

**MINUTES OF THE MEETING OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS
AND
SENATE COMMITTEE ON FINANCE
SUBCOMMITTEES ON PUBLIC SAFETY, NATURAL RESOURCES, AND
TRANSPORTATION**

**Seventy-Eighth Session
February 19, 2015**

The joint meeting of the Assembly Committee on Ways and Means and the Senate Committee on Finance Subcommittees on Public Safety, Natural Resources, and Transportation was called to order by Chair Chris Edwards at 8:02 a.m. on Thursday, February 19, 2015, in Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Chris Edwards, Chair
Assemblyman John Hambrick, Vice Chair
Assemblywoman Maggie Carlton
Assemblywoman Jill Dickman
Assemblyman Michael C. Sprinkle
Assemblywoman Robin L. Titus

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Pete Goicoechea, Chair
Senator Mark Lipparelli
Senator David R. Parks



STAFF MEMBERS PRESENT:

Stephanie Day, Principal Deputy Fiscal Analyst
Alex Haartz, Principal Deputy Fiscal Analyst
Jennifer Ouellette, Program Analyst
Jaimarie Dagdagan, Program Analyst
Janice Wright, Committee Secretary
Cynthia Wyett, Committee Assistant

The Secretary called the roll and all members were present.

Chair Edwards opened the hearing for public comment. Hearing no public comment, he opened the hearing on the Department of Public Safety budgets.

**PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - DIVISION OF INVESTIGATIONS (101-3743)
BUDGET PAGE PUBLIC SAFETY-90**

James M. Wright, Director, Department of Public Safety, introduced Patrick J. Conmay, Chief, Investigation Division, Department of Public Safety.

Mr. Conmay presented [Exhibit C](#) "Investigation Division, Budget Presentation, Budget Account 3743." He referred to slide 2 in [Exhibit C](#) and said the mission of the Division was to fulfill its statutory mandates and support the Department of Public Safety (DPS) in its efforts to provide safer communities throughout Nevada. He provided an overview of the Division's statutory authorities shown on slide 3 of [Exhibit C](#). Administrative responsibilities related to the public safety mission. The Division's administrative responsibilities were fulfilled by the headquarters staff located in Carson City. The narcotics enforcement efforts were supported through the operations of five narcotics task forces located in Carson City, Fallon, Winnemucca, Elko, and Ely. The Division worked with the U.S. Drug Enforcement Administration (DEA), High Intensity Drug Trafficking Area Task Force in Reno, and the DEA prescription drug-diversion task force in Las Vegas.

Mr. Conmay continued that the major crimes unit handled various requests for investigative assistance, including providing polygraph services. The Nevada Threat Analysis Center (NTAC) was the state's recognized fusion center, which managed information and provided alerts, advisories, bulletins, and executive

summaries related to threats and organized criminal activity. The Division assigned an investigator to the joint terrorism task force in Reno and the Southern Nevada Counter Terrorism Center in Las Vegas to support NTAC's efforts.

Mr. Conmay advised that the Division worked with the Las Vegas Metropolitan Police Department on the VIPER (Vehicle Investigations Project for Enforcement and Recovery) task force.

Mr. Conmay referred to slide 4 of [Exhibit C](#) and said NTAC was one of 78 federally recognized fusion centers in the nation and was a member of the national fusion center network. Between July 2013 and December 2014, NTAC received 908 requests for information, suspicious activity reports, tips, or leads. The NTAC provided 63 formal training presentations to more than 1,529 representatives of law enforcement and public and private agencies. The NTAC produced 83 fusion-related alerts, bulletins, and summaries to federal, state, and local partners. The NTAC conducted 30 site-vulnerability assessments and 11 special event threat assessments, and continued to expand the terrorism liaison officer program that consisted of over 579 public agency and private sector representatives.

Mr. Conmay referred to slide 5 of [Exhibit C](#) and cited some of the Division's accomplishments. In fiscal year (FY) 2014, the Division initiated 483 events or cases, conducted 205 polygraph examinations, made 490 arrests, and provided drug education training to 212 individuals. The various narcotics task forces were responsible for the seizure of over \$3,405,405 in illicit controlled substances. The Division also completed the conversion of over 10,000 of its alpha card files into the Spillman records management system (RMS). The alpha card system was an old, handwritten case-management system maintained on index cards, and that case information was now accessible in an automated format within the Spillman RMS.

In reference to slide 6 of [Exhibit C](#), Mr. Conmay explained that between July 1, 2014, and December 31, 2014, the Division initiated 244 events or cases, conducted 100 polygraph examinations, made 210 arrests, and provided drug education training to 745 individuals. The various narcotics task forces were responsible for the seizure of over \$1,982,158 of controlled substances. The Division continued with its records modernization efforts.

Mr. Conmay stated that slide 7 of [Exhibit C](#) represented some of the efforts the Division made related to the older management systems and noted that the Division had moved information to the Spillman RMS. The automated incident management database had been the Division's primary records management system from 1998 through September 2011. In September 2011, the DPS adopted the Spillman RMS as a replacement for the outdated system after conversations with the Division of Enterprise Information Technology Services (EITS), Department of Administration. The existing platform would be replaced over a five-year period, and any information in the old system would be transferred into Spillman or the data would be lost. The Division determined that over 60,000 records must be transferred.

Beginning in 2013, the Division staff began transferring data into Spillman. The Division acquired some funding earmarked within the General Services Division to use for the conversion. The funds were used to hire three temporary employees for the conversion project, whose duties were to transfer the data into the Spillman system. As of February 1, 2015, the temporary employees had completed the transfer to Spillman of over 36,000 entries involving over 7,000 case entries, and the Division expected to complete the conversion project by the end of 2015.

Mr. Conmay recounted some of the Division's major goals shown on slide 8 of [Exhibit C](#). The Division focused on improving service in its statutory mandated areas of responsibility and had undertaken an internal review of its case management processes, especially with respect to outside agency requests for investigative assistance. The Division examined the various capabilities of the records management system to ensure timely response and added some functionality to improve case assignment and tracking. The Division staff would monitor the results and make adjustments to improve efficiencies as needed.

The Division's goals included:

- Reducing the availability of illicit and prescription controlled substances through maintenance of multijurisdictional drug task forces.
- Providing professional and independent criminal investigative assistance and polygraph services upon request.
- Continuing to provide drug education and training to communities.
- Reducing the incidence of theft and fraud related to vehicles.
- Continuing to share information and collaborating with all its partners.
- Updating the Division's strategic plan.
- Using the full capabilities of the Spillman RMS to manage cases.

Mr. Conmay revealed that slide 9 of [Exhibit C](#) showed that the full-time-equivalent (FTE) positions included 32 sworn positions, 19 nonsworn positions, and 20 task force officer positions contributed by partner law enforcement agencies. The total number of personnel managed by the Division was 71 positions. Slide 10 of [Exhibit C](#) showed an organization chart of those positions.

Mr. Conmay said slide 11 of [Exhibit C](#) depicted some of the significant budget proposals for the 2015-2017 biennium. The major organizational change outlined in decision unit Enhancement (E) 600 was the elimination of one administrative assistant 2 position. The Division gained efficiencies using the automated databases. Some duties were reassigned, and the Division used the existing administrative assistant 3 positions to complete the work. The administrative assistant 2 position was currently vacant and was proposed for elimination.

Mr. Conmay reviewed decision unit E-227 to fund travel expenses related to one annual division-wide assessment and planning meeting involving supervisory and management staff of the Division. Decision unit E-247 funded programmer and database administrator hours based on the projected need to provide maintenance and programming services for the Fusion 360 program used by NTAC and recommended by the Division of Enterprise Information Technology Services (EITS). Fusion 360 was a program that enabled the sharing of information with federal, state, and local partners to detect, prevent, and mitigate terrorism and other criminal activity. Fusion 360 supported NTAC's efforts and ensured compliance with federal guidelines surrounding the collection and retention of information to ensure privacy and civil rights and liberties. Decision unit E-710 funded replacement of computer hardware and software per the EITS recommended replacement schedule. Decision unit E-711 funded the replacement of vehicles in accordance with the *State Administrative Manual's* replacement schedule.

Mr. Conmay referred to slide 12 of [Exhibit C](#) that represented performance measures of the services provided by the Division in its various areas of responsibility.

Senator Goicoechea asked how many polygraph examinations were performed by the Division.

Mr. Conmay replied that the Division supported the Division of Parole and Probation (P&P) in its efforts to comply with a significant number of statutory mandates for sex offender polygraph testing. The Division's polygraph staff was also responsible for criminal and preemployment examinations in the state. Sometimes the sex offender polygraph work fell behind. The P&P should add a polygrapher to allow the Division to catch up with its workload.

Senator Goicoechea agreed that P&P fell behind on the polygraph testing of sex offenders. He wanted to ensure that there was sufficient work for the staff of the Division.

Mr. Conmay confirmed that the Division would continue to support P&P and had sufficient work to keep the existing two polygraphers busy.

In response to a question from Chair Edwards about decision unit E-711 and the higher mileage threshold used by the Nevada Highway Patrol, Mr. Conmay replied that the Division used the lower mileage threshold from the *State Administrative Manual* (SAM). He stated that the vehicles were used in such a manner that he believed the lower mileage threshold was appropriate. The Division did not consider raising the threshold to match the higher mileage threshold used by the Nevada Highway Patrol.

Assemblyman Sprinkle asked whether Senate Bill (S.B.) 42 would increase the workload sufficiently to require the services of the administrative assistant 2 position proposed for elimination in decision unit E-600.

Mr. Conmay responded that he anticipated no significant increase in workload resulting from S.B. 42 because entities rarely requested help for unique circumstances from the Division. The Division assisted the entities outlined in S.B. 42 approximately 50 times in a four-year period. The intent of S.B. 42 was to ensure that when requests were made, the Division would provide the assistance needed.

In response to a question from Assemblywoman Carlton about Justice Assistance Grant (JAG) overtime and travel costs of \$100,042 in each of the next two years, Mr. Conmay replied that the JAG grant paid for the overtime of the Division. The Division lacked an overtime account in the State General Fund. The Division projected overtime costs of \$100,042 in each year of the 2015-2017 biennium. The Division had sufficient personnel, but overtime was incurred because some cases extended beyond normal working

hours. The staff might be called in off hours for homicides, sex crimes, or narcotics investigations, and personnel must be available. No overtime hours for the Division were paid from the General Fund.

Assemblywoman Carlton asked the purpose of the JAG grant, and Mr. Conmay replied that the JAG grant funded training, equipment, and a variety of other permissible uses.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - HIGHWAY PATROL (201-4713)
BUDGET PAGE PUBLIC SAFETY-47

Colonel Dennis S. Osborn, Chief, Nevada Highway Patrol, Department of Public Safety, presented [Exhibit D](#), "Nevada Highway Patrol, Budget Account 4713, Budget Proposal for the 2015-2017 Biennium." Colonel Osborn explained that the mission of the Nevada Highway Patrol (NHP) was to promote safety on Nevada highways by providing law enforcement and traffic services to the motoring public. The NHP vision was a united and diverse workforce providing statewide 24-hour service to the motoring public, resulting in safer highways.

Colonel Osborn explained the goals of NHP were to:

- Prevent loss of life, injuries, and property damage.
- Maximize services to the public and assistance to allied agencies.
- Optimize traffic and emergency incident management.
- Protect public and state assets.
- Improve divisional efficiency.

Colonel Osborn read the program description: "The Department of Public Safety, Nevada Highway Patrol enforces the traffic laws of the State, investigates traffic collisions, assists stranded motorists, and enforces and regulates motor carriers transporting cargo and hazardous materials." The NHP received its statutory mandate from *Nevada Revised Statutes* (NRS) 480.300 through NRS 480.360.

Colonel Osborn explained the new performance indicators for the 2015-2017 biennium listed on page 5 of [Exhibit D](#). The rate of fatalities was a standard measurement used throughout the country by state police, highway patrols, and departments of transportation. The state rate was calculated by

dividing the total number of fatalities in NHP's jurisdiction by the vehicle miles traveled (VMT), resulting in a rate of 0.46 deaths per 100 million VMT projected for fiscal year (FY) 2015. The number of serious injuries in NHP's jurisdiction was divided by the number of vehicle miles traveled to develop a projected rate of 21.8 for those injuries. The average number of annual motorist contacts was divided by the number of full-time sworn officers to develop the projected rate of 517 contacts per officer for FY 2015. Colonel Osborn believed the fatality rate per miles was a better way to measure performance rather than a fixed number, because as the state grew in population, the vehicle miles traveled on the highways increased. The Division had statistics by county to help the command staff determine staffing requirements.

Colonel Osborn noted the measure of patrol vehicle on-time scheduled maintenance rate was projected at 84.91 percent for FY 2015. The vehicle fleet was the second largest asset of NHP, and personnel were the largest asset. Colonel Osborn said that the NHP took good care of its vehicles and ensured that scheduled maintenance was performed within 500 miles of the mileage recommendation.

Colonel Osborn advised that budget account (BA) 4713 funded the primary responsibility of providing traffic safety and service to the motoring public that used the state's highway transportation system. As a statewide criminal justice agency, NHP provided law enforcement assistance to local governments and allied agencies, served as a law enforcement partner for statewide vehicle recovery efforts, and was the primary authority for enforcing laws and regulations relating to commercial vehicle safety.

Colonel Osborn added that NHP was the largest division of DPS and was authorized to have 478 sworn positions and 79 civilian positions.

Colonel Osborn revealed that decision unit Enhancement (E) 550 shown on page 9 of [Exhibit D](#) was a request for technology investments for computers. The NHP was one of the few major law enforcement agencies that lacked mobile data computers. The mobile data computer technology was an efficiency model developed two decades ago. Decision unit E-550 would make NHP more efficient, because the officers in the field would be able to use mobile data computers to access license plate and driver's license checks, complete reports, issue citations, receive calls for service, and allow dispatch centers to see the location of the officers via GPS. Funding for decision unit E-550 was from a 50 percent match of \$665,929 in FY 2016 and

\$753,282 in FY 2017 from the Department of Transportation (NDOT) and the Forfeitures-Law Enforcement budget account (BA) 4703.

Assemblywoman Titus asked about the ability of the computers to interface with any type of video program for recording data, and Colonel Osborn replied that NHP had an L-3 Mobile-Vision, Inc. digital recording device in the patrol cars. The capability existed for the L-3 to be the interface in the future, but it was not used as the interface currently.

Assemblywoman Titus said she understood, but she wanted to ensure that all devices would be compatible as NHP changed its technology. She did not want to find out that interfaces would not work in the future.

Colonel Osborn replied NHP would ensure that the problem was resolved.

Senator Goicoechea asked for clarification of the number of motorist contacts and the misconception that there was a quota per officer.

Colonel Osborn replied that motorist contacts included stops, crashes, and assists, but mainly traffic stops. There was no citation quota per officer, because that was illegal.

Assemblywoman Titus asked whether NHP investigated fatalities for all highways.

Colonel Osborn replied that NHP's jurisdiction was state highways. The NHP regularly received requests from rural and allied agencies to investigate complex crashes and fatalities.

Assemblywoman Titus said her district was in a rural area that sometimes requested NHP assistance for investigations. She wondered how many fatalities involved horses and vehicles, and she wanted details of any accident involving equines and vehicles on U.S. Highway 50 or any state road.

Colonel Osborn responded that he did not have the numbers with him, but he would provide details of any vehicle, including motorcycle, versus equine incidents to the Subcommittees.

Chair Edwards requested information on the challenges and achievements of the pilot project and how that data would be stored. Colonel Osborn said he would turn that question over to Lieutenant Colonel Brian Sanchez.

Lieutenant Colonel Brian Sanchez, Assistant Chief, Nevada Highway Patrol, Department of Public Safety, noted that the NHP mobile data program was initiated through the research and planning section in the Carson City office. The NHP received approval in June 2014 to begin a pilot program with 35 units across the state. The units were tested in both urban and rural sectors, and the NHP mapped the successes to show where the program worked best. Overall, the pilot program performed well. The program had support from the Division of Enterprise Information Technology Services (EITS), Department of Administration. The employees using the 35 units in the field provided regular updates and continuously reported their status to the research and planning unit. The NHP made adjustments to and assessments on the pilot program on a daily basis.

In response to a question from Chair Edwards about the storage of confidential information, Lieutenant Colonel Sanchez replied that confidential information was a problem for NHP. Under Chapter 289 of *Nevada Revised Statutes* (NRS), the release of some information was restricted. The NHP installed protections for some information, but he noted that the agency must learn more about the release of public information and public records from the Office of the Attorney General. The NHP experienced a problem with the L-3 cameras and developed some practices relating to the release of information. The NHP would seek more guidance in that area to prevent any breach of confidentiality.

Assemblywoman Dickman asked whether there was a contingency plan when no cell service was available.

Lieutenant Colonel Sanchez replied the backup system was the officer himself. The NHP also used a software program called NetMotion. When connectivity was lost, NetMotion would automatically connect, and the officer was not required to sign into the system again. The NHP decided to use two data service providers, Verizon and AT&T, throughout Nevada to determine what worked best in the rural and urban districts. The agency was troubleshooting to allow the officer to reconnect to the mobile data technology when available.

Assemblyman Hambrick asked whether there were statistics on the number of accidents involving cell phone usage.

Colonel Osborn presented the following statistics on cell phone violations: The NHP issued 11,992 cell phone citations in 2012, 11,675 citations in 2013, and 16,002 citations in 2014. The NHP had created a program called "It Can Wait for 28" that was geared to education about cell phone usage, because the enforcement efforts were not effective and NHP encountered cell phone violations every day. Persons stopped for cell phone violations were invited to participate in the education program. The program required participants to engage in 28 days of activities on cell phone use, which included watching videos on the dangers of texting and driving and talking on a cell phone while driving. The participants had to post information on distracted driving on social media, which included Twitter and Facebook. If the offender successfully completed the program after 28 days, the citation was dismissed by the court. The program allowed NHP to reach hundreds of thousands of persons who would not have been reached through the enforcement process.

Colonel Osborn added that the NHP was creative in addressing the problem, because cell phone use caused crashes and the actual crash figures were probably higher than reported, because it was rare for a person to admit talking or texting on a cell phone when a vehicle crash occurred. The infraction was hard to prove unless there was a statement from a witness to corroborate the use of a cell phone.

Assemblywoman Dickman asked whether NHP could look at someone's cell phone, and Colonel Osborn replied that NHP did not have authority to look at someone's phone to determine whether the person was using it at the time of an accident. He would do further research and provide some statistics to the Subcommittees.

Senator Goicoechea wondered what would happen to a mobile data device in the event the NHP cruiser was stolen. He expressed concern that a criminal may access useful information from the device.

Lieutenant Colonel Sanchez replied that NHP had security on the mobile data devices and asked Lieutenant Charles Powell to provide additional information.

Lieutenant Charles Powell, Executive Officer, Nevada Highway Patrol, Department of Public Safety, testified that NHP installed several layers of security on the mobile data devices, including NetMotion. The NHP worked on setting up BitLocker Drive Encryption that was a data arrest system. If a person tried to access data on a mobile data device or transfer the hard drive to a different system, the data was encrypted and no access was granted. NetMotion allowed a mobile data device to be tracked using GPS, and the data could be deleted. Much of the data on the device was compartmentalized and secure; the data was not actually stored on the device, but was stored off-site.

Senator Goicoechea said he was satisfied that access to the data on the mobile data devices required many levels of passwords and codes, and the data appeared to be secure.

Lieutenant Powell assured the Subcommittees that the data was safe, because multiple passwords were required on the computers. The NHP Spillman system had an encryption AES-256 chip that locked the computer. Three things were required to access data on the mobile data device: connectivity to the main server, possession of the chip and the passwords, and possession of the mobile data device.

Chair Edwards asked how much the pilot project would cost, and Lieutenant Powell replied that the actual cost of the pilot project was \$298,000, but the original projected cost was \$500,000. The Department of Health and Human Services had purchased the NetMotion software, and NHP was able to use the software to reduce the overall cost of the pilot program.

Assemblyman Sprinkle recalled the total cost of the pilot program was about \$2.9 million from three budget accounts. He suggested the state look for possible grants or other funding sources for the project. He was a proponent of the pilot project, but he believed there must be some federal grants to enhance personal safety. The JAG funding could be spent on multiple uses.

Carla Watson, Budget Analyst, Budget Division, Department of Administration, explained that NDOT received a mix of federal funds that could be used for certain purposes, and the pilot project was an appropriate use of those funds. The Federal Highway Administration would provide 95 percent of the funding for the pilot project, and the Department must provide a 5 percent match from the State Highway Fund.

Assemblywoman Carlton requested a fund map to show the funding sources for the pilot project. She noted that spending the money on the pilot program meant other projects were not funded, and she wanted to see the details to decide which projects were best for the state.

Senator Goicoechea wondered whether the State Department of Agriculture brand inspectors could use the citation writers for their work.

Colonel Osborn responded the citation writers were tablet computers that would be available through the Purchasing Division, Department of Administration. The items would be surplussed, but he was unsure whether the tablets could be used by the brand inspectors.

Lieutenant Powell responded that he was unsure what software was used by the brand inspectors, but the citation writers were given out to other law enforcement agencies. He believed the software might be compatible, and there was a high probability that the devices could be used by brand inspectors.

Colonel Osborn continued by referring to page 11 of [Exhibit D](#) and discussed decision unit Enhancement (E) 710, which requested replacement of 252 portable radios. The NHP would replace all of the old radios that had reached the end of their lives with new XG-75 radios that were compliant with the P25 standards and the new system that NDOT had installed. The total cost was \$934,088 in the 2015-2017 biennium, and based on recommendations of the Fiscal Analysis Division, Legislative Counsel Bureau, NHP agreed to split its request into three separate years.

Colonel Osborn stated that decision unit E-711 requested \$5,000 for the replacement of an air conditioner diagnostic machine in the Las Vegas fleet maintenance shop. The diagnostic machine was 14 years old and had to be replaced because it could not hold a calibration. Decision unit E-712 requested replacement of an old radar certification system in the Northern Command that could not hold a calibration. Decision unit E-713 requested replacement of computer hardware per the Division of Enterprise Information Technology Services (EITS), Department of Administration, recommended replacement schedule. Decision unit E-714 requested replacement of citation writers and thermal printers. If decision unit E-550 was approved, the replacement of the citation writers would not be needed, but the thermal printers would still be required. The thermal printers would work with the mobile data computers and print the citations in the current manner. Decision unit E-715 requested

replacement and extended maintenance of the NHP's L-3 video server and related equipment.

Colonel Osborn explained that decision unit E-716 requested replacement of three forensic mapping systems in each year and included software and training costs in the first year. The mapping systems were used for fatality accidents by the reconstruction teams taking measurements. He said the mapping systems were necessary equipment for the fatality teams and expedited how quickly NHP could clear an accident scene. The mapping systems were precise engineering tools that provided exact measurements. The existing mapping tools were 13-years old and needed to be replaced. Training for the mapping systems was included in the first-year cost of \$101,279 in FY 2016, and the costs for the three systems in FY 2017 would be \$78,881.

In response to a question from Chair Edwards about how long the mapping systems lasted, Colonel Osborn replied the anticipated lifetime was about ten years. He added that NHP received requests for the forensic mapping systems from allied agencies when there was a major event, such as an officer-involved shooting or the Reno Air Races crash. The mapping systems had uses other than those of the reconstruction teams.

Colonel Osborn indicated that decision unit E-805 requested a reclassification for the administrative assistant 1 position in the Carson City substation, which released reports to the public. The reclassification would bring the position in line with the other NHP substations that had administrative assistant 2 positions providing similar duties in Reno, Elko, and Las Vegas. The NHP had requested a supplemental appropriation of \$318,471 for FY 2015 to fund a projected shortfall in personnel services, but NHP recommended deleting that request because the shortfall would be met through cuts in other budget line items. The agency also requested a supplemental State General Fund appropriation to fund a projected shortfall in visiting dignitary protection. Security services were provided to visiting dignitaries, including governors from other states and presidential candidates. The NHP budget was short because there had been more dignitary visits than anticipated in the last year.

Assemblyman Hambrick asked whether the campaigns were billed for visiting dignitary expenses for presidential candidates.

Colonel Osborn replied that NHP billed for certain events, such as the National Governors Association conference in Las Vegas. However, there was no mechanism for reimbursement of costs for protection of presidential candidates.

Colonel Osborn explained that NHP requested a one-shot appropriation to replace fleet vehicles that had exceeded the mileage threshold. The NHP must purchase 82 sedans, 41 utility vehicles, and 33 pickups, totaling 156 patrol vehicles. The agency also requested a one-shot appropriation for the purchase of seven new motorcycles to create an additional motorcycle squad in Las Vegas. Colonel Osborn explained the motorcycle squad was successful in the congested traffic areas of Las Vegas where it was difficult to get a cruiser into the area to investigate crashes and clear roadways. The NHP used motorcycles as problem-solving units when problems arose in certain areas of the valley. A motorcycle could be deployed to watch for speeding infractions or distracted driving offenses resulting from cell phone use.

Chair Edwards asked whether the motorcycle squad was new or just a replacement of an existing squad.

Colonel Osborn replied that the seven new motorcycles would form a new motorcycle squad. The NHP currently had one motorcycle squad, and the Las Vegas Metropolitan Police Department had 100 motorcycle squads. Colonel Osborn explained that the NHP wanted the additional motorcycle squad because it was efficient. A motorcycle was able to issue more citations during a shift than a cruiser, and a motorcycle could get to a crash or traffic problem in a congested area.

Chair Edwards requested more information about the one-shot appropriations, and Colonel Osborn said that he would provide the information requested about replacing the vehicles.

Senator Goicoechea asked how many units NHP had, and Colonel Osborn replied that NHP was authorized to have 478 vehicles plus 5 percent. The NHP also had some specialty types of vehicles and trailers that were not included in that total.

Senator Goicoechea asked what happened when a vehicle at a rural station broke down.

Colonel Osborn replied that the NHP fleet was reduced during the 2013 Legislative Session, and the rural duty stations did not have spare vehicles. One spare vehicle was located in Elko, Reno, and Las Vegas. If a vehicle broke down in a rural area, the rural station staff might have to go to the nearest duty station that had an operating vehicle.

Colonel Osborn explained decision unit E-901 requested the transfer of one DPS officer 2 from NHP to the DPS Director's Office to serve as a public information officer to provide coordination and consistent information. Decision unit E-902 transferred operational expenses from NHP to the General Services budget account, BA 4702.

Colonel Osborn advised that NHP had published a new strategic plan that highlighted new performance measures, goals, values, and core activities for the Division. The plan emphasized NHP's five goals that addressed the following five threats: impaired driving, distracted driving, speeding, hazardous moving violations, and failing to use occupant restraints. The goals were emphasized to reduce the mileage death rate. He reported that increased enforcement in 2014 resulted in improvements in four out of the five categories. The most significant improvement was in the DUI [driving under the influence] arrests that increased 35 percent over 2013. He complimented the graveyard shift crews in Las Vegas and Reno for doing a good job working on those goals.

Chair Edwards stated that he wanted NHP to add an enforcement goal to the strategic plan to cite persons driving too slow in the fast lane, which was dangerous because vehicles tried to pass unsafely. The passing lane should be used just for passing and not for slow traffic, which might cause accidents for frustrated drivers.

Colonel Osborn agreed that it was a problem when vehicles impeded other drivers by driving too slow in the passing lane.

Assemblywoman Dickman expressed curiosity about NHP vehicles parked in private driveways. She thought NHP vehicles should not be parked at private homes, because if the vehicle was parked overnight, then it was missing a work shift.

Colonel Osborn responded that NHP had a policy to allow vehicles to be taken home overnight by officers and had allowed that practice for years. The NHP looked at many efficiency models and determined it was an inexpensive way to speed up response times.

Assemblywoman Dickman said when she saw a request for the purchase of new fleet vehicles, she wondered why vehicles would be parked overnight at a private home and not used for an entire shift.

Colonel Osborn said he would share the information and research conducted on the issue, because it had been analyzed often and the result was always the same. It was less expensive to have the vehicle parked at the home of the officer for on-call duty.

Assemblywoman Titus commented that in the rural areas, if an NHP officer had to travel to a duty station to pick up a vehicle before responding to a call, the response time would be much longer.

Colonel Osborn agreed that it was more efficient for an officer to drive to a scene in a Highway Patrol vehicle and not take the time to drive to the station to pick up the duty vehicle before responding to the call. There were many other reasons for the efficiency model, and he would share the research with the Subcommittees.

John McCuin, Administrative Service Officer 3, Fiscal Services, Nevada Highway Patrol, Department of Public Safety, stated that NHP planned to replace 108 vehicles in FY 2016 and 48 vehicles in FY 2017. The replacements depended on the vehicles reaching the anticipated mileage threshold, and those numbers could change. The cost totaled \$7,690,412, and included the outfitting cost of \$374,400 in FY 2016 and \$1.8 million in FY 2016 to equip the vehicles with prisoner cages, lights, and radios.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - EMERGENCY MANAGEMENT DIVISION (101-3673)
BUDGET PAGE PUBLIC SAFETY-102

Christopher B. Smith, Chief, Division of Emergency Management, Department of Public Safety, testified that he also served the Governor as the Administrator of the Office of Homeland Security. Mr. Smith presented [Exhibit E](#) "Governor

Recommended Budget, 2015-2017 Biennium" and testified that he represented 33 dedicated staff members who performed the Division's mission stated in Chapter 414 of *Nevada Revised Statutes* (NRS). That mission was to support and prepare local and tribal jurisdictions to respond to and coordinate resources and activities of the state in the event of an emergency. The Division was an all-hazards, all-threats agency prepared to respond and recover 24 hours a day, 365 days a year.

Mr. Smith explained the vision of the Division was to provide a safer future that enhanced safety and preparedness in Nevada through strong leadership, collaboration, and effective partnerships. The strategic goal was to build capabilities in the Division that served the local, tribal, and state assets. The Division led Nevada and the nation in emergency management thought, practices, and application of emergency management roles in Nevada. Mr. Smith stated the Division had an exciting mission to interact and support state, local, and tribal agencies in a productive way when there was a need.

Assemblywoman Titus asked about the difficulty of obtaining tribal agreements, and Mr. Smith replied that the Division supported the tribes in the event of emergencies and provided training to them with no agreements. The Division passed through grant funds to tribes with agreements in place.

Mr. Smith referred to slide 5 of [Exhibit E](#) that showed the organizational chart of the Division. The Division had 33 full-time-equivalent (FTE) positions, and 29 FTEs were funded in budget account (BA) 3673. The Division requested no new FTE positions. The Division had three budget accounts: BA 3673, the Emergency Management Division operating account, BA 3675, the Homeland Security operating account, and BA 3674, the Emergency Management Assistance Grants account, for pass-through assistance for federal funds to the local and tribal jurisdictions.

Mr. Smith referred to slide 7 in [Exhibit E](#) that showed the actual operating revenue of \$4,450,198 for fiscal year (FY) 2014. The state and local implementation grant was \$107,914 in FY 2014, but the grant funding was increased to \$1,014,556 in FY 2016 to identify the state's needs for the potential buildout of a public safety broadband mobile data network.

Chair Edwards questioned the amount of \$1,014,556 to identify the needs for the broadband network.

Mr. Smith explained that the funds would support outreach efforts to local governments and tribes concerning their requirements for the public safety broadband network, as well as determine what infrastructure was currently in place and how that infrastructure could be leveraged with existing private infrastructure.

Chair Edwards noted that the state had received considerable funding from the Department of Homeland Security for the past 13 years, since September 11, 2001 (9/11), and he thought that the state would have developed more than an 80 percent solution by this time.

Mr. Smith clarified that the interoperable communications goals had been accomplished. The funds received by the state after 9/11 were focused on developing land mobile radio systems to enhance the abilities of local and state jurisdictions and responders to communicate effectively with each other using compatible radio systems. The next step was to create a public mobile data network that would allow governmental agencies to rely less on private Internet service providers, such as Sprint and Verizon. The state, local, and tribal infrastructure would pay FirstNet, the government entity that would operate the new data network. [FirstNet was obligated by Congress to take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network.]

Mr. Smith added that states of similar size to Nevada received similar amounts to begin the study phase of investment, research, and understanding of their need for the network.

Chair Edwards asked how many Division staff would be involved in the study, and Mr. Smith replied that a few would invest small percentages of time. However, the Division hired a coordinator to conduct the outreach because the Division could not assume that function.

Mr. Smith said federal funding had steadily decreased over the last decade. Substantial funds were granted to the states to develop homeland security capabilities after the events of 9/11. The Division used the federal Emergency Management Performance Grant to operate and support local jurisdictions with emergency management programs and offset the decrease in other funding.

Assemblywoman Titus said she was the Lyon County Public Health Officer and a member of the Lyon County Local Emergency Planning Committee, which

struggled with the communications problem. The committee worried that cell phones would not work in the event of a school emergency. Search and rescue groups relied on amateur (ham) radios to communicate during emergencies. She was concerned about the mobile data communications and believed that \$1,014,556 was too much to spend for a study. Even though the funding was federal money, everyone paid taxes to the federal government, and she worried about how that money was spent. She wondered what needed to be studied for the network on data rather than communications.

Mr. Smith said ham radios were a good resource for the state. The mobile data network was a federal study grant to determine what states needed to support a broadband network to give first responders the opportunity to transmit data securely over a protected network. Currently, first responders used commercial carriers to move data. The project would allow first responders to send and receive video or other forms of data and not rely on commercial bandwidth to do so.

Mr. Smith recalled the Reno Air Races crash in 2011. Many responded to help, but cell phones proved useless because there was so much use by private citizens that responders could not use cell phones to transmit data. FirstNet would provide a secure broadband data network to enable responders to have a protected area of the broadband network where data could be transmitted regardless of the private use of the network.

Senator Lipparelli asked whether Nevada received its fair share of funds, because the state had over 40 million visitors a year,

Mr. Smith replied that funding allocations were made based on the size of the state and the population. The Division advocated for the Las Vegas urban area to receive additional funds based on the volume of its visitors. Nevada received an additional \$1 million dedicated to the Las Vegas urban area, and that was a significant decrease in funding from what the state received a decade ago. Mr. Smith believed the Division failed to receive enough funds for the Las Vegas urban area or the rural areas. A meeting held the previous week studied the threats, hazards, and capabilities of local responders and concluded that Nevada demonstrated good dedication, collaboration, and coordination, but Mr. Smith continued to request more funding.

Chair Edwards said the staff's normal work duties included a study of the threat scenarios and problems. He was concerned about giving the Division an

additional \$1,014,556 to perform tasks already included in the normal duties of staff. The Division had 33 staff to study emergency management situations, including the threat analysis for the entire state. He believed that after 13 years of experience in the area, the Division should have determined most of the threats, emergency management plans, responses, and equipment needs by now. He asked how the additional emergency management funding was used in the past.

Mr. Smith explained that the funding was passed through directly to the local jurisdictions. Clark County was the beneficiary of the added \$1 million, and that money was spent in support of first responders of the local agencies. The Division received a small percentage of the additional funding to support management and administration costs. He said that the Division had studied the threats in the state for several years using the matrix required by the federal government. The threats were studied annually by collecting data from the local jurisdictions and building plans to manage the threats. A boilerplate plan would not satisfy the different needs of all jurisdictions in the state.

Mr. Smith reviewed the average decrease of homeland security grants shown on page 10 of [Exhibit E](#). The grants passed through to local jurisdictions had decreased about 15 percent per year since 2004. He thought the grants had leveled off and would remain stable during the 2015-2017 biennium.

Mr. Smith reviewed the performance indicators shown on page 11 of [Exhibit E](#). The Division projected the following percentages for the 2015-2017 biennium: 90 percent of jurisdictions would participate in preparedness assessments in the 2015-2017 biennium; 90 percent of jurisdictions would participate in training exercises; and 25 percent of subgrantees would receive compliance reviews. The trainings and exercises were measured to determine how the Division provided value to the local jurisdictions to build local capability. Mr. Smith said the Division staff had done a good job ensuring that the subgrantees performed well and stayed in compliance. It was beneficial for the Division to have a compliance officer to monitor compliance. He projected that 50 percent of the hazard mitigation plans would be approved by the Federal Emergency Management Agency (FEMA) in FY 2016. No jurisdiction was eligible for additional public assistance for hazard mitigation funding unless it had a FEMA-approved plan for hazard mitigation. The Division must encourage and support local jurisdictions to help them develop hazard mitigation plans. The state developed a plan that was designated as an enhanced mitigation plan,

which qualified the state for a 5 percent bonus when hazard mitigations occurred in the state.

Chair Edwards noted that one of the Division's performance indicators, percent of jurisdictions with emergency plans, would become non-applicable in fiscal years 2016 and 2017, and another indicator, present hazard and mitigation plans, would become applicable. He asked whether the first indicator was being replaced by the second.

Mr. Smith replied that the first performance measure was being phased out and replaced with the second measure, which specifically identified hazard mitigation plans, because local jurisdictions were required by federal law to have emergency management plans. He clarified that emergency plans were general, and hazard mitigation plans were specific.

Chair Edwards asked when every local jurisdiction in the state would have an emergency plan. He assumed that the all of the plans were nearly complete or might need modifications.

Mr. Smith explained that every local jurisdiction in the state had an emergency operations plan. The local jurisdictions were responsible for reviewing and revising their plans every year or two. The Division staff supported that process as the plans evolved based on federal requirements of emergency plans.

Mr. Smith said the performance measures being eliminated included the jurisdictions with emergency plans and the percent of media requests initiated within one hour. He decided to eliminate those and replace them with better performance indicators.

Assemblywoman Carlton asked about the Clark County and Lincoln County disaster relief (DR) provided by FEMA (DR-1583). She recalled the work program was \$206,000 for FY 2014. No future funding was requested, and she wanted to ensure the flood-related problems were resolved. She asked whether this flood was the Desert Rose flood.

Mr. Smith replied the Desert Rose flood occurred in Lincoln County, and no future funding was requested because FEMA had closed out the event.

Assemblywoman Carlton said the Clark County and Lincoln County flood was in her district, and she wanted to ensure that the \$206,000 went to Clark County for the equipment and costs. She commented that little could be done to help the persons affected by the flood that occurred in the heart of her district. Mr. Smith agreed to provide details of the expenses to the Subcommittees later. In response to a question from Assemblywoman Carlton about the use of the federal predisaster mitigation dollars, Mr. Smith replied that federal predisaster funds were grants awarded to states and local agencies that identified areas of continual threats. An example was a roadway that consistently flooded. Predisaster funds could pay to build a culvert or bridge that would mitigate the flood damage and prevent future flooding.

Assemblywoman Carlton noticed that the predisaster grants varied from \$747,000 in FY 2014, increasing to almost \$5 million in FY 2015, then declining to \$1.7 million each year over the next biennium. She asked for a list of projects that were scheduled to receive those funds and how those dollars were spent, because there was considerable flood damage that needed to be repaired. She wanted to understand how the \$5 million would be spent on predisaster projects.

Senator Goicoechea commented that typically the local emergency planning agency was charged with providing the tools, identifying the risks and exposure, and coordinating the local plan. The state might receive the grant funds, but the local jurisdiction determined the needs.

Mr. Smith agreed that the local emergency planning committees and hazard mitigation groups identified the threats and developed the plans. The local agencies told the Division of the needs, and the Division advocated for funding.

Mr. Smith reviewed the enhancements requested in budget account (BA) 3673. Decision unit Enhancement (E) 247 requested database administrator funding in the amounts of \$10,482 in FY 2016 and \$10,480 in FY 2017. This request funded programmer and database administrator hours based on the projected need for the 2015-2017 biennium for support of the WebEOC program, a crisis information management software program. The Division provided an online emergency management coordination program used by every jurisdiction in the state to track and maintain a real-time status on resources and situational awareness when events occurred. The operating system was updated daily.

Mr. Smith explained decision unit E-710 requested funds for replacement of computer hardware and associated software per the recommended replacement schedule of the Division of Enterprise Information Technology Services (EITS), Department of Administration. The Division proposed to replace six computers and three printers each year to maintain current technology abilities. The Division did not want outdated computer technologies when it interacted with federal-, local-, and tribal-updated computer systems, because the systems must be aligned and work together effectively.

Mr. Smith advised that decision unit E-711 requested funds for the replacement of five agency-owned vehicles that had reached the age thresholds. The budget instructions allowed replacement of vehicles that were at least seven years old or had 100,000 miles. The Division had eight vehicles used primarily for response and transport during an emergency. The three vehicles not being replaced were Chevrolet Suburbans outfitted with satellite communications equipment used to support communications and mobile data. Four of the vehicles to be replaced in FY 2016 consisted of two suburban utility vehicles (SUVs) and two trucks. An SUV located in Carson City was the final vehicle to be replaced in FY 2017. The replacement vehicles would be equipped with mobile radio capabilities.

Chair Edwards said some of the vehicles only had 23,000 to 70,000 miles on them. He wondered why those vehicles with low mileage were being replaced. He suggested the Division delay replacing those vehicles, because it made no sense to replace a vehicle that only had 23,000 miles on it.

Mr. Smith agreed that one vehicle had 23,000 miles, and the Division would delay replacing that vehicle. He advised the Subcommittees he would request replacement vehicles later when needed.

Mr. Smith detailed decision units E-712 and E-720, which requested funds for replacement and new equipment for the State Technical Assistance Response Team (START). He said the team was formalized by Governor Guinn 15 years ago and was a requirement for local jurisdictions to receive federal support. The state must have a damage assessment team to accurately identify and determine the costs after a disaster. The team made recommendations to the Governor and the President related to sufficient damage for a disaster declaration. Mr. Smith stated the team needed the proper equipment and supplies including iPads, technology, gloves, goggles, fire shelters, and portable, handheld radios. The team encountered some communications problems during

the last several disasters and determined it needed proper equipment in the field to communicate information quickly. Mr. Smith noted that all of the equipment for the START groups remained with the Division.

In response to a question from Senator Goicoechea about the communication frequencies used during the Moapa flooding, Mr. Smith replied that events began and ended at the local level. Communication frequencies must be the same for all units, and the Division worked with the local jurisdictions to help train those units.

Assemblywoman Carlton asked whether the state could allow private contractors access to the state communications network.

Senator Goicoechea replied that Las Vegas Paving worked for the Department of Transportation (NDOT) during the flood, and communication was effective because NDOT had the authority to direct and approve the work.

Mr. Smith concluded by citing the achievements of the Division. The Division, along with local and tribal partners, earned an accreditation from the Emergency Management Accreditation (EMAP), a nationally established program. Only about half of the states had achieved that accreditation. The Division successfully coordinated with the U.S. Army Corps of Engineers, the State Department of Conservation and Natural Resources (DCNR), and NDOT on the construction of the Rainbow Canyon flood-diversion structure. The mountain lost all of its vegetation because of the Carpenter 1 Fire, and monsoon moisture and significant flooding affected the community. Last fall, the Division responded to the first Presidential-declared disaster in Nevada since 2007 and assisted the Moapa Band of Paiutes, who were adversely affected by and were now recovering from flooding.

Senator Goicoechea asked whether the state received any federal assistance downstream from the Cooper Street Bridge.

Mr. Smith responded that the tribal lands of the Moapa Band of Paiutes were formally declared a disaster area, but other Clark County property was not declared a disaster. No federal FEMA funds were received to support the recovery efforts. The Division worked with DCNR and its partners on conservation efforts.

Mr. Smith stated that Nevada was one of three states to establish a federally recognized first-responder credentialing program. Nevada's responders could be deployed outside the state. When other entities came into the state, all entities used the same credential standards allowing ease of operations. The entities were assured that responders had the knowledge, skills, and abilities to perform the required tasks. Often during emergency events, individuals came to assist who were not properly credentialed or skilled.

Mr. Smith noted that the Division updated the State Comprehensive Emergency Management Plan. The plan depicted all operations conducted in the emergency operations center. The comprehensive plan included topics relating to resource management, the continuity of government and operations, and public assistance. Those parts of the comprehensive plan were important to orchestrate actions during a disaster and ensure a satisfactory resolution afterwards.

Mr. Smith advised that the Division developed a state integrated emergency management course for local jurisdictions. The course included the same information taught at the national level. Nevada had many smaller jurisdictions that were unable to compete for positions at the National Emergency Training Center in Maryland. He expressed appreciation for the continued support of Assembly Bill 90 that was the state mutual aid legislation to allow local and tribal jurisdictions to move coordinated resources to support one another in the event of an incident.

Chair Edwards said he had a background in damage control during his work for the Navy, emergency management agencies, and elsewhere. He wanted to meet with Division staff to understand the emergency management plans and how the plans were tested. Plans were great, but he knew from his field-training exercises that agencies must have backup plans. He wanted to talk to Division staff about what was in place and how it was tested.

Assemblyman Sprinkle asked for an explanation of the request in decision units Maintenance (M) 800 and E-800 for the cost allocation and Mr. Smith agreed to research the question and provide the information to the Subcommittees later.

Sheri Brueggemann, Administrative Services Officer 4, Director's Office, Department of Public Safety, explained that the cost-allocation plan was charged to all the divisions. The cost allocations applied to the Office of Professional Responsibility, the Director's Office, and the Evidence Vault budget

accounts. Each of the cost-allocation methodologies were different based on the functions provided. Decision unit M-800 adjustments were based on the FY 2014 budget costs. The adjustments were automated in the budget system and totaled for each budget account.

Assemblyman Sprinkle wondered whether the small costs represented one specific Division or the Governor's recommendation for all the agencies combined.

Ms. Brueggemann replied that she would research the numbers and provide information to the Subcommittees later.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - HIGHWAY SAFETY PLAN & ADMIN (101-4688)
BUDGET PAGE PUBLIC SAFETY-184

Traci Pearl, Administrator, Office of Traffic Safety, Department of Public Safety, presented [Exhibit F](#), "DPS-Office of Traffic Safety, Highway Safety Planning, Budget Accounts 4687/4688," and testified that the Office applied for the federal traffic and highway safety grants from the U.S. Department of Transportation to change bad behavior on the roadways. The mission of the Office was to provide funding and expertise, create partnerships, promote education, and develop programs and projects to eliminate deaths and injuries on Nevada's roadways. The statutory authority for budget account (BA) 4688 was in *Nevada Revised Statutes* (NRS) 223.200, established upon passage of the Highway Safety Act of 1966. The Office received funds that were subgranted to local nonprofit organizations to conduct projects to change bad driving behavior, including impaired driving, distracted driving, and failure to use seat belts.

Ms. Pearl referred to slide 5 in [Exhibit F](#) and noted "The Big Six" for Nevada's priority safety programs included:

- Impaired driving.
- Distracted driving.
- Seat belts/Occupant protection.
- Motorcycle safety and awareness.
- Speeding.
- Pedestrians.

Ms. Pearl stated that if the Office could make everyone buckle-up and no one would drive impaired, two-thirds of the state's roadway fatalities would be automatically eliminated. Motorcycles represented 3 percent of licensed drivers, but motorcycle crashes increased 19 percent from 2013 to 2014. The Office managed the state's motorcycle safety program and the Nevada Rider Motorcycle Safety Program that facilitated training on motorcycles. Students who passed the Nevada Rider course were not required to take the Department of Motor Vehicles' examination to obtain the motorcycle endorsement.

Ms. Pearl referred to page 6 of [Exhibit F](#) and noted the four "E's" included education, enforcement, engineering, and emergency medical systems. The Office conducted training on the four E's and approved subgrantees' training programs to improve driving habits. The state developed a Strategic Highway Safety Plan in 2006 with many partners, including the Department of Transportation (NDOT), health districts, nonprofit organizations, and others that had a stake in traffic safety. The group focused on the Big Six critical areas. The highest number of recorded fatalities was 432, which occurred in 2006. The state had reduced that number to 243 fatalities three years later. The safety plan worked, and the Office would strive to reduce the number of fatalities to zero.

Ms. Pearl referred to slide 7 in [Exhibit F](#) that showed the performance rates based on highway fatalities. The numbers shown for the years 2005 through 2012 were actual figures, and tentative numbers were shown for 2013 and 2014. The Office preferred using rates, because hard numbers failed to represent the true story, and the rates better reflected the improvements that had been made.

Chair Edwards asked whether the 40 million visitors to the state caused more accidents than Nevada residents did.

Ms. Pearl replied that the majority of accidents were caused by residents of Nevada. The two largest increases were in accidents involving pedestrians and motorcycle crashes. The Office subgranted more funds to nonprofit agencies to provide training on pedestrian and motorcycle accidents. Many persons thought that pedestrian fatalities occurred primarily with tourists in Clark County, but that was not true: the fatalities involved shift workers and impaired drivers. Local law enforcement agencies had limited resources after the most recent recession. Those agencies were strong partners in the Joining Forces program that funded overtime for law enforcement agencies to conduct extra

enforcement events in problem areas. The events included "Click It or Ticket" (a seatbelt campaign) and "You Drink & Drive. You Lose." (an impaired-driving campaign), and those campaigns were conducted in addition to regular enforcement. Moving Ahead for Progress in the 21st Century Act (MAP-21) was a federal surface transportation bill that expired on September 30, 2014, and the Office was operating on a continuing resolution basis. Federal funding levels had decreased because of the dwindling funds in the Highway Trust Fund.

In response to a question from Chair Edwards about the decrease of the value of the Highway Trust Fund, Ms. Pearl replied that the funds in the Highway Trust Fund had decreased over the last three to five years. Congress considered several solutions, and the most recent solution was to tax a person by the miles driven rather than by the amount of fuel used. That solution was unpopular because of the new fuel-efficient cars.

Chair Edwards said he understood that there was a significant drop in the federal funds received, and Ms. Pearl explained that there was a distinction between the State Highway Trust Fund and the Federal Highway Trust Fund. The Federal Highway Trust Fund provided revenue for the National Highway Traffic Safety Administration grants that were awarded to the state and NDOT for engineering purposes.

Chair Edwards noted that there had been about a 49 percent decrease in funding between FY 2014 and FY 2015, and he asked whether that decline would continue.

Ms. Pearl replied that the Office had been assured by the federal regional coordinators in Denver that the current funding levels would continue for the next several years until Congress decided what course to follow.

Ms. Pearl noted on slide 9 of [Exhibit F](#) that the performance measures for budget account 4688 were recently revised. The Office did not control the number of crashes, but it controlled the percentage of grant claims paid to grantees within 30 days. The Office also controlled the percentage of available federal funds spent, the percentage of the population covered by high-visibility enforcement campaigns, and the percent of the target audience reached by those campaigns.

Chair Edwards observed that only 70 percent of the available federal funds had been spent, and he asked whether there was a reason that 100 percent had not been spent.

Ms. Pearl explained that when the authorization of the Highway Safety Act changed to MAP-21 in 2009, the funding sources changed. The Office had carry-forward funds from the prior authorization, as well as new funds from MAP-21, and the Office was instructed to spend the old funds first. The MAP-21 funds were effective for federal fiscal years (FFY) 2013 and 2014, but the Office spent the old funds first and barely spent any of the new MAP-21 monies. In addition, the Office needed to have some carry-forward funds for operations from July 1 of the state fiscal year (SFY) and October 1, the beginning of the FFY, because there was a two-to-three month delay in receiving federal funds for the new grant period.

Chair Edwards expressed concern about the declining federal funds. Nevada failed to spend what it was authorized to receive, and he worried that the state missed some opportunities. He wondered what could be done to solve that problem.

Ms. Pearl replied that 80 percent expended was a typical number for any state. The Office opened the application period from January 1 through March 3 to allow any nonprofit or governmental agency to apply for grants. The number of grants approved depended on the eligibility of the grant applications received. Once approved, the grantee was monitored and often would not spend the entire grant for a variety of reasons.

Chair Edwards asked whether it would be possible to extend the grant application period until the money was expended.

Ms. Pearl replied that in the past, the grant application period was longer, but it was shortened to comply with the MAP-21 regulations. States must now submit the highway safety plans by July 1. She said the Office must receive all grant applications, review them, score them, send out award notifications, build the project agreements or contracts, and get signatures. The Office only had 12 full-time-equivalent (FTE) positions and received about 100 grant applications every year. The grant application period ended on March 3 to allow staff sufficient time to complete the required tasks by July 1.

Chair Edwards asked whether the Office needed one or two additional positions in its grant section or whether it could borrow additional employees from another agency to ensure that all the available federal funds were obtained and spent.

Ms. Pearl responded that The Executive Budget provided sufficient staff, but the Office might pursue a request for additional staff in the 2017-2019 biennium. There were many reasons why the Office failed to spend 100 percent of the funds.

Senator Parks said few drivers had a Class M license. Many of the accidents and fatalities resulted from motorcycle drivers who lacked a Class M license but had a Class C license. He wondered whether the Office had statistics on how many injuries or fatalities occurred from Class C motorcycle drivers versus Class M motorcycle drivers.

Ms. Pearl responded that the Office maintained those statistics, because it also managed the motorcycle-training program. The Office obtained the numbers from the Department of Motor Vehicles (DMV) to compare with fatalities and students who completed the Nevada Rider program. She did not have the figures with her, but she would provide them to the Subcommittees.

PUBLIC SAFETY
DEPARTMENT OF PUBLIC SAFETY
DPS - FORFEITURES - LAW ENFORCEMENT (101-4703)
BUDGET PAGE PUBLIC SAFETY-32

Sheri Brueggemann, Administrative Services Officer 4, Director's Office, Department of Public Safety, presented [Exhibit G](#), "Director's Office 2016-2017, Gov. Rec. Budget, 4703-Forfeitures," and testified that budget account (BA) 4703 contained federal and state forfeiture revenue. The Director reviewed and evaluated all requests for the use of forfeiture funds and ensured that there was enough current funding available any time a request was submitted. The Director evaluated the Department's goals and needs and whether the request supported those goals. The Department referred to the *Guide to Equitable Sharing* for state and local law enforcement agencies published by the United States Department of Justice to ensure that the use of forfeiture funds complied with those guidelines.

Ms. Brueggemann indicated that decision unit Enhancement (E) 550 was a request to continue funding a match of the Department of Transportation (NDOT) funding for the Nevada Highway Patrol mobile data computer project. Forfeiture funds would provide \$665,929 in fiscal year (FY) 2016 and \$765,626 in FY 2017.

Ms. Brueggemann explained that decision unit E-225 was a request to fund an upgrade to the evidence vault's FileOnQ software and equipment detailed on page 4 of [Exhibit G](#). The case management system was used for all three evidence vaults. The upgrade included MobileOnQ, a handheld device used by an evidence technician to sign off on samples submitted to the laboratory or the release of vehicles from the impound lot. The MobileOnQ system maintained records and online signatures in a digital format. An automated notification and disposition module automated the process to obtain authorization for purging and disposing of old evidence. Ms. Brueggemann stated that the disposition of old evidence was a priority that ensured the evidence vaults had enough space. The system automated an email message to the officers to notify them that cases were closed and could move forward with the disposition of evidence.

Ms. Brueggemann advised that page 5 of [Exhibit G](#) provided details of decision unit E-710 to replace equipment. Netbooks were small tablet-style devices issued to academy cadets during training. The Office requested \$2,150 in each year of the 2015-2017 biennium to replace five Netbooks.

Ms. Brueggemann indicated that decision unit E-711 was a request to replace specialized K-9 equipment to be installed in replacement vehicles.

Assemblyman Sprinkle asked about the \$1.5 million coming from the reserves and wondered about the current balance of the reserves and any plans for replenishing the reserves.

Ms. Brueggemann responded that replenishing the reserves depended on the seizures that were obtained throughout the state. She believed those seizures would continue under current state and federal laws. Seizures were subject to adjudication, after which the funds were returned to the Department as soon as the cases were complete. The Department could not identify or budget for how much might be generated from seizures. Replenishing the reserves occurred when the money became available. She said the Department would have about \$300,000 in reserve after spending \$1.6 million to pay for the enhancements requested.

Assemblyman Sprinkle asked whether the \$300,000 was in addition to the \$1.6 million currently in reserves, and Ms. Brueggemann replied that the Department had at least \$300,000 to \$400,000 more than the anticipated expenses for the 2015-2017 biennium. She was unable to project any additional funding, but believed the funding might continue.

Chair Edwards questioned the use of forfeiture funds to pay for the mobile data system and wondered whether other projects were eliminated to pay for the mobile data system.

Ms. Brueggemann responded that forfeiture funds were used after the Nevada Highway Patrol identified grant funds that were available. The Department agreed that the forfeiture reserve was substantial and could fund the mobile data system. The State Highway Fund was unable to fund the mobile data system.

Senator Parks asked how the agency knew what evidence to destroy and what to keep once a case was closed. He also questioned whether dedicated staff worked on those tasks and the projected workload.

Ms. Brueggemann responded that the Office had a large workload to maintain the evidence and ensure that the evidence was presented timely when a case was scheduled. However, presenting evidence was a small part of managing the three evidence vaults. She had one manager and six employees throughout the state to perform the duties related to three evidence vaults. The majority of the staff time was spent disposing of evidence that was no longer needed. Disposition of evidence required approval from a district attorney that the case was closed and the evidence could be destroyed or returned to the owner.

Ms. Brueggemann said that she was proud that the performance indicators showed good results, but the workload was heavy. One of her goals was to increase the amount of evidence destroyed or disposed of by 5 percent each year. The staff had accomplished that goal over the last four years. She hoped the enhancements would enable better management of the workload and assist with the disposition of evidence.

Chair Edwards asked Fiscal Analysis Division staff, Legislative Counsel Bureau, to research the Highway Safety Plan and Administration budget account, BA 4688. He thought the budget included \$6 million in grants and wondered whether 25 percent of the \$6 million remained unspent. He expressed concern

that \$1.5 million was not being spent and wanted information before the next budget hearing.

Chair Edwards opened the meeting for public comment, and hearing no public comment, he adjourned the meeting at 10:24 a.m.

RESPECTFULLY SUBMITTED:

Janice Wright
Committee Secretary

APPROVED BY:

Assemblyman Chris Edwards, Chair

DATE: _____

Senator Pete Goicoechea, Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Subcommittees on Public Safety, Natural Resources, and Transportation</u>			
Date: <u>February 19, 2015</u>		Time of Meeting: <u>8:02 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Patrick J. Conmay, Chief, Investigation Division, Department of Public Safety	Investigation Division, Budget Presentation, Budget Account 3743
	D	Colonel Dennis S. Osborn, Chief, Nevada Highway Patrol, Department of Public Safety	Nevada Highway Patrol, Budget Account 4713, Budget Proposal for the 2015-2017 Biennium
	E	Christopher B. Smith, Chief, Division of Emergency Management and Administrator, Office of Homeland Security, Department of Public Safety	Governor Recommended Budget, 2015-2017 Biennium
	F	Traci Pearl, Administrator, Office of Traffic Safety, Department of Public Safety	DPS-Office of Traffic Safety, Highway Safety Planning, Budget Accounts 4687/4688
	G	Sheri Brueggemann, Administrative Services Officer 4, Director's Office, Department of Public Safety	Director's Office 2016-2017, Gov. Rec. Budget, 4703-Forfeitures