERS buyout.

The Subcommittee expressed concerns during the February 15 budget hearing about the impact on drug enforcement efforts in the eastern part of the State because of the discontinuation of SAINT. The DPS director testified that the NHP is patrolling the interstate highway farther north of town, toward Mesquite in an attempt to cover the area that was within SAINT jurisdiction. Additionally, in response to Fiscal Staff follow-up questions, the Division indicated that it could conduct drug-related investigations in Mesquite, Clark County or the rest of southern Nevada upon request by the Office of the Attorney General, or any sheriff, chief of police or district attorney. This service would require the use of existing personnel currently assigned to other narcotic task forces in Carson City, Reno, Winnemucca, Elko, Fallon and Ely; alternatively, officers assigned to other duties in Las Vegas could be temporarily deployed to meet the needs of the requesting agency.

Does the Subcommittee wish to approve the Governor's recommendation to close the Mesquite office, with technical adjustments for PERS buyout costs for the DPS sergeant position, if it is determined the incumbent is ineligible for the benefit?

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL
COMMITTEES TO APPROVE CLOSING THE MESQUITE OFFICE OF THE

DIVISION OF INVESTIGATIONS FOR A REDUCTION OF \$83,502 IN GENERAL FUND MONEY OVER THE 2013-2015 BIENNIUM IN DECISION UNIT E-600 AS RECOMMENDED BY THE GOVERNOR; TO AUTHORIZE STAFF TO MAKE ADJUSTMENTS TO THIS DECISION UNIT FOR THE DPS SERGEANT POSITION IF IT IS DETERMINED THAT THE INCUMBENT IS INELIGIBLE FOR THE PERS BUYOUT; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. Hoppe:

The third major closing issue is on page 25 of [Exhibit C](#). Decision unit E-711 is a request for \$117,475 in General Fund appropriation and \$39,158 in Highway Fund appropriation to replace three vehicles in each year of the biennium for a total of six over the 2013-2015 biennium. These are vehicles that are projected to reach, or exceed, 100,000 miles. The purchases would include the installation of special equipment such as radios, emergency lights and sirens, and window tinting. With purchase of the six replacement vehicles, the Division would maintain its current fleet of 59 vehicles.

E-711 Equipment Replacement — Page PUBLIC SAFETY-106

In response to Subcommittee questions asking why 59 vehicles would be required for the Division's 51 employees, the Agency testified that many of the vehicles are not used on a daily basis, such as a command vehicle or vehicles used for towing trailers. The Agency further indicated that the Division requires spare vehicles for use when assigned vehicles are damaged, and needs a variety of vehicles to aid in covert surveillance to prevent vehicles from being recognized by the criminal element.

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Does the Subcommittee wish to approve the Governor's recommendation to replace six vehicles over the 2013-2015 biennium?

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE \$117,475 IN GENERAL FUND MONEY AND \$39,158 IN HIGHWAY FUND MONEY FOR PURCHASE OF SIX VEHICLES IN DECISION UNIT E-711 OVER THE 2013-2015 BIENNIUM IN B/A 101-3743 AS RECOMMENDED BY THE GOVERNOR; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. Hoppe:

In Other Closing Item No. 4, under decision units E-490 and E-491, are position eliminations due to grant funding expiration. The Governor recommends the elimination of one DPS officer II position effective January 2014 due to the expiration of a Justice Assistance Grant (JAG) award, reducing the General Fund appropriation by \$26,442 and JAG grant funds by \$105,771 over the 2013-2015 biennium. Additionally, due to the expiration of American Recovery Reinvestment Act (ARRA) funds, the Governor recommends the elimination of two DPS officer II positions effective February 2013, requiring General Funds of \$14,703 and reducing grant funds by \$395,593 over the 2013-2015 biennium. The Division indicates the three incumbents in these positions will be transferred to vacant positions, thereby avoiding layoffs. During review of this account, Fiscal Staff questioned the need to increase the General Fund appropriation in decision unit E-491 for position eliminations. The Budget Division submitted Budget Amendment No. A130013743 on March 14 and a portion of the amendment corrects the funding allocation in decision units E-490 and E-491. After the budget amendment is applied, the net effect is a total reduction to the General Fund of \$6,790. With the funding adjustments reflected in the

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budget amendment, these decision units appear reasonable and Fiscal Staff has included the adjustments in this closing document.

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

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

ASSEMBLYMAN BOBZIEN MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE THE DPS OFFICER II POSITION ELIMINATION UNDER DECISION UNIT E-490, REDUCING THE GENERAL FUND APPROPRIATION BY \$26,442; TO REDUCE JAG GRANT FUNDS BY \$105,771 OVER THE 2013-2015 BIENNIUM; TO ELIMINATE TWO DPS OFFICER POSITIONS IN DECISION UNIT E-491; TO INCREASE GENERAL FUND APPROPRIATION BY \$14,703 AND TO REDUCE GRANT FUNDS BY \$395,593 OVER THE 2013-2015 BIENNIUM; TO AUTHORIZE BUDGET AMENDMENT NO. A130012743 TO CORRECT THE FUNDING ALLOCATIONS IN DECISION UNITS E-490 AND E-491 FOR A NET REDUCTION IN GENERAL FUND APPROPRIATION OF \$6,790 OVER THE 2013-2015 BIENNIUM; AND TO AUTHORIZE STAFF TO MAKE TECHNICAL ADJUSTMENTS.

SENATOR WOODHOUSE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will move on to the Emergency Management Division, B/A 101-3673.

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

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Ms. Hoppe:

There are no major closing issues in this budget. Fiscal Staff would note that on page 28 of [Exhibit C](#) there are several other closing items, all of which appear reasonable.

Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations.

Fiscal Staff recommends closing this account as recommended by the Governor, including authority for Fiscal Staff to make technical adjustments as needed.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-119
E-710 Equipment Replacement — Page PUBLIC SAFETY-120

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE CLOSING ITEMS UNDER B/A 101-3673, AS RECOMMENDED BY THE GOVERNOR; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS THAT MAY BE NECESSARY ON THE CLOSING OF THE EITS CONSOLIDATION ACCOUNT, AND TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will move to the Emergency Management Assistance Grants budget, B/A 101-3674.

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

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Ms. Hoppe:

Budget account 101-3674 is the Emergency Management Assistance Grants account. This is a Fiscal Staff-recommended closing and has not been heard previously by the Subcommittee. This account functions as the federal grants pass-through account for the Division of Emergency Management.

There are no major closing issues and Fiscal Staff recommends closing this budget account as recommended by the Governor.

ASSEMBLYMAN SPRINKLE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE B/A 101-3674 AS RECOMMENDED BY THE GOVERNOR.

SENATOR WOODHOUSE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will now hear the Homeland Security budget, B/A 101-3675.

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

Ms. Hoppe:

There are no major closing issues. There are three other closing items as described on pages 30 and 31 of [Exhibit C](#).

Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations.

Fiscal Staff recommends closing this account as recommended by the Governor, including authority for Fiscal Staff to make technical adjustments as needed.

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E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-132
E-710 Equipment Replacement — Page PUBLIC SAFETY-133

ASSEMBLYMAN GRADY MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE ALL CLOSING ITEMS IN B/A 101-3675 AS RECOMMENDED BY THE GOVERNOR; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS THAT MAY BE NECESSARY BASED ON THE CLOSING ACTION OF THE EITS CONSOLIDATION ACCOUNT, AND TO MAKE OTHER TECHNICAL ADJUSTMENTS THAT MAY BE NECESSARY.

SENATOR GOICOECHEA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next budget we will hear is the Fire Marshal account, B/A 101-3816.

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

Ms. Hoppe:

There is one major closing issue under decision unit E-225.

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

Under decision unit E-225, the Governor recommends new administrative fines revenue of \$2,000 in FY 2014-2015 with a corresponding reduction in General Funds to provide the Agency with an intermediate citation process. The Division indicates that currently only two types of administrative action against a licensee for violations of applicable NRS sections can occur: a warning; or the suspension/revocation of the license, essentially putting the company out of business. According to the Division, the proposed new process would allow the

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State Fire Marshal to take intermediate action against a licensee when something more than a warning is warranted, but putting the company out of business is considered too extreme. Assembly Bill 424 would provide the State Fire Marshal the authority to issue administrative citations in lieu of license revocation, effective July 1. The bill was amended and passed by the Assembly Committee on Government Affairs on April 12.

ASSEMBLY BILL 424: Authorizes the State Fire Marshal and the State Board of Fire Services to issue administrative citations. (BDR 42-1151)

The Agency was asked in follow-up questions to the February 15 budget hearing about the Division's plan to implement the administrative fines, if approved. The Agency indicated the administrative fine system would be developed through the rulemaking process and placed in the *Nevada Administrative Code*, after input from the fire protection industry was obtained through public workshops and public hearings. The Agency further indicated that fines would be proposed to increase based on both severity of the offense and repetition of the offense.

Legislative Counsel advised the Fiscal Division that the revenue from the fines should be deposited in the General Fund, unless an independent hearing officer is appointed to determine the case to avoid constitutional issues. Fiscal Staff would note that A.B. 424 does not provide for an independent hearing officer in the event that an administrative citation is appealed to the Agency. The Subcommittee asked the Agency at the budget hearing why the estimated fines were proposed to be deposited into the Agency budget instead of the General Fund, and the Agency indicated that it had no objection to the fines going into the General Fund. The Fire Marshal testified that the intent of the administrative fines would be to change the behavior of fire protection contractors, not generate fine revenue for the Agency. Based on guidance from Legislative Counsel and the Agency's testimony at the February 15 budget hearing, Fiscal Staff recommends elimination of this decision unit, which would allow any administrative fines collected by the Fire Marshal to be deposited into the General Fund, should A.B. 424 be approved.

Does the Subcommittee wish to approve the Governor's recommendation to establish administrative citation revenue in this account in FY 2014-2015, or if not approved, the fines would be deposited into the General Fund?

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Assemblyman Bobzien:

It is my understanding, from Fiscal Staff, that this is not the appropriate direction we should go as the citation revenues should be directed to the General Fund. It is because there is no hearing officer in place.

Chair Parks:

Assembly Bill 424 will cover this and determine whether we approve this item. Mr. Bobzien, your recommendation is that if this item is passed, all funds generated will go to the General Fund.

Assemblyman Bobzien:

My recommendation is that we should not approve the Governor's recommendation in this case.

Senator Goicoechea:

In hearing the testimony, it does not sound like it makes any difference whether the funds go to the Fire Marshal's Office or the Agency. It is not meant to handle revenues.

Chair Parks:

The testimony we received was that the Agency wanted the ability to issue more than a warning, suspension or revocation. They wanted a way, a middle ground so to speak, to issue citations including fines.

ASSEMBLYMAN BOBZIEN MOVED TO RECOMMEND TO THE FULL COMMITTEES TO NOT APPROVE THE GOVERNOR'S RECOMMENDATION TO ESTABLISH ADMINISTRATIVE CITATION REVENUE IN FY 2014-2015 TO REDUCE GENERAL FUNDS BY \$2,000 IN DECISION UNIT E-225 OF B/A 101-3816.

SENATOR WOODHOUSE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. Hoppe:

The other closing items within B/A 101-3816 as shown on pages 33 and 34 of [Exhibit C](#) feature no issues and are all reasonable per the Governor's recommendation. Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations.

Fiscal Staff recommends the other closing items be approved as recommended by the Governor, including authority for Fiscal Staff to make technical adjustments as needed.

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

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

E-500 Adjustments to Transfers — Page PUBLIC SAFETY-193

E-921 Transfer from DPS Technology to State Fire Marshal — Page PUBLIC
SAFETY-197

E-710 Equipment Replacement — Page PUBLIC SAFETY-195

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE
FULL COMMITTEES TO APPROVE ALL OTHER CLOSING ITEMS UNDER
B/A 101-3816; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL
ADJUSTMENTS INCLUDING THOSE THAT MAY BE NECESSARY ON THE
CLOSING ACTION OF THE EITS CONSOLIDATION ACCOUNT.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next budget we will hear is the State Emergency Response Commission,
B/A 201-4729.

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DPS - State Emergency Response Commission — Budget Page PUBLIC
SAFETY-199 (Volume III)
Budget Account 201-4729

Ms. Hoppe:

Fiscal Staff recommends closing B/A 201-4729 as recommended by the Governor, including authority for Fiscal Staff to make technical adjustments as needed. There are no major closing issues within this account. Several other closing items in the budget described on page 36 of [Exhibit C](#), appear reasonable to Fiscal Staff.

Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations.

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE ALL CLOSING ITEMS IN B/A 201-4729; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING THOSE THAT MAY BE NECESSARY BASED ON THE CLOSING ACTION OF THE EITS CONSOLIDATION ACCOUNT.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next account we will hear is the Cigarette Fire Safety Standard and Firefighter Support budget, B/A 101-3819.

DPS - CIG Fire Safe Std & Firefighter Support — Budget Page PUBLIC SAFETY-207
(Volume III)
Budget Account 101-3819

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Ms. Hoppe:

Fiscal Staff recommends closing this budget account as recommended by the Governor. This account has not been heard by the Joint Subcommittee. There are no major closing issues and no other closing items.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE B/A 101-3819 AS RECOMMENDED BY THE GOVERNOR.

SENATOR WOODHOUSE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next budget we will hear is Traffic Safety, B/A 101-4687.

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

Ms. Hoppe:

Our remaining accounts are with the DPS Division of Traffic Safety. Page 38 of [Exhibit C](#) shows B/A 101-4687 to be a federal pass-through account. This is a Fiscal Staff-recommended closing and has not been heard by the Joint Subcommittee.

There are no major closing issues for this account, but under other closing items, on page 39 of [Exhibit C](#), the Subcommittee should note decision unit E-737. The Governor recommends new federal funding of \$680,000 over the 2013-2015 biennium as part of the new federal surface transportation funding bill, "Moving Ahead for Progress in the 21st Century," also known as MAP-21. Of the total grant award funding, \$320,000 would fund the Graduated Driver Licensing program and \$360,000 would fund the Distracted Driving program.

E-737 New Programs — Page PUBLIC SAFETY-227

At the February 15 budget hearing, the Agency testified that the Division made their best estimate of the MAP-21 funds that the State will receive; however, the Agency further indicated that the final rules and obligations from the federal government for MAP-21 have not yet been established. In response to follow-up questions from Fiscal Staff regarding the State's eligibility for the MAP-21 funds, the Division indicated that Nevada will not qualify for new federal funding from the Graduated Driver Licensing program or the Distracted Driving program.

Fiscal Staff concurs and recommends closing this budget account as adjusted to remove this authority, and requests the authority to make technical adjustments as needed.

Senator Goicoechea:

What is the impact? We are closing the account and no program goes away, but we are not receiving the \$680,000.

Ms. Hoppe:

You are correct, this would have been \$680,000 over the 2013-2015 biennium. These funds would have been subgranted for the State and local agencies to use in educational programs for the public. Should Nevada's eligibility change in the future, the Agency will most likely be back with a work program requesting to reinstate these funds.

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE B/A 101-4687 AS ADJUSTED TO REMOVE DECISION UNIT E-737; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next budget is the Highway Safety Plan and Administration, B/A 101-4688.

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

Ms. Hoppe:

There are no major closing issues in B/A 101-4688, but under Other Closing Items on page 41 of [Exhibit C](#), Item No. 6, decision unit E-737 is the request for a new funding source. This is related to the items we just heard regarding funds from MAP-21 and Nevada being ineligible at this point. The previous account is the federal pass-through account that would have subgranted funds to this account. Fiscal Staff recommends the elimination of decision unit E-737 in this account as well.

E-737 New Programs — Page PUBLIC SAFETY-235

SENATOR GOICOECHEA MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE B/A 101-4688 AS ADJUSTED TO REMOVE DECISION UNIT E-737; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING THAT WHICH MAY BE NECESSARY AT THE CLOSING ACTION ON THE EITS CONSOLIDATION ACCOUNT.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next budget is the Motorcycle Safety Program, B/A 101-4691.

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

Ms. Hoppe:

Under decision unit E-225, the Governor recommends an increase in registration fees of \$4,000 over the 2013-2015 biennium, associated with increasing the maximum fee for the motorcycle safety training program from \$100 to \$150. The Agency estimates the additional revenue as an increase of \$10 for 200 students enrolled in the Basic Rider course each year, as the Division plans to charge \$110 for the class during the 2013-2015 biennium.

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

The current maximum motorcycle safety class registration fee of \$100 was set in NRS 486.373 when the Nevada Rider Motorcycle Safety Program was established by the 1991 Legislature. Both the Division and training sponsors offer classes; presently, the training sponsors are the College of Southern Nevada, Truckee Meadows Community College and Western Nevada College. The Agency indicates the training sponsors were charging approximately \$79 for the course when the maximum fee was originally set in 1991, and by the year 2000, all the sponsors reached the cap of \$100 per class. Because of inflation and rising costs over the past 20 years, the actual cost of providing the motorcycle training now exceeds the maximum fee. The Division reports that it has been paying a subsidy to the training sponsors for several years: a \$40 per student subsidy for the Basic Rider course along with a \$20 per student subsidy for the Advanced Rider and Experienced Rider courses. Therefore, although the training sponsors may charge only \$100 to each student because of the maximum fee cap, the sponsors are receiving up to \$140 per student to cover their costs through the subsidy paid by the Division. The Division indicates that once the training sponsors are able to increase their fees up to \$150 per student, the need for the subsidies will be reevaluated. Should the subsidy prove to be unnecessary, or greatly reduced, the Agency reports that it plans to replace costly inventory items such as the mobile classroom that the program uses to provide training to the rural areas of the State.

In response to Subcommittee questions at the February 15 budget hearing, the Agency indicated that the Division has no authority over the level of fees that the

training sponsors charge, as long as the training sponsors stay within the maximum cap. However, the Division indicated that it does not propose to raise its own training course fees to \$150 immediately, but would charge a \$110 fee in the 2013-2015 biennium, if approved. The Agency further testified that the Nevada Rider Motorcycle Safety Program would no longer be viable after FY 2015-2016 without an increase to the fees.

Two current bills include a provision to increase the maximum motorcycle training program fee, effective July 1.

Assembly Bill 256, as introduced, would raise the limit of the fee to \$200. The Assembly Committee on Transportation approved to Amend and Do Pass as Amended on March 26.

ASSEMBLY BILL 256: Makes various changes relating to motorcycles.
(BDR 43-661)

Assembly Bill 472, as introduced, would raise the limit of the fee to \$150. The bill has been referred to the Assembly Committee on Ways and Means and was heard on April 10, but no action has been taken.

ASSEMBLY BILL 472: Increases the maximum amount of the fee that the Director of the Department of Public Safety is required to establish for the Program for the Education of Motorcycle Riders. (BDR 43-1152)

Does the Subcommittee wish to approve the Governor's recommendation to increase motorcycle training program fees in this budget, contingent upon the approval of legislation that would raise the maximum fee to \$150?

SENATOR WOODHOUSE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE THE INCREASE OF MOTORCYCLE TRAINING PROGRAM FEES OF \$4,000 OVER THE 2013-2015 BIENNIUM IN DECISION UNIT E-225 OF B/A 101-4691 AS RECOMMENDED BY THE GOVERNOR CONTINGENT UPON THE APPROVAL OF THE LEGISLATION THAT WOULD RAISE THE MAXIMUM FEE TO \$150; AND TO AUTHORIZE STAFF TO MAKE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. Hoppe:

Fiscal Staff seeks authority to make adjustments to this account that may be necessary based on the closing action of the EITS consolidation account, including adjustments to departmental cost allocations.

Fiscal Staff recommends the other closing items on pages 44 and 45 of [Exhibit C](#) be approved as recommended by the Governor, including authority for Fiscal Staff to make technical adjustments as needed.

E-247 Efficient and Responsive State Government — Page PUBLIC SAFETY-243
E-710 Equipment Replacement — Page PUBLIC SAFETY-244

ASSEMBLYMAN HAMBRICK MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE ALL OTHER CLOSING ITEMS IN B/A 101-4691; AND TO AUTHORIZE FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS, INCLUDING THOSE THAT MAY BE NECESSARY BASED UPON THE CLOSING ACTION OF THE EITS CONSOLIDATION ACCOUNT.

SENATOR WOODHOUSE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Joint Subcommittee on Public Safety, Military and Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
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Chair Parks:

The meeting stands adjourned at 9:22 a.m.

RESPECTFULLY SUBMITTED:

Thomas Hutton-Potts,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman David P. Bobzien, Chair

DATE: _____

Joint Subcommittee on Public Safety, Military and Veterans' Services
 Senate Committee on Finance
 Assembly Committee on Ways and Means
 April 17, 2013
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<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
	C	45	Kristin Kolbe Karen Hoppe	Closing List # 3 April 17, 2013