

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

**Seventy-Fifth Session  
March 17, 2009**

Following is an excerpt of the draft minutes of the Assembly Committee on Ways and Means and the Senate Committee on Finance Joint Subcommittee on Public Safety/Natural Resources/Transportation held on March 17, 2009, in Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was called to order by Chair Kathy McClain at 8:05 a.m.

**ASSEMBLY COMMITTEE MEMBERS PRESENT:**

Assemblywoman Kathy McClain, Chair  
Assemblyman Joseph M. Hogan, Vice Chair  
Assemblywoman Ellen Koivisto  
Assemblywoman Sheila Leslie  
Assemblyman Marcus Conklin  
Assemblyman Joseph (Joe) P. Hardy

**SENATE COMMITTEE MEMBERS PRESENT:**

Senator Joyce Woodhouse, Chair  
Senator Bob Coffin  
Senator Dean A. Rhoads

**STAFF MEMBERS PRESENT**

Brian Burke, Principal Deputy Fiscal Analyst  
Tracy Raxter, Principal Deputy Fiscal Analyst  
Mike Chapman, Senior Program Analyst  
Scott Edwards, Program Analyst  
Anne Bowen, Committee Secretary  
Linda Blevins, Committee Assistant

**DEPARTMENT OF PUBLIC SAFETY**  
**DIVISION OF INVESTIGATIONS BUDGET ACCOUNT 101-3743**  
**EXECUTIVE BUDGET PAGE DPS-108**

Scott D. Jackson, Chief, Investigation Division, Department of Public Safety, continued the presentation for Budget Account (BA) 3743 and introduced Deputy Chief Jerry Sievers and Tina Tomasco, Administrative Services Officer (ASO).

Mr. Jackson referred the Subcommittee to page 6 of [Exhibit D](#), a handout entitled Investigation Division Narcotics Control, and stated the Investigation Division currently had 81 authorized personnel, 59 of whom were sworn.

Page 7 of [Exhibit D](#) illustrated the organizational chart for the Investigation Division. Mr. Jackson said the Executive Budget proposed the elimination of nine positions, six positions from BA 3743 and three positions from BA 3744.

Mr. Jackson referred to page 8 of [Exhibit D](#) and stated the Division was proposing to pursue federal stimulus money in the form of a Community Oriented Policing Service (COPS) grant. The COPS grant would allow the Division to fill the nine positions proposed for elimination. The COPS grant was good for up to three years, and then a commitment had to be made by the agency to staff those positions in the fourth year.

Assemblyman Goicoechea asked whether the state would be responsible for salaries for the nine positions in the fourth year if the state accepted the federal stimulus package. Mr. Jackson said that was correct.

Page 9 of [Exhibit D](#) recommended the merger of BA 3743 and BA 3744. Mr. Jackson emphasized the narcotics enforcement mission would not be affected by merging the two budget accounts. The merger was for the operational, administrative, and fiscal efficiency of the Division.

Mr. Jackson said there were redundant position control numbers (PCNs) in both budget authorities which caused some confusion. There were personnel in both budget accounts, particularly in BA 3743, who routinely travel for the narcotics mission who were paid out of BA 3744. Subtracting those operational expenses was difficult and inefficient, according to Mr. Jackson. There were BA 3743 lieutenants overseeing operational aspects of the Division when the employees under them were funded in BA 3744. Mr. Jackson explained that

the time that lieutenant spent in BA 3744 should be charged back to BA 3744 as well, but it was not.

Chair McClain inquired how much funding from the narcotics task force, BA 3744, was used in BA 3743, general investigations.

Mr. Jackson said he would attempt to clarify the situation. In BA 3743 there were currently 17 employees that had involvement in narcotics enforcement, primarily sworn officers. He acknowledged not all narcotics enforcement came out of BA 3744, but there was a definite crossover.

The other challenge, according to Mr. Jackson, was that rural task forces were primarily in BA 3744. However, if a significant event occurred, such as a murder requiring immediate response, employees assigned to the major crimes unit, under BA 3743, would be sent as well.

Mr. Jackson referred to the High Intensity Drug Trafficking Area (HIDTA) reimbursements for travel and field costs which were budgeted in BA 3744, but employees under BA 3743 were also used for HIDTA assignments. Mr. Jackson said the funds had to be moved to BA 3743 from BA 3744.

Another key issue, according to Mr. Jackson, was the proposed COPS grant. The Division was requesting nine full-time equivalents (FTEs) through the COPS grant; six would be under BA 3743 and three would be under BA 3744. Mr. Jackson said the Division would need two grant applications and two work programs to receive two COPS grants, which he believed did not make much sense. That was true of other grants; therefore, the Division had a double set of accounting files, declining balance sheets, and revenue balance sheets.

Mr. Jackson informed the Subcommittee that if BA 3743 and BA 3744 were merged, as recommended by the Governor, the Division would continue to track them as it currently did. Mr. Jackson offered to provide a biennial report to the Legislature to illustrate the tracking mechanism. He commented that it was very important to the Division that the two budget accounts be merged and opined that it was overdue. Both accounts were General Fund accounts, and Mr. Jackson said the Division needed to be able to efficiently assign employees to conduct criminal investigations regardless of budget authority. The merger of the accounts would streamline not only the fiscal administration, but the managerial and operational allocation of resources.

Mr. Jackson referred to page 10 of [Exhibit D](#), the budget summary, and said in both BA 3743 and BA 3744, there was a recommended budget reduction of 21 percent.

Page 11 of [Exhibit D](#) proposed the elimination of positions, one of which was a polygrapher. The Investigation Division had four authorized polygraphers who were also detectives. The Division currently had two polygraphers, one in the north and one in the south. Mr. Jackson said the polygrapher was an essential position because it provided assistance to the Division of Parole and Probation in the polygraph of sexual offenders and provided pre-employment polygraphs not only to the Department of Public Safety, but to other agencies.

Page 12 of [Exhibit D](#) proposed the elimination of 93 percent of overtime in BA 3743 in FY 2010, and 86 percent of overtime in FY 2011.

Mr. Jackson referred to page 14 of [Exhibit D](#) where the Division proposed to transfer the unclassified position of intelligence analyst from the Office of Homeland Security to the Investigation Division for assignment to the Nevada Threat Analysis Center.

Grant funding was shown on page 15 of [Exhibit D](#). The Division had applied for the following grants during the FY2007/08 biennium:

- Justice Assistance Grant (JAG)
- Bulletproof Vest Grant
- Marijuana Eradication Grant
- Community Oriented Police Services (COPS)

Mr. Jackson noted the Division had received awards from only two of the four grants.

Page 16 of [Exhibit D](#), BA 3744, Narcotics Control, proposed the elimination of three FTEs, an 81 percent reduction in in-state travel, a 75 percent reduction in training, and a 100 percent reduction in overtime.

Assemblyman Goicoechea asked whether the Division could reinstate the nine positions and manage 100 percent reduction in overtime without the federal stimulus funding. Mr. Jackson replied it would be very difficult to manage the reduction in overtime. The Division would have to provide compensatory time instead of overtime, which was a fiscal liability to the Department. As compensatory time was accumulated, it became necessary to

require employees to take the time off, which took more employees off the street. Mr. Jackson said he was hopeful that some of the stimulus money or Justice Assistance Grant (JAG) money, if granted, would relieve some of the pressure.

Assemblyman Goicoechea said it concerned him that without the nine positions requested by the Investigation Division, the budget would clearly fail. Mr. Jackson stated he would do everything in his power to prevent the budget for the Investigation Division from failing.

Chair McClain asked whether the COPS Grant and the JAG Grant had been applied for. Mr. Jackson replied that the Division was in the process of applying for both grants. He said the COPS Grant application deadline was early April 2009, and he informed the Subcommittee that Michelle Hamilton from the Office of Criminal Justice Assistance was available to answer any questions. Mr. Jackson said the application deadline for the JAG Grant was April 17, 2009, and he hoped the grant would provide some operational expenses for the new FTEs, as well as vehicles and overtime. Each grant would take a minimum of two months to process before being awarded. If the grants were awarded, the money would be available immediately.

Chair McClain said it was her understanding that the COPS Grant would cover personnel and the JAG Grant would cover operating expenses, and Mr. Jackson replied that was correct. He clarified the personnel costs for COPS by explaining the rules mandated that it only applied to police officers in an entry-level position. Mr. Jackson said it appeared that the Investigation Division qualified for the grant. The Division was somewhat unique because it had DPS officer 2 at a plus 5 percent for complex investigations. Technically, for the Department, the entry level was a DPS officer 1 in cadet status. Mr. Jackson said he was confident that the COPS grant would allow into the Division the DPS officer 2 with a plus 5 percent and a merit salary increase over the three years of the grant.

Chair McClain asked whether there was a match required for either grant, and Mr. Jackson replied there was not.

Chair McClain asked whether the JAG Grant would last for more than three years and further wondered whether it would become an ongoing funding source as it had been in the past. Mr. Jackson deferred to Michelle Hamilton for the answer.

Michelle Hamilton, Administrator, Office of Criminal Justice Assistance, Department of Public Safety, informed the Subcommittee that the JAG Grant had two pots of money. A portion of the money would be received through the federal stimulus package in addition to the regular 2009 grant money, which was part of the Omnibus spending bill.

Chair McClain asked whether the JAG Grant funding, which Nevada used to receive almost every biennium, would again become a regular funding source. Ms. Hamilton said at this point last year, the JAG Grant had been received, but it had been reduced by 60 percent. It had been restored in the 2009 Omnibus spending bill to meet the 2007 level. Ms. Hamilton said it was anticipated that the grant would be restored for at least the next two years and perhaps longer.

Chair McClain asked whether the JAG Grant funding could be used for personnel, and Ms. Hamilton stated that it could be.

Chair McClain said she was a little concerned because the COPS Grant was good for only three years.

Ms. Hamilton explained that the state could not use a federal grant to offset another federal grant. The idea behind the COPS Grant was that the state agreed to retain the positions using state funding. Chair McClain said the JAG Grant be used to retain personnel. Ms. Hamilton replied the JAG Grant could not be used to offset the new positions hired under the COPS Grant.

Ms. Hamilton said there was no guarantee the state would receive the COPS Grant funding because, while there was \$1 billion available, Nevada was competing against other, larger states. The idea behind the COPS Grant funding was that a state received three years of funding, but at the end of the three years, the state had to continue funding for one year. Ms. Hamilton said the state funding source had to be identified within the COPS application.

Chair McClain asked what had been identified as the state funding source, and Ms. Hamilton explained that the application had been received yesterday and the deadline for submission was April 14, 2009.

Chair McClain questioned what would happen if the federal funding was not received. Mr. Jackson replied that one detective would be laid off.