

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

**Seventy-third Session
April 1, 2005**

The Joint Subcommittee on Public Safety, Natural Resources and Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order at 9:04 a.m. on Friday, April 1, 2005. Chair Dean A. Rhoads presided in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

SENATE COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chair
Senator Bob Beers
Senator Dina Titus

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Ms. Kathy A. McClain, Chair
Mr. Mo Denis
Ms. Heidi S. Gansert
Mr. Joseph M. Hogan
Ms. Ellen M. Koivisto
Ms. Valerie E. Weber

STAFF MEMBERS PRESENT:

Steven J. Abba, Principal Deputy Fiscal Analyst
Michael J. Chapman, Program Analyst
Bob Guernsey, Principal Deputy Fiscal Analyst
Mark Krmpotic, Senior Program Analyst
Anne Vorderbruggen, Committee Secretary

OTHERS PRESENT:

Pamela B. Wilcox, Acting Administrator, Division of Conservation Districts,
State Department of Conservation and Natural Resources
George Togliatti, Director, Department of Public Safety
Dave Hosmer, Chief, Nevada Highway Patrol, Department of Public Safety
Doyle G. Sutton, State Fire Marshal, State Fire Marshal Division, Department of
Public Safety
Patrick Bowers, Accountant Technician, State Fire Marshal Division, Department
of Public Safety
Lauren Keller, Strieter-Lite Reflectors
Julie Keller, Strieter-Lite Reflectors

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CHAIR RHOADS:

We will open the hearing on budget account 101-4151, Division of Conservation Districts.

CONSERVATION AND NATURAL RESOURCES

Division of Conservation Districts – Budget Page DCNR-18 (Volume III)
Budget Account 101-4151

PAMELA B. WILCOX (Acting Administrator, Division of Conservation Districts, State Department of Conservation and Natural Resources):

There are three staff positions in budget account 101-4151. They are all located in Carson City in an office adjacent to the Division of State Lands. The two divisions are statutorily separate agencies but they work closely together. The Division of Conservation Districts regulates and provides assistance to the state's 28 locally-elected conservation districts. The local conservation districts are a program of grassroots volunteers who do conservation work all around the state. There is a nine-member State Conservation Commission which is both a regulatory and a policy-making board. Seven members of the Commission are appointed by the Governor and two are ex officio. One is the dean of the College of Agriculture and the other is the director of the State Department of Agriculture.

The traditional focus of these programs is on agriculture. They were started in the 1930s to assist farmers and ranchers to use their soil and water resources on a sustainable basis. Today, many of the programs are in urban areas where they work on issues such as flood control, weed abatement and water conservation. They also have a strong public information and education component including programs in schools. They have a traditional partnership with the Natural Resources Conservation Service of the U.S. Department of Agriculture.

The performance indicator of which the Division is most proud is the one that shows what happens to the grant money received from the state. The state gives each of the 28 districts \$5,000 a year in grant money for a total of \$140,000. That amount was turned into more than \$2 million by pursuing other grants and donations.

There are no new programs in this budget account. It is 94-percent General Fund. They receive a little money from the Tahoe Bond Act to work on Tahoe erosion control issues. They also receive some donations.

E-354 Environmental Policies and Programs – Page DCNR-20

Enhancement unit E-354 is to increase the amount of money the Division can accept in donations.

E-525 Office Relocation – Page DCNR-21

Enhancement unit E-525 is the relocation of the Division into the new building at 901 South Stewart Street.

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E-710 Replacement Equipment – Page DCNR 21

Enhancement unit E-710 is for the replacement of computers. They are on a four-year replacement schedule.

CHAIR RHOADS:

Do they apply for federal grants, or are they eligible for grants of any kind?

MS. WILCOX:

There is a bill being heard next week in the Senate Committee on Natural Resources which would give them more authority. At present they only have authority to handle the state grant program of \$5,000 for each conservation district. The bill would broaden their authority so they could accept federal grants and pass them through to the districts.

State Lands – Budget Page DCNR-28 (Volume III)
Budget Account 101-4173

MS. WILCOX:

The Division of State Lands is located in Carson City. We have 21 positions and 1 seasonal. They are currently located in two offices. One office is at the north end of town, and the other is on Carson Meadows Drive. The Division employees will all be combined in one office in the new building on South Stewart Street when it is finished next summer. We are requesting one new position.

The Division of State Lands has four different programs. The traditional program is the State Land office. This is the program that has existed since statehood. We hold title to the state's land and provide technical land support to state agencies. We hold title to the land beneath the buildings that are managed by the Buildings and Grounds Division, the Division of State Parks, the Department of Wildlife, the Department of Corrections and various state agencies. The only exceptions are the Department of Transportation and the University and Community College System of Nevada. We also manage lands that are not assigned to other agencies. These include the state's school trust lands, submerged lands and sensitive lands in the Tahoe Basin that were acquired by the state to protect Lake Tahoe.

The second program within the Division is the State Land Use Planning Agency. This is a small program with two planners. We provide technical land use planning assistance to local governments that do not have their own planning staff. These are mainly the small counties. We assist them with developing master plans, subdivision ordinances and whatever they might need within the limits of our staff. We also work on federal land issues and represent the state with federal land agencies. We attend numerous meetings relating to federal land issues and develop state policy on those matters. We provide support to the Nevada Tahoe Regional Planning Agency, a small agency that regulates casino remodeling in the Tahoe Basin. The State Land Use Planning Agency manages the new Mt. Charleston license plate program which has just started. The funds are managed by our office and will be expended in cooperation with the residents in the Mt. Charleston area. So far, that program has generated a little over \$40,000.

The third major program in the Division of State Lands is the Nevada Tahoe Resource Team. We coordinate many of the state's Tahoe programs including the Lake Tahoe Environmental Improvement Program and the Lake Tahoe License Plate Program. This is an interagency program that includes people from the Division of State Lands, the Department of Wildlife, the Division of Forestry and the Division of State Parks. We also work closely with the Department of Transportation and other agencies within the Tahoe Basin. This program is a continuing program based on bonding. Assembly Bill 458, the bond bill for the continuation of bonding authority over the next two years, will be heard in the Assembly Committee on Ways and Means next week.

ASSEMBLY BILL 458: Authorizes issuance of general obligation bonds to carry out Environmental Improvement Program in Lake Tahoe Basin. (BDR S-308)

Our fourth program is the Question 1 program. It was approved by the voters two and a half years ago. It provides \$200 million for a variety of conservation programs, including \$65.5 million for grants. The grant program is administered by the Division of State Lands.

E-350 Environmental Policies and Programs – Page DCNR-31

Enhancement unit E-350 enhances our ability to collect and expend money for our planning programs. There is no General Fund impact.

E-351 Environmental Policies and Programs – Page DCNR-32

In enhancement unit E-351 we are requesting authority to collect and expend more money for the Lake Tahoe Land Bank program. This program is supported by Tahoe Regional Planning Agency (TRPA) grant dollars.

E-525 Office Relocation - Page DCNR-33

Enhancement unit E-525 contains funds to support the move into the new office.

E-710 Replacement Equipment – Page DCNR-33

Enhancement unit E-710 is the replacement of equipment. This is predominantly the replacement of computer equipment.

E-805 Classified Position Reclassifications – Page DCNR-34

Enhancement unit E-805 is the position reclassification of our land use planner. This is the result of an occupational study done during the last biennium.

E-811 Unclassified Changes – Page DCNR-34

Enhancement unit E-811 reflects the changes to the unclassified system.

E-860 Lake Tahoe Initiatives (EIP) – Page DCNR-35

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Enhancement unit E-860 includes some Tahoe Bond Act money for Lake Tahoe's Environmental Improvement Program.

E-901 Transfers (M425 – Winnemucca) – Page DCNR-35
E-902 Trans to State Lands-Winnemucca Bldgs – Page DCNR-36

Enhancement units E-901 and E-902 have to do with the Winnemucca facility of the State Department of Conservation and Natural Resources.

E-353 Environmental Policies and Programs – Page DCNR-32

Enhancement unit E-353 is the new position in the State Lands office. This will add a fifth land agent in the Division of State Lands. We currently have a supervisory land agent, two land agents II and one land agent I. We do all of the state's land work. We have a steady regular workload of easements and leases. We also have the large acquisitions and disposals, particularly in the Las Vegas Valley. Land is at a premium, it is hard to get, the state cannot afford it and we are always looking for opportunities to acquire land for state projects. During the past year we had to acquire a site for the Casa Grande Transitional Housing Center in Las Vegas. That was difficult, and it resulted in two different acquisitions. We had to acquire a site for the replacement of the Department of Motor Vehicles office in North Las Vegas which was also a difficult and contentious issue. We are in the process of acquiring a site for the Nevada National Guard Readiness Center in Henderson and we are searching for a site to relocate the State Motor Pool in Las Vegas. This program is overworked and another position is needed. By adding another entry-level position, a land agent I, it will give us a better balance so we will have two entry-level positions. Because this is a small agency, it is difficult to produce a career ladder that trains people who will then have the expertise to move forward. We are pleased to have had the support of the Budget Division and the Governor's Office on this request.

CHAIR RHOADS:
Will this reduce the turnover?

Ms. WILCOX:
I hope it will. We cannot match the salaries available in other places.

CHAIR RHOADS:
How difficult will it be to fill this new position?

Ms. WILCOX:
It will be difficult. We just filled a land agent I position that was open for months.

CHAIR RHOADS:
Would it be helpful if salary adjustments for the existing positions were considered in lieu of a new position?

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Ms. WILCOX:

It would help more to have the additional support in the office so they do not have as much stress. The new position would also provide another career opportunity.

CHAIR RHOADS:

How many vacancies do you currently have?

Ms. WILCOX:

We have one land agent vacancy. We have been recruiting for months.

CHAIR RHOADS:

Who is your competition?

Ms. WILCOX:

Our biggest competition is the Nevada Department of Transportation. There is also a lot of competition in the private sector. We hire people from the real estate business and that market has been very busy.

ASSEMBLYMAN DENIS:

How many PCs do you have in your agency?

Ms. WILCOX:

The computer system is one system for both the Division of State Lands and the Division of Conservation Districts. We have 25 positions and 27 computers. One computer is an AutoCAD station which is available to all employees. We keep the next oldest computer and put it in our records vault so it is available for people to use when they are doing research. It is also available in case we have a problem with one of the PCs.

ASSEMBLYMAN DENIS:

Are these all located in one place?

Ms. WILCOX:

They are located in our two offices in Carson City.

ASSEMBLYMAN DENIS:

Where is the second office?

Ms. WILCOX:

One of our offices is at the north end of town. When we added the Tahoe and Question 1 programs, we did not have room so we have another satellite office near the Capitol. We have two servers that are related. When we move into the new building, we will have only one server.

ASSEMBLYMAN DENIS:

Will the new color printer be located in the main office initially and then moved to the new building?

Ms. WILCOX:

Yes.

E-840 Conservation Bond – Assembly Bill 9 – Page DCNR-34

Ms. WILCOX:

I was told you might have inquiries about Question 1. During the earlier hearing, there were some inquiries about how Question 1 is structured from a fiscal standpoint. It was modeled after the successful Tahoe Bond Act program. Question 1 authorized the issuance of \$200 million in bonds. People expect the money to be used for conservation and open space purposes. We structured the program so the interest returns to the bond fund and is available for the expenses of implementing the program. Three of the implementing agencies have access to that money. The Division of State Lands receives about \$230,000 each year. This supports three positions and their related expenses. The director's office and the Division of State Parks also have access to this money. The Nevada Natural Heritage Program has some of this money in their budget. They are not an implementing agency, but they have a grant. We issue grants to Clark and Washoe Counties and occasionally to state agencies. We have issued a grant to a statewide habitat conservation plan. The recipients of that money include the Nevada Department of Wildlife, The Nature Conservancy and the Nevada Natural Heritage Program. They have half a position which will be supported by grant funds for a year and a half. That is simply a grant. It is a limited amount of money for a limited purpose for a limited time.

CHAIR RHOADS:

We will close the hearing on State Lands and open the hearing on Public Safety, Highway Patrol.

PUBLIC SAFETY

Public Safety, Highway Patrol – Budget Page PS-72 (Volume III)
Budget Account 201-4713

GEORGE TOGLIATTI (Director, Department of Public Safety):

I would like to introduce Colonel David Hosmer, who will make the presentation on the Nevada Highway Patrol budget.

DAVE HOSMER (Chief, Nevada Highway Patrol, Department of Public Safety):

With me are Mr. John Borrowman, our Administrative Services Officer, and Lieutenant Tony Almaraz. We have a PowerPoint presentation titled "Nevada Department of Public Safety" ([Exhibit C](#), original is on file at the Research Library) that I will review with you as it is shown on the screen. The mission of the Nevada Highway Patrol is primarily highway safety. We also maintain the Criminal History Repository and the Dignitary Protection Detail.

From 1999 to 2004, Nevada has had a 30-percent increase in the number of registered vehicles, approximately 400,000, with a similar increase in licensed drivers. Nevada has almost 50 million visitors a year. Since 1999, highway and lane miles have increased by approximately 960 highway miles and approximately 2,600 lane miles.

About two and a half or three years ago we decided we needed all the data we could get and went to a SafeStat reporting system. This system is based on the New York City Police Department's CompStat system. The SafeStat system

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relies on accurate and timely intelligence reporting; rapid, concentrated and synchronized deployment of resources; effective tactics and strategies and relentless followup. Our sergeants and lieutenants are required to report their activities every month including where accidents occurred, why they occurred and the violation that caused the accident.

CHAIR RHOADS:

I notice you have not had any new sworn police officers since 1999 and our population has increased by 400,000. Have you requested any new officers?

COLONEL HOSMER:

We have not at this time. I will discuss that later in my presentation.

Our SafeStat reports are largely hand produced which will create errors. Therefore, I support the requests of our other divisions for information technology processes that would help us be more accurate in our reports.

We have increased our weight enforcement. Vehicles weighed have increased by almost 6 percent. While the citations were down by almost 10 percent, the amount of fines assessed was up by 16 percent.

E-713 Replacement Equipment – Page PS-78 (Volume III)

Enhancement unit E-713 is a request to purchase new scales. Our current scales are 1970s and 1980s vintage. They break down often. There are new technologies that will weigh vehicles in motion.

CHAIR McCLAIN:

How often do you set up commercial vehicle checkpoints? Are they all portable? There is a permanent one outside of Las Vegas on Interstate 15 that I have never seen in use.

COLONEL HOSMER:

There are staffing and sometimes safety issues with those checkpoints. We like to have portable scales so we can move around. However, we do open the permanent checkpoints.

CHAIR McCLAIN:

How often do you do that?

COLONEL HOSMER:

I do not have that number with me today, but I will provide it to your staff.

CHAIR McCLAIN:

How about your portable checkpoints?

COLONEL HOSMER:

Commercial enforcement officers and troopers carry the scales with them in their vehicles. When there are indicators that would lead them to believe a vehicle may be running overweight, they can pull out the scales and weigh the vehicle.

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CHAIR McCLAIN:
Does that happen often?

COLONEL HOSMER:
Yes. We weighed 12,454 vehicles last year.

CHAIR RHOADS:
I cover two-thirds of the state in my Senate District. During my last year of campaigning I cannot remember seeing one of those checkpoints open. Would we be better off to close them and sell that property if scales are carried in the troopers' cars?

COLONEL HOSMER:
I do not believe we would be better off if we closed them permanently. We do use them. There are times when we have the checkpoints open continuously for 72 hours. We need a safe place to pull the trucks off the road to do that.

Our commercial enforcement troopers have continued to increase the numbers of vehicles and drivers inspected. From federal fiscal year (FFY) 2001 to FFY 2004, commercial vehicle inspections increased by almost 51 percent. Some of our traffic troopers have been certified in Level 3 inspections which is primarily the driver log books. They conduct inspections and issue citations for the violations they find. Since October 1, 2004, they have completed 1,000 inspections in addition to those done by the commercial enforcement troopers.

In the 2003 Legislative Session, there was discussion about dyed fuel in the diesels and tax evasion. We instituted a policy that diesel-powered commercial vehicles that are stopped would be checked for dyed fuel. Almost 17,000 vehicles were inspected last year for dyed fuel, a 36-percent increase over the previous year. We are not finding a significant increase in violations. There were only 47 violations noted for FFY 2004. If there is a high rate of tax evasion on this type of fuel, it is not being used by commercial vehicles on our freeways and state highways.

On New Year's Eve, the commercial enforcement troopers were sent to Las Vegas. The vehicle checkpoints were opened for that three-day period. Hazardous material loads on Interstate 15 were escorted past the downtown corridor during that time when there were crowds of visitors in the streets. We have also instituted the Las Vegas casino corridor homeland security commercial vehicle inspection operation. We have had some success in these operations. Two people have been picked up on warrants who were also on the terrorist watch list.

CHAIR RHOADS:
How closely do you work with the security of each hotel?

COLONEL HOSMER:
Our commercial enforcement troops work with them very closely on the casino corridor project.

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CHAIR RHOADS:

The casinos probably have a larger security force than you do, do they not?

COLONEL HOSMER:

That is correct. We train them how to secure their own properties. That is not a daily operation. It is in effect during periods of increased activity.

For calendar years 2002 through 2004, our troops looked for hazardous moving violations caused by commercial vehicles. During that time, citations increased 35 percent and fatal crashes of commercial motor vehicles were down 50 percent.

Our emphasis was on seat belt and occupant restraint violations for traffic enforcement. Enforcement increased by almost 25 percent and total violations increased by 2 percent. In our crash analysis for fiscal years 2003 and 2004, fatal crashes were reduced by two. The number of injuries and persons killed dropped by 9 percent. The drivers and passengers killed without seat belts also declined in that time frame. This enforcement was done in cooperation with the Office of Traffic Safety and grant money to help us pay for overtime to put troops out to look for those types of violations.

CHAIR RHOADS:

Is it correct that, by law, you cannot stop a moving vehicle if the driver or passengers are not wearing seat belts?

COLONEL HOSMER:

We have to have some other violation. If we find another violation such as failure to use a turn signal, we may give the driver a break on the minor violation, but we will cite them for the seat belt violation.

CHAIR RHOADS:

You will not write a ticket for not using a turn signal, but you will give a ticket for not wearing a seat belt. Is that right?

COLONEL HOSMER:

It is up to the individual officer. It also depends on the severity of the violation observed by the officer.

The detection of a driver who is driving under the influence (DUI) is an acquired skill. Troopers do not reach the maturity level for spotting DUIs for several years. We have had a large turnover in Las Vegas. Troopers in the Las Vegas area are averaging five and one-fourth years of service compared to Reno at ten and three-fourths years of service. The troopers who have left us for other agencies have been those who are most skilled at spotting DUI drivers. We have sent 39 troopers to Las Vegas since July 2003. In that same time frame, we lost 38 troopers to other agencies and retirement. The DUI arrests from crashes are up which means we waited until they crashed to find them. The DUI arrests prior to crashes went down by almost 5 percent and that is when we need to catch them.

We have 422 authorized sworn positions. We currently have 32 vacancies which is only 7.5 percent. However, not counted in the vacancies are troopers

who have been hired but are waiting to start an academy and those who are in the academy or in a field training program. We currently have many people in training.

ASSEMBLYWOMAN WEBER:

With the turnover problem have you been analyzing the statistics of how long someone is a trooper before they leave for another law enforcement agency?

COLONEL HOSMER:

We do not lose the 12-year to 25-year veterans and we do not lose the 1-year to 3-year troopers. The other agencies look for the candidates in the three-year to eight-year range, and those are the ones we are losing. At that time they are fully trained. We support the Department of Public Safety officer concept because it will make it easier to move people back and forth between divisions in the Department of Public Safety.

We completed the reengineering of our hiring and training practices. We had 415 candidates who entered the background process. We rejected 325 of the candidates which is a 78-percent failure rate. We are not getting the best candidates because other agencies can pay more and have better benefits.

CHAIR McCLAIN:

This will probably get worse if Clark County passes the tax increase to hire more police.

COLONEL HOSMER:

It is my understanding the other agencies in Clark County have decided not to take lateral transfers for a while. If they do, it could have an impact on us.

CHAIR McCLAIN:

It would even impact the pool you get to choose from.

COLONEL HOSMER:

Absolutely, it would impact the pool.

CHAIR RHOADS:

What is the plan on new trooper positions? Is there a plan to alleviate this shortage?

COLONEL HOSMER:

I will be discussing that. We also revamped our recruiting. We went to 28 recruiting and public relations events. We are going to the military bases, schools and job fairs. We have also increased activity through e-mail and telephone calls generated from our Web site.

Since August 2001, 21.5 percent of our promotions have been to minorities. Since July 2003, 21 percent of the cadets in lateral transfers have been minorities. Since July 2003, the highway patrol has hired every person who has completed the hiring process and accepted the job. There has been a concern in the past about the number of female applicants and our staffing. The New York State Police conducted a nationwide survey of state law enforcement agencies. They found the average percentage of female officers to be around 8 percent.

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ASSEMBLYMAN HOGAN:

I understood you to say that the national figures with respect to female officers are around 8 percent. What is our percentage?

COLONEL HOSMER:

It is currently 5.6 percent.

ASSEMBLYMAN HOGAN:

Has that been increasing?

COLONEL HOSMER:

Since July 2003, 10 percent of our hires have been females.

E-254 Working Environment and Wage – Page PS-76

In the past, staffing has been based on commanders' knowledge and budgetary constraints. I contacted several highway patrol colonels around the country to discuss with them what they use to determine staffing needs. The chief financial officer for the Department, Mr. David Ellison, and I decided to go to a staffing study. We have \$86,000 in enhancement unit E-254 for that purpose. We have not firmed up how we would do the staffing study, but we have some ideas. Because the same formula would not work for Las Vegas urban and Battle Mountain or Ely, we will probably have several formulas for your consideration in the next Legislative Session.

CHAIR McCLAIN:

Have you looked at any other states with a similar setup of two big urban areas and a large rural area?

COLONEL HOSMER:

I talked to individuals in Wyoming, Colorado and several other states. There is no good formula. I envision us working with the universities in the state to try to get a weighted formula. We may come back to you and say it just does not work.

CHAIR McCLAIN:

Are you planning to develop this with your staff?

COLONEL HOSMER:

Yes, and with the universities and using other resources like the associations to which we belong. We would also work with other states.

CHAIR McCLAIN:

Do you feel confident you do not need to hire an outside person to do that?

COLONEL HOSMER:

We have looked at a couple of companies. Northwestern Traffic Institute wanted us to use their Police Allocation Method and they gave us a price of over \$100,000. Another company gave us a guesstimate, but their experience is all in metropolitan police departments or sheriff's offices. State law enforcement is unique and there is not a lot out there for us.

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CHAIR McCLAIN:

I would hope you do not hire a contractor that is going to provide something that would not apply to you.

COLONEL HOSMER:

We are hopeful we can assign staff to it and maybe use some graduate students from the universities.

CHAIR RHOADS:

Are you going to do it in house?

COLONEL HOSMER:

Yes. We think we can do it in house, but if we could find the right person or group externally, we would use them. We are still early into that process.

CHAIR RHOADS:

Is Mr. David Ellison of your department doing it now?

COLONEL HOSMER:

Yes.

E-711 Replacement Request – Page PS-77

COLONEL HOSMER:

Enhancement unit E-711 is for our replacement vehicles. In FY 2006, we are asking for 142 sedans, 50 SUVs and 8 motorcycles. In FY 2007, we are asking for 96 sedans and 24 SUVs. These are based on our fleet management team's calculations that the vehicles should be replaced because they have over 80,000 miles on their odometers.

CHAIR RHOADS:

Do you change every year from Chevrolets to Fords and then back to Chevrolets?

COLONEL HOSMER:

Four years ago the fleet manager wanted to do a test program on the Chevrolet Impalas to see if they were more fuel efficient. He ordered 70 of those vehicles. We are finding they are tearing up the transmissions at a much higher rate than the Ford Crown Victorias. Also, when you put the cage between the front and back seats, the front seat does not go back far enough and it is very cramped for a larger trooper. The Ford Motor Company has reduced the problems we had with the Fords a few years ago. The Crown Victorias are a better vehicle for us.

CHAIR McCLAIN:

Are all of these vehicles strictly for the highway patrol or are some of them for other divisions and agencies in the Department?

COLONEL HOSMER:

These are for the Highway Patrol.

E-712 Replacement Equipment – Page PS-78

Enhancement unit E-712 is for the replacement of our duty sidearms. Most of our sidearms are well beyond the manufacturer's suggested life. We are starting to have extractor failures with them. They should have been on a replacement schedule.

CHAIR RHOADS:

Are you going to replace all of them instead of a few every year?

COLONEL HOSMER:

Yes, we would hope to replace all of them now because we did not follow a replacement schedule.

CHAIR RHOADS:

What will you do in the future?

COLONEL HOSMER:

In the future we will definitely follow a replacement schedule.

CHAIR RHOADS:

What policy do you have on getting rid of the cars you turn in? A couple of years ago we had a problem with the process.

COLONEL HOSMER:

Yes, we did. During the last three years we have completed a process where, if the Highway Patrol is surplus a vehicle, all the paperwork and the vehicle go to the Purchasing Division.

CHAIR RHOADS:

And they dispose of the vehicles?

COLONEL HOSMER:

Yes, they do. There was a Letter of Intent and we followed up with Senator William J. Raggio on that. There is a fair market value replacement to the Highway Patrol for those disposed vehicles.

CHAIR McCLAIN:

If you replace the weapons all at once, are they going to wear out at the same rate? How are you going to set up a replacement schedule?

COLONEL HOSMER:

We will work with the Purchasing Division and staff to come up with that replacement schedule. The problem is that all of them are currently outside the manufacturer's suggested life.

ASSEMBLYMAN HOGAN:

It might make sense to phase in the replacements, if only over a couple of years period, to level off the spike in expenses. How will the disposal of the weapons be accomplished?

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COLONEL HOSMER:

That would be done with the help of the Purchasing Division. We have already contacted the Purchasing Division and some of the manufacturers in anticipation of the Legislature approving this replacement. We will make sure the Purchasing Division is involved so we ensure all the regulations are followed on this disposal.

E-804 Cost Allocation – Page PS-80

COLONEL HOSMER:

Enhancement unit E-804 is the dispatch cost allocation plan. The Highway Fund was paying for dispatchers for non-highway-funded agencies within our dispatch centers. Over the biennium, we worked out a plan to address this and that is included in this enhancement unit.

CHAIR RHOADS:

We will close the hearing on Public Safety, Highway Patrol and open the hearing on Public Safety, Fire Marshal.

Public Safety, Fire Marshal – Budget Page PS 168 (Volume III)
Budget Account 101-3816

DOYLE G. SUTTON (State Fire Marshal, State Fire Marshal Division, Department of Public Safety):

I have a PowerPoint presentation titled “Budget Presentation, Division of State Fire Marshal, NRS 477” ([Exhibit D](#)). I will read from my prepared budget presentation narrative ([Exhibit E](#)) as we go through the PowerPoint presentation.

ASSEMBLYMAN HOGAN:

There is a difference between the goals that were in your original business plan and the goals in this presentation. There were several in the business plan I thought were particularly interesting. They may take a different form in the new presentation. One was the development of a comprehensive operational plan. Another goal was to focus on obtaining more federal funding and grants. Another goal in the business plan was to conduct hazardous material inspections in Elko, White Pine and Eureka. Is there a major changeover from the goals in the business plan or are they presented differently? How are the goals I mentioned being pursued?

MR. SUTTON:

As we reengineer, we will look at tasks we have not performed. We will continue to provide those services we have provided in the past. We have accomplished the comprehensive inspection program. We know how many state facilities there are in all the small counties, how many hazardous material facilities there are and how many permits we have in the smaller counties. We have developed a plan and have started implementing the plan in the two larger counties. This is a huge process and we have to rely upon the locals to work with us. We could not do it with our staff. We have received copies of their hazardous materials programs from the City of Henderson and Clark County. The next step is to cross tabulate that information with our documentation. We will send out a mailing to the facilities that do not have state certifications notifying them of the requirement to have a permit. After this notification we

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will follow up with those who are still delinquent. We have a comprehensive plan.

ASSEMBLYMAN HOGAN:

Have you been able to secure any federal funding for your division?

MR. SUTTON:

The 2003 Legislature approved a grants analyst position for our Division. She has been analyzing where the grants are and who has the availability to get the grants. We are getting the information out to the fire departments and assisting them in writing grants. We have reviewed their grant requests and hope to see an improvement in the number of grants they receive. We have also used the grants analyst at the department level to attempt to bring in grants through the U.S. Department of Homeland Security.

CHAIR RHOADS:

My first session was in 1977. We went until 4:00 a.m. discussing whether we needed a fire marshal. At that time, the rurals wanted to get rid of him. How is your relationship now with the local jurisdictions?

MR. SUTTON:

When I first took the job of fire marshal, there was a lot of adversity. The staff of the fire marshal's office and I have met with almost every fire department in the state. We have done needs assessments and talked about how we can help them. Every department in the state has told me there is a need for the fire marshal's office to provide a certain level of service. The need is different throughout various jurisdictions. Some need more service, some need less.

We do not have the resources to perform all the inspections. We call the local jurisdictions to share that responsibility. If they have not performed the inspection and cannot do it, we will send our staff to make the inspection.

CHAIR RHOADS:

Do you have jurisdiction in the large counties?

MR. SUTTON:

I have limited responsibility.

CHAIR RHOADS:

Is it mainly in the rural counties?

MR. SUTTON:

Yes, my authority is mainly in the rural areas. My authority to enforce my regulations in the populated counties of 100,000 or more or a consolidated municipality are restricted. There are some laws we enforce such as licensing of sprinkler companies, fire extinguisher companies and commercial fireworks companies. These people operate throughout the state and they think the fire marshal is best able to provide that function. We also provide hazardous materials training to the large counties and, when requested, do third-party testing of programs.

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CHAIR RHOADS:

Do you utilize the fire academy in Carlin?

MR. SUTTON:

Yes, I have been in Carlin. The facility has potential. We currently are entering into a partnership with them to develop a relationship where we provide other types of training to local Nevada firefighters. That is an ongoing process. I look forward to helping them with some of their training needs.

E-720 New Equipment – Page PS-175

CHAIR RHOADS:

Tell us about your radios.

MR. SUTTON:

We are currently working with the Department on the radio system.

CHAIR RHOADS:

Are you requesting five new 800 MHz radios?

MR. SUTTON:

Yes, in the last Legislative Session we got seven hand-held radios for our staff who travel statewide.

CHAIR RHOADS:

Are those radios working?

MR. SUTTON:

The radios work very well. We still have the older system in some of our training officers' vehicles and some of our administrative vehicles and they do not work at all. We need to replace them.

E-811 Unclassified Changes – Page PS-177

CHAIR RHOADS:

Why are salary increases for unclassified positions needed beyond the 2-percent increase?

PATRICK BOWERS (Accountant Technician, State Fire Marshal Division,
Department of Public Safety):

We did not have any input to that. It was the Governor's recommendation and there was no discussion with us about the intent and purpose of this.

CHAIR RHOADS:

Did that recommendation come from outside your Department?

MR. BOWERS:

That is correct.

M-504 Mandates – Page PS-172

CHAIR McCLAIN:

Under enhancement unit M-504, you have a training program that is going to focus on the rural areas of Nevada. Why is the instructional supply budget so large? What kind of supplies does that incorporate? Will these training programs be requested by the local authorities? Do any of them already provide training? Are we duplicating services? Why are we going to start doing this now and how are we going to measure the success of the program?

MR. SUTTON:

The person in that program is a fire prevention specialist, not another training officer. The position has not been funded in the past. This is part of our reengineering. In the past, everyone in the fire marshal's office has gone out and provided a certain level of fire prevention education to the public, from reading to students to tabletop demonstrations. There was never a budget for the materials we handed out and many times our employees would personally buy the materials that were given to the public.

CHAIR McCLAIN:

Why does your supplies budget go from \$28,000 the first year of the biennium to almost \$115,000 in the second year of the biennium?

MR. SUTTON:

If you have never provided a service, there will not be a lot of demand for it initially. As we start providing this literature and as people become aware of the service, there will be a higher demand. We did a survey of other fire prevention bureaus throughout the United States and this is an average of what other states spend on fire prevention literature.

CHAIR McCLAIN:

Will we be looking at over \$100,000 a year from now on? The training budget for the Welfare Division is under \$100,000 and they have 1,000 employees.

MR. BOWERS:

Our focus is on the rural counties. Many of them do not have a fire prevention program. If they do, it is minimal. Because they do not have any source of funding from their counties or cities, they do not have the ability to provide educational materials to the population they serve. It becomes a part of our duty to enforce our statute for fire prevention to provide them the materials they need to sustain a fire prevention education program throughout the state.

CHAIR McCLAIN:

Have you talked to any of the local jurisdictions about sharing some of the cost of these materials?

MR. SUTTON:

We have been working with Elko and Elko County. They are interested in entering into a relationship with us. They have helped us in the past by giving us information, materials and handouts. Those we would focus on are the small departments like Ruth, Mina and Caliente. They have bake sales and car washes to buy basic fire equipment. They do not have the revenue or the sources to support this kind of educational program.

CHAIR RHOADS:

The hearing on Public Safety, Fire Marshal is closed. We have someone here who would like to talk to us about deer reflectors.

LAUREN KELLER (Strieter-Lite Reflectors):

As you will note in the portfolios I have provided you ([Exhibit F](#), original is on file at the Research Library), there are many documents, newspaper articles and scientific data that show years of research, testing and data on the Strieter-Lite Reflectors. Throughout 20 states and 3 provinces in Canada, the Strieter-Lite Reflectors have reduced dusk to dawn collisions with animals from 78 percent to 90 percent. Nevada's test site, now three years old, has provided positive results. The newest data is on wild horses and range animals. In 2002, data from the Nevada Department of Transportation on animal strikes shows there were 409 deer, 184 cattle, 73 horses, 17 bear, 15 elk, 45 dogs, 7 sheep, 14 antelope and 16 burros for a total of 758 crashes with 5 fatalities and 63 injuries. If we could have reduced these strikes by 78 percent, there would have been only 167, a reduction of 591. In 2000, we had 4 fatalities, 65 injuries and 620 animal strikes.

With our increasing population growth, we can expect these numbers to rise. The Strieter-Lite Reflectors are eligible for 95-percent funding in Nevada by the Federal Highway Administration and they are a viable and economical answer to significantly reducing these nighttime strikes. Included in [Exhibit F](#) are a couple of reports that are based on a former system, the Swareflex system.

CHAIR RHOADS:

How does the reflector system work?

JULIE KELLER (Strieter-Lite Reflectors):

They are placed on the sides of the highways. They are on poles or they can be adhered to existing dividers. They can be placed on narrow roads or even five-lane highways. They work up to 125 feet across. They are set vertically across the highway from each other.

CHAIR RHOADS:

Does it let the motorist know there are deer in the area?

MR. KELLER:

It lets the deer know there is a motorist in the area. The reflectors throw out a small red reflection on each side in front of the car. If you were standing off the road, you would see these little red flickers in front of the car.

CHAIR RHOADS:

Does that scare the deer?

MR. KELLER:

It startles them just enough that they stop. They do not run out in front of you. In some places back East they have stopped deer strikes in certain areas to 100 percent. According to the Department of Transportation, we need to do more research on the system.

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SENATOR TITUS:

One place where these reflectors might be tried is along the road that goes out to the Blue Diamond Highway along Red Rock where they have all the wild horses and burros. There are always accidents along that road.

MR. KELLER:

The reflectors seem to work on everything. I would like to see more research and I would like to see a test on burros. No one back East has wild horses.

CHAIR RHOADS:

There being no further business to discuss at this time, I will adjourn the meeting at 10:51 a.m.

RESPECTFULLY SUBMITTED:

Anne Vorderbruggen,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____

Assemblywoman Kathy A. McClain, Chair

DATE: _____