

**SENATE COMMITTEE ON FINANCE AND
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**JOINT SUBCOMMITTEE ON PUBLIC SAFETY,
NATURAL RESOURCES AND TRANSPORTATION
CLOSING REPORT**

DEPARTMENT OF PUBLIC SAFETY

The Joint Subcommittee on Public Safety, Natural Resources and Transportation has completed its review of the Department of Public Safety budget for the 2015-17 biennium. The closing recommendations of the Subcommittee resulted in General Fund savings of \$40,896 in FY 2016 and a General Fund appropriation increase of \$18,148 in FY 2017. The closing recommendations of the Subcommittee resulted in Highway Fund savings of \$851,794 in FY 2016 and a Highway Fund appropriation increase of \$94,524 in FY 2017. The following comments describe the more significant recommendations of the Joint Subcommittee.

Director's Office (201-4706) PUBLIC SAFETY-10: Regarding the DPS/EITS Consolidation approved by the 2013 Legislature, the Subcommittee recommended approval of the Governor's recommendation for \$11.2 million over the 2015-17 biennium (department-wide) for Information Technology services provided by the Department of Administration's Enterprise Information Technology Services (EITS), which is included in The Executive Budget for all divisions under the Department of Public Safety (DPS) that utilize EITS services. The Subcommittee also recommended approval of an additional \$1.1 million over the biennium for

DPS specific costs to be billed directly by EITS to DPS, and which would be removed from other EITS cost pools, resulting in a corresponding \$1.1 million decrease in the total amount EITS would charge state agencies for standard EITS services.

The Subcommittee also recommended approval of the Governor's recommendation to transfer the Public Information Officer Position from the Nevada Highway Patrol to the Director's Office to provide statewide media coverage for the department resulting in increased cost allocation reimbursements of \$250,270 over the biennium.

Office of Professional Responsibility (201-4707) PUBLIC SAFETY-17:

The Subcommittee recommended approval of the Governor's recommendation to add a new DPS Sergeant position and associated operating costs to conduct administrative investigations on employee misconduct for both sworn and non-sworn DPS employees resulting in increased cost allocation reimbursements of \$231,141 over the 2015-17 biennium. The recommendation will allow the Nevada Highway Patrol Sergeant currently performing the duties to return to NHP.

Forfeitures (101-4703) PUBLIC SAFETY-32:

The Subcommittee recommended approval of the Governor's recommendation to decrease Reserves by \$1.4 million over the 2015-17 biennium to fund 50 percent of the equipment and wireless costs of the Nevada Highway Patrol's Mobile Data Computer Project, consistent with the closing of the Nevada Highway Patrol budget.

Highway Patrol (201-4713) PUBLIC-SAFETY-47: The Subcommittee recommended approval of the Governor's recommendation to continue funding of \$2.9 million for the Mobile Data Computer project through the 2015-17 biennium. Mobile Data Computers would allow officers to access various data including computer aided dispatch service and records management. Field officers would be able to search drivers' license and vehicle licensing data from their patrol cars, determine if a person has any outstanding warrants and view a limited amount of a person's criminal history. The agency also anticipates decreased radio traffic for dispatch operators. Recommended project funding over the 2015-17 biennium is split 50 percent from a transfer from the Nevada Department of Transportation (95 percent federal funding and 5 percent Highway Fund appropriations), with the remaining 50 percent of funding provided by DPS forfeitures. It is anticipated that Highway Fund appropriations would fund the majority of the program beginning in FY 2018, if another source of funding is not subsequently identified. The Subcommittee recommended approval of the remainder of this budget as recommended by the Governor, with an adjustment to reduce maintenance contracts for citation writers, and shift 152 portable radio replacements from FY 2016 to FY 2017 and FY 2018.

Criminal History Repository (101-4709) PUBLIC SAFETY-127: As recommended by the Governor, the Subcommittee recommended approval of General Fund appropriations of \$2.2 million over the 2015-17 biennium for phase two of the Nevada Criminal Justice Information System (NCJIS) modernization project, and recommends an additional \$130,000 in General Fund appropriations to fund additional contracted programmer costs. The

Subcommittee also recommended approval of 20 temporary contract positions, 10 more than recommended by the Governor, to continue work on the court dispositions backlog, funded by federal grant funds and an additional \$577,912 in agency reserves. Finally, the Subcommittee recommended approval of the Governor's recommendation to add two Program Officer positions and one Administrative Assistant position to the Sex Offender Registry; adding one Administrative Assistant position to the Civil Name Check program; and adding two IT Professional positions.

Capitol Police (710-4727) PUBLIC SAFETY-171: The Subcommittee recommended approval of the Governor's recommendation to eliminate four DPS Officer positions and replace those positions with three armed contract security officers to monitor the Grant Sawyer building in Las Vegas and the Capitol in Carson City after normal working hours. The contract security officers would also monitor the Attorney General's Office in Carson City where peace officer duties are not required.

Parole Board (101-3800) PUBLIC SAFETY-219: The Subcommittee recommended approval of the Governor's recommendation for General Fund appropriations of \$169,434 over the 2015-17 biennium to restore one Management Analyst position and associated operating costs for the Sex Offender Program. The Subcommittee also voted to approve the Governor's recommendation for General Fund appropriations of \$101,395 in FY 2016 to modify the Parole Board modules in the Nevada Offender Tracking System.

The Subcommittee recommended approval of all Other Closing Items within the Department of Public Safety budgets that were presented to the Subcommittee, as recommended by the Governor, and authorized Fiscal staff to make technical adjustments as necessary.

The Subcommittee recommends closing the following Department of Public Safety budgets as included in The Executive Budget, with technical or no adjustments:

- Division of Investigations (101-3743) PUBLIC-SAFETY-90
- Emergency Management Division (101-3673) PUBLIC-SAFETY-102
- Highway Safety Plan & Admin (101-4688) PUBLIC-SAFETY-184

DEPARTMENT OF PUBLIC SAFETY
General Fund and Highway Fund Impacts of Subcommittee Closing

Page	Budget	Title	General Fund		Highway Fund		
			FY 2016	FY 2017	FY 2016	FY 2017	
AS CLOSED BY SUBCOMMITTEE:							
	PUBLIC SAFETY-10	201-4706	Director's Office*	-	-	-	-
	PUBLIC SAFETY-17	201-4707	Office of Professional Responsibility*	-	-	-	-
	PUBLIC SAFETY-32	101-4703	Forfeitures*	-	-	-	-
	PUBLIC SAFETY-47	201-4713	Highway Patrol *	-	-	(849,622)	97,509
	PUBLIC SAFETY-90	101-3743	Division of Investigations	(15,804)	(19,787)	(1,436)	(1,798)
	PUBLIC SAFETY-102	101-3673	Emergency Management Division	(90,092)	(27,065)	-	-
	PUBLIC SAFETY-127	101-4709	Criminal History Repository	65,000	65,000	-	-
	PUBLIC SAFETY-171	710-4727	Capitol Police*	-	-	-	-
	PUBLIC SAFETY-184	101-4688	Highway Safety Plan & Admin *	-	-	(736)	(1,187)
	PUBLIC SAFETY-219	101-3800	Parole Board*	-	-	-	-
				(40,896)	18,148	(851,794)	94,524
* No General Fund impact							

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W05 - WORKING VERSION 5

Title: DPS - DIRECTOR'S OFFICE
 Account: 201 - 4706

Budget Page: PUBLIC SAFETY-10, Vol III

Revenues	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
HIGHWAY FUND							
INTERAGENCY TRANSFER	2,908,170	3,146,931	8.21	3,096,383	(1.61)	3,124,635	0.91
OTHER FUND		750					
Total Revenues	2,908,170	3,147,681	8.24	3,096,383	(1.63)	3,124,635	0.91
Total FTE		33.00		34.00		34.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E712	00	4231	Increase Cost Allocation Reimbursement due to an updated Key Card Replacement quote	1,778	
Sub-total				1,778	0
Line Item Changes to Revenues				1,778	0

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E712	04	7000	Increase Key Card Replacement costs based on updated quote	1,778	
Sub-total				1,778	0
Line Item Changes to Expenditures				1,778	0
Total				0	0
Grand Total General Fund Impact of Closing Changes				0	0

Overview

Pursuant to *Nevada Revised Statutes* (NRS) 480.130, the Director's Office establishes policy for the department, directs and controls the operations of the divisions and various offices of the department, and provides for legal and audit services for the department. The Director's Office budget provides for direct and indirect control over the daily operations of the divisions, boards, and commissions under the umbrella of the Department of Public Safety (DPS). The Director's Office is funded through the allocation of expenses to other non-allocated budget accounts in the department. The Executive Budget recommends total funding of \$6.2 million over the 2015-17 biennium, representing a 1.2 percent decrease over the 2013-15 legislatively approved amount of \$6.3 million.

Major Closing Issues

There are no major closing issues.

Other Closing Items

- DPS - Enterprise Information Technology Services (EITS) Consolidation (Department-wide): The 2013 Legislature approved the transfer of information technology services to the Department of Administration's Enterprise Information Technology Services (EITS) Division. The Department of Public Safety was legislatively approved to reimburse EITS \$11.9 million for those services in the 2013-15 biennium, including additional programmer and database hours. For the upcoming biennium, the Governor recommends combined funding of \$11.2 million (not including Technology Investment Requests) for similar services including PC/LAN support, programmer and database support. The Governor's recommendation represents a decrease of 6 percent.

Testimony by EITS during the 2013 Legislative Session noted that DPS provided certain specialized IT services through its in-house IT unit that EITS does not provide its customers. Rather than establishing new cost pools for specialized IT services, The Executive Budget recommends that the costs associated with specialized IT services be merged into existing EITS cost pools that do not align with these specialized services. As a result, EITS service rates included in the Governor's recommended budget do not accurately reflect the true cost of providing the related services to all agencies statewide.

In order to ensure that all EITS customers would be charged appropriately for the costs of providing IT services in the 2015-17 biennium and that DPS would continue to have access to specialized IT services, Fiscal staff worked closely with the Budget Office, the Administrative Services Division and EITS to evaluate whether DPS-specific costs were inappropriately merged into existing EITS cost pools. Based upon the results of this collaborative evaluation, the Joint Subcommittee on General Government on April 30, 2015, recommends that several DPS-specific costs be charged directly to DPS in the 2015-17 biennium rather than being merged into existing EITS cost pools.

In total, these recommendations would result in DPS reimbursing EITS an additional \$1.1 million over the 2015-17 biennium over the amount recommended in The Executive Budget. However, the \$1.1 million that would be directly charged to DPS would be removed from other EITS cost pools, resulting in a corresponding \$1.1 million decrease in the total amount EITS would charge state agencies for standard EITS services in the 2015-17 biennium. DPS will experience other cost reductions associated with EITS service rate reductions resulting from allocating DPS-specific costs directly to DPS. However, the magnitude of these reductions is unknown at this time. **Fiscal staff seeks authority to make technical adjustments for the DPS/EITS consolidation to reflect the Joint Subcommittee in General Government's closing actions.**

2. Transfer of Public Information Officer Position from Nevada Highway Patrol (NHP) (E-225, E-501 and E-901, PUBLIC SAFETY-12, 13, 15): The Governor recommends transferring the Public Information Officer (PIO) and operating costs currently funded with Highway Fund appropriations from the Nevada Highway Patrol budget to the Director's Office. The recommendation increases Cost Allocation Reimbursement revenue by \$236,222 over the 2015-17 biennium. The Governor also recommends an increase in Cost Allocation Reimbursement revenue of \$14,048 over the 2015-17 biennium for additional operating costs and new travel and training expenditures for the PIO. The agency indicates that with the change in funding for this position from Highway Fund appropriations to Cost Allocation assessments, the position would be supported indirectly by approximately 40 percent Highway Fund, 40 percent General Fund, and 20 percent Federal Funds.

The agency indicates the PIO position would provide statewide media coverage for the department; serve as the senior liaison between the divisions of DPS, the public and the media; organize and disseminate information to the other PIOs within the department; and would be responsible for maintaining and monitoring the department's website.

Fiscal staff notes that as a General Fund cost savings measure, the 2009 Legislature approved the transfer of the department's other PIO position from the DPS Director's Office to the Division of Emergency Management (DEM), where the position remains and is supported by federal funds. According to the agency, the transfer of the PIO in 2009 has required the Director and Deputy Director to perform the duties of a PIO. The agency indicates DEM and NHP are the only divisions within DPS that currently have PIO positions and that the Chief or existing staff perform the PIO duties for the smaller divisions within DPS. At the February 10, 2015, budget hearing, the agency testified the PIO position in DEM spends 100 percent of the time performing DEM activities and is funded by federal grants. The agency further testified that although the PIO position proposed to transfer from NHP would report incidents and reports that come from NHP, the message would be released at a department level. **This recommendation appears reasonable.**

3. Out-of-State Travel (E-226, PUBLIC SAFETY-12): The Governor recommends increasing cost allocation reimbursements by \$9,892 in each year of the 2015-17 biennium to allow 4 Public Safety Honor Guards (2 from the north and 2 from the south) to attend the annual National Law Enforcement Memorial in Washington, DC. Fiscal staff notes, out-of-state travel funds for Public Safety Honor Guards was eliminated by the 2009 Legislature as a cost savings measure. The agency indicates the department currently has 39 DPS Honor Guards, some of whom have paid for their own out-of-state travel expenditures to Washington, DC. According to the agency, the proposal would allow DPS Honor Guards to represent the state in honoring fallen law enforcement officers and would increase employee morale. **This recommendation appears reasonable.**
4. Programmer/Developer Hours (E-247, PUBLIC SAFETY-13): The Governor recommends increasing cost allocation reimbursements by \$8,385 over the 2015-17 biennium for programmer/developer hours, which is equivalent to 80 hours over the biennium. The additional programmer/developer hours are required to maintain and support the Agriloft system, which is the department's contract database. **This recommendation appears reasonable.**
5. Equipment Replacement (E-710, PUBLIC SAFETY-14): The Governor recommends increasing cost allocation reimbursements by \$8,910 over the 2015-17 biennium to replace 6 computers, 12 monitors, and 3 printers. **This recommendation appears reasonable.**
6. Equipment Replacement (E-712, PUBLIC SAFETY-14): The Governor recommends increasing cost allocation reimbursements by \$12,433 in FY 2016, which represents 23 percent of the total quote of \$54,058 to upgrade the key card system in the Carson City office. The remaining 77 percent is included in the DMV Administrative Services budget, which shares the building with DPS (E-712, DMV-50). According to the agency, the existing equipment was installed in 2004 and is not functioning properly. **This recommendation appears reasonable.**

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with the technical adjustment noted, and authority for staff to make other technical adjustments as necessary.

The Subcommittee voted to approve the Other Closing Items as recommended by the Governor, with the technical adjustment noted by staff, and authority for staff to make other technical adjustments as necessary.

Informational Item/No Action Required

Senate Bill 72 was amended and passed by the Senate Committee on Government Affairs on April 3, 2015, and re-referred to the Senate Committee on Finance on April 8, 2015. The legislation would require DPS to use EITS services and equipment. Currently, NRS 319.140 exempts DPS from requiring information technology services from EITS.

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W01 - GOVERNOR RECOMMENDS

Title: DPS - OFFICE OF PROF RESPONSIBILITY
 Account: 201 - 4707

Budget Page: PUBLIC SAFETY-17, Vol III

	2013-14 Actual	2014-15 WP	%	2015-16 GOV REC	%	2016-17 GOV REC	%
Revenues							
INTERAGENCY TRANSFER	565,898	592,854	4.76	774,637	30.66	762,138	(1.61)
Total Revenues	565,898	592,854	4.76	774,637	30.66	762,138	(1.61)
Total FTE		5.00		6.00		6.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16 Gov Rec	2016-17 Gov Rec
Sub-total				0	0
Line Item Changes to Revenues				0	0

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16 Gov Rec	2016-17 Gov Rec
Sub-total				0	0
Line Item Changes to Expenditures				0	0
Total				0	0
Grand Total General Fund Impact of Closing Changes				0	0

Overview

The Office of Professional Responsibility (OPR) is responsible for conducting administrative investigations into complaints alleging misconduct by sworn and civilian Department of Public Safety (DPS) personnel. The OPR is accountable to the Director and conducts administrative investigations only pursuant to the authority in *Nevada Revised Statutes* (NRS) 480.150(2). If in the course of an investigation criminal wrongdoing is evident, the matter is referred to the appropriate law enforcement agency. The budget allocates operating costs based on each DPS division’s percentage of the total number of cases (sworn and non-sworn personnel) assigned to the OPR over the last three years.

Major Closing Issue

Position Request

Discussion of Major Closing Issue

Position Request (E-228, PUBLIC SAFETY–18-19): The Governor recommends increasing cost allocation reimbursements by \$231,141 over the 2015-17 biennium for a new DPS Sergeant position and associated operating costs to conduct administrative investigations on employee misconduct for both sworn and non-sworn DPS employees. According to the agency, the new position is needed to eliminate reliance on temporary Nevada Highway Patrol (NHP) personnel to perform administrative investigations for the OPR; address caseloads; and comply with revisions to NRS 284.387 approved by the 2011 Legislature (A.B. 179), which requires the agency to complete investigations and pre-disciplinary action within 90 calendar days.

The agency indicates that to complete investigations timely, they have utilized sworn personnel temporarily reassigned from the NHP to perform administrative investigations. According to the agency, the addition of the recommended Sergeant position would allow the temporary NHP personnel to return to their normal duties.

In addition to utilizing NHP personnel, the agency indicates, staff overtime has also been incurred to address caseloads and to meet the statutory requirements outlined in NRS 284.387. Based on information provided by the agency, staff who performed administrative investigations incurred an average of 224 overtime hours per year from FY 2011 through FY 2014.

According to the agency, a staffing study was conducted in 2012, which revealed that the agency has a higher ratio of employees per investigator compared to other states/counties. The study revealed the average employee to investigator ratio is 1 to 156, while DPS has a 1 to 363 ratio. If the proposal is approved, according to the agency, the adjusted ratio would be 1 to 290, which is still above the average.

Caseloads: A summary of the caseload information provided by the agency for the past four fiscal years is shown in the table below:

OPR Administrative Investigation Caseload								
Cases	FY 2011 Actual	FY 2012 Actual	% increase (decrease) from prior year	FY 2013 Actual	% increase (decrease) from prior year	FY 2014 Actual	% increase (decrease) from prior year	Total Cases for 4-year period
Sworn	98	67	-31.6%	99	47.8%	100	1.0%	364
Non-Sworn	12	11	-8.3%	15	36.4%	13	-13.3%	51
Total:	110	78	-29.1%	114	46.2%	113	-0.9%	415

As the table above reflects, the total number of cases investigated by the OPR decreased by 29.1 percent from 110 total cases in FY 2011 to 78 total cases in FY 2012, then increased 46.2 percent to 114 total cases in FY 2013 and remained flat in FY 2014. Historically, the majority of the investigations conducted by the OPR involve the two largest divisions of the department: The Division of Parole and Probation (19.5 percent of cases) and the Nevada Highway Patrol (66.5 percent of cases).

The agency indicates the need for a new DPS Sergeant position is due to increased caseload; however, the caseload data provided by the agency shows an average increase of 5.4 percent from FY 2011 through FY 2014, which is minimal. Although the average percent increase in caseload is minimal, according to the agency, the caseload numbers do not reflect the time spent on a case, which varies and is dependent on the level of involvement required for each case.

Performance Measures: The agency has indicated that the OPR has set an internal goal to investigate cases involving sworn personnel within 45 days. An additional 45 days is then targeted for the imposition discipline process, which includes review by the division to determine violations and specificity of charges, as well as a review by DPS human resources and the Attorney General, for a total of 90 days. The agency indicates these goals have been established pursuant to NRS 284.387, which requires internal administrative investigations that could lead to disciplinary action be completed within 90 days. Nevada Revised Statutes 284.387 provides for an extension of up to 60 days upon request and showing good cause for the delay.

At the budget hearing, the agency testified a significant number of administrative investigations require an extension beyond the 90-day statutory requirement. In follow up, the agency indicates the reasons for requiring an extension include 1) the complexity of the investigation; 2) the charged division review and initial specificity of charges; or 3) the review by the Attorney General. The agency provided the number of administrative cases that required an extension as follows: 8 cases in FY 2012; 6 cases in FY 2013; and 19 in FY 2014.

Employee Intervention Program

The 2013 Legislature approved the Governor’s recommendation to upgrade the Employee Early Intervention System (EEIS), a database used by the agency to identify and manage officers who have not yet engaged in misconduct, but who are showing signs that their behavior could lead to misconduct. According to the agency, the program was implemented in June 2014 and some data has been

accumulated; however, the data received to date is not sufficient to determine the success/failures of the program. At the budget hearing, the agency testified it is premature to identify any direct benefits of the EEIS as the agency is still building the database of information for the system. Once the database is finalized, the agency anticipates identifying trends and potential problems.

Does the Subcommittee wish to approve the Governor's recommendation to increase cost allocation reimbursements by \$231,141 over the 2015-17 biennium for a new Department of Public Safety Sergeant position and associated operating costs?

The Subcommittee voted to approve the Governor's recommendation to increase cost allocation reimbursements by \$231,141 over the 2015-17 biennium to support a new Sergeant position and associated operating costs, to conduct administrative investigations on employee misconduct for both sworn and non-sworn DPS employees.

Other Closing Items

1. Programmer/Developer Hours (E-247, PUBLIC SAFETY-19): The Governor recommends increasing cost allocation reimbursements by \$25,154 over the 2015-17 biennium, which is equivalent to 240 hours over the biennium for Enterprise Information Technology Services (EITS) programmer/developer hours to maintain the OPR's case management system. **This recommendation appears reasonable.**
2. Equipment Replacement (E-710, PUBLIC SAFETY-20): The Governor recommends increasing cost allocation reimbursements by \$6,228 in FY 2016 to replace three laptops with docking stations and three monitors. **This recommendation appears reasonable.**
3. Equipment Replacement (E-711, PUBLIC SAFETY-20): The Governor recommends increasing cost allocation reimbursements by \$13,000 in FY 2016 to replace the telephone system at the Carson City office to connect with the EITS statewide telephone system. **This recommendation appears reasonable.**
4. DPS/EITS Consolidation: The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's EITS. Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS' services provided to DPS, as discussed in the Director's Office budget. **Fiscal staff seeks authority to make technical adjustments to accurately reflect the EITS' services provided to DPS.**

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with authority for Fiscal staff to make technical adjustments as necessary.

The Subcommittee voted to approve the Other Closing Items as recommended by the Governor, and authority for staff to make technical adjustments as necessary.

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W05 - WORKING VERSION 5

Title: DPS - FORFEITURES - LAW ENFORCEMENT
Account: 101 - 4703

Budget Page: PUBLIC SAFETY-32, Vol III

Revenues	2013-14 Actual	2014-15 WP	%	2015-16 GOV REC	%	2016-17 GOV REC	%
BALANCE FORWARD	114,148	16,340	(85.69)	661,008	3945.34	1,375,381	108.07
INTERAGENCY TRANSFER				14,066			
OTHER FUND	1,681,656	1,659,763	(1.30)	1,691,866	1.93	1,677,800	(0.83)
Total Revenues	1,795,804	1,676,103	(6.67)	2,366,940	41.22	3,053,181	28.99

Total FTE

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E711	00	2511	Adjust Balance Forward from Previous Year to match ending Reserves in FY 2016		(14,066)
E711	00	4669	Eliminate incorrectly entered Transfer Revenue	(14,066)	
Sub-total				(14,066)	(14,066)
Line Item Changes to Revenues				(14,066)	(14,066)

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E711	05	7000	Eliminate incorrectly entered Equipment Category	(2,600)	
E711	05	8000	Eliminate incorrectly entered Equipment Category	(11,466)	
E711	20	9000	Establish Transfer to K-9 Program Category	14,066	
E711	86	9000	Reduce Reserves due to a transfer of specialized K-9 equipment to the K-9 Program	(14,066)	(14,066)
Sub-total				(14,066)	(14,066)
Line Item Changes to Expenditures				(14,066)	(14,066)
Total				0	0
Grand Total General Fund Impact of Closing Changes				0	0

Overview

Pursuant to *Nevada Revised Statutes* (NRS) 179.1187, this budget account records forfeitures received by the Nevada Division of Investigations, the Nevada Highway Patrol, and the Division of Parole and Probation. Revenue for this budget is based on estimated forfeiture activity. Expenditures are budgeted for the pass-through to local governments and to divisions within the Department of Public Safety. Generally, all remaining forfeiture funds are placed in reserve as needed. As equipment and training needs are identified, the Department of Public Safety may present its requests for forfeiture fund allocations to the Interim Finance Committee for approval.

The Governor recommends total funding of \$5.4 million over the 2015-17 biennium, which represents a 60 percent increase from the 2013-15 legislatively approved amount of \$3.4 million. The budget is supported by federal and state forfeitures proceeds.

Major Closing Issues

There are no major closing issues.

Other Closing Items

1. **Nevada Highway Patrol Mobile Data Computer Project (E-550, PUBLIC SAFETY-34)**: The Governor recommends decreasing reserves by \$1.4 million over the 2015-17 biennium to fund 50 percent of the proposed 2015-17 biennium equipment and wireless costs of the Nevada Highway Patrol's Mobile Data Computer (MDC) project. The MDC project was approved at the June 19, 2014, IFC meeting and is projected to be fully implemented by FY 2018. Based on the projections provided by the agency, this budget has sufficient Reserves to cover this project. Further discussion is included in the Nevada Highway Patrol budget regarding this proposal. **Fiscal staff seeks authority to make technical adjustments to this decision unit contingent upon closing actions in the Nevada Highway Patrol budget.**

2. **Upgrade the Evidence Vault Management System (E-225, PUBLIC SAFETY-33-34)**: The Governor recommends decreasing Reserves by \$86,235 in FY 2016 to upgrade and install additional modules for the Evidence Vault Management software and equipment (FileOnQ). The agency indicates enhancements to the system would automate work processes, allow access to data from a handheld unit, and manage system permission and access. Fiscal staff notes, if this request is approved, it will require \$4,172 in additional annual software maintenance charges per year in the Evidence Vault budget (E-225, PUBLIC SAFETY-23), which was approved by the full money committees on April 15, 2015, contingent upon closing actions in this budget. The agency indicates recommended upgrades to the system is in response to the December 2014 LCB audit (Audit # L14-24). **This recommendation appears reasonable.**

3. **Equipment Replacement (E-710, PUBLIC SAFETY-34)**: The Governor recommends decreasing Reserves by \$4,300 over the 2015-17 biennium to replace ten netbooks for use by the DPS Training Division academy. **This recommendation appears reasonable.**

4. **Equipment Replacement (E-711, PUBLIC SAFETY-35)**: The Governor recommends \$14,066 in FY 2016 to fund specialized K-9 equipment for two vehicles for the K-9 unit within the Nevada Highway Patrol. Fiscal staff notes, per discussion with the Executive Budget Office, this decision unit was entered incorrectly. A technical adjustment is included in this closing document to augment the K-9 Program category and decrease Reserves by \$14,066 in FY 2016. **With the technical adjustment noted, this recommendation appears reasonable.**

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with the technical adjustment noted by staff for Other Closing Item #4, and authority for staff to make technical adjustments as necessary.

<p>The Subcommittee voted to approve the Other Closing Items as recommended by the Governor, with the technical adjustment noted by staff for Other Closing Item 4, and authority for staff to make technical adjustments as necessary.</p>
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Title: DPS - HIGHWAY PATROL
 Account: 201 - 4713

Budget Page: PUBLIC SAFETY-47, Volume II

Revenues	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
BALANCE FORWARD	7,865,394	3,830,004	(51.31)	1,464,211	(61.77)	753,282	(48.55)
GENERAL FUND	17,834	17,834		17,834		17,834	
HIGHWAY FUND	64,414,119	65,528,163	1.73	67,076,547	2.36	68,281,766	1.80
INTERAGENCY TRANSFER	713,580	2,827,902	296.30	1,997,469	(29.37)	533,258	(73.30)
OTHER FUND	1,605,467	1,669,606	4.00	1,603,728	(3.95)	1,603,728	
REVERSIONS	(494,792)						
Total Revenues	74,121,602	73,873,509	(0.33)	72,159,789	(2.32)	71,189,868	(1.34)
Total FTE		557.00		556.00		556.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E550	00	2507	Reduces Highway Fund appropriations for the purchase of maintenance contracts for citation writers in FY 2016, which can be eliminated if MDCs are approved.	(60,950)	
E710	00	2507	Revise Highway Fund appropriations to match the revised portable radio replacement schedule from the 2013 Legislative session	(563,418)	370,670
E803	00	2507	Reduce Highway Fund appropriations for EITS services specific to DPS.	(225,254)	(273,161)
Sub-total				(849,622)	97,509
Line Item Changes to Revenues				(849,622)	97,509

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E550	26	7000	If MDCs are approved, maintenance contracts for citation writers can be removed. This technical adjustment includes the removal of maintenance contracts for citation writers in FY 2016 which were originally omitted from this decision unit.	(60,950)	
E710	50	8000	Adjust the quantity of portable radio replacements to match the agreed upon replacement schedule from the 2013 Legislative session	(563,418)	370,670
E803	81	7000	Establish DPS Specific Billing for EITS Services	(225,254)	(273,161)
Sub-total				(849,622)	97,509
Line Item Changes to Expenditures				(849,622)	97,509
Total				0	0
Grand Total General Fund Impact of Closing Changes				0	0

Overview

The Nevada Highway Patrol Division (NHP) enforces the traffic laws of the state, investigates traffic accidents, and enforces and regulates motor carriers transporting cargo and hazardous materials.

Major Closing Issues

1. Mobile Data Computer Project
2. Visiting Dignitary Protection

Discussion of Major Closing Issues

1. Mobile Data Computer Project (E-550, PUBLIC SAFETY-34, 51): The Governor recommends \$2.9 million over the 2015-17 biennium to fund the continuation of Nevada Highway Patrol's Mobile Data Computer (MDC) project. As presented in The Executive Budget, funding for the project is split

between this budget and the Forfeitures – Law Enforcement budget. Approval of this decision unit would also reduce Highway Funds over the 2015-17 biennium by \$285,890 as it is anticipated that MDCs would replace current handheld citation writers, reflecting a total cost of \$2.6 million over the 2015-17 biennium.

At the June 2014 IFC meeting, NHP received approval to purchase 35 MDCs as a pilot project before requesting full implementation at the 2015 Legislature. The agency reports initial outcomes of the 35 unit pilot project include complete installation and operational functionality of both hardware and software. The agency indicates major efficiencies will not materialize until full deployment occurs and troopers are able to self-dispatch in large numbers.

The full purchase plan is presented below, including updated project cost estimates as of February 2015:

As Originally Proposed, June 2014						Revised Projections as of February 2015					
Fiscal Year	MDC Purchase Schedule	Funded By			Total	MDC Purchase Schedule	Funded By			Total	
		NDOT	DPS Forfeitures	Highway Funds			NDOT	DPS Forfeitures	Highway Funds		
2015	35	\$280,789	\$280,789	\$0	\$561,578	35	\$161,497	\$161,497	\$0	\$322,994	
2016	150	\$665,929	\$665,929	\$0	\$1,331,858	150	\$670,487	\$670,487	\$0	\$1,340,974	
2017	160	\$753,282	\$765,626	\$0	\$1,518,908	150	\$609,119	\$609,119	\$0	\$1,218,238	
2018	139	\$0	\$0	\$1,419,126	\$1,419,126	142	\$258,897	\$258,897	\$739,533	\$1,257,327	
2019	0	\$0	\$0	\$232,262	\$232,262	35	\$0	\$0	\$519,489	\$519,489	
Total	484	\$1,700,000	\$1,712,344	\$1,651,388	\$5,063,732	512	\$1,700,000	\$1,700,000	\$1,259,022	\$4,659,022	

The agency experienced an unexpected cost savings in FY 2015 as it was able to take over NetMotion software licenses previously purchased and not deployed by the Division of Public and Behavioral Health. The primary reason for the fluctuation in proposed costs and the revised projections presented above are attributable to (1) the agency’s ability to purchase unlimited NetMotion software licenses, an option that was previously unavailable to the agency in June 2014 as it created original cost projections and (2) a 42 percent reduction in the per unit cost of the vehicle docking station as originally quoted.

Initial project funding is split between a transfer from the Nevada Department of Transportation (NDOT) and DPS forfeitures through FY 2017. The transfer from NDOT consists of 95 percent federal transportation funds and 5 percent state funds. The agency provided a letter of intent from NDOT dated February 25, 2015, indicating NDOT’s willingness to extend the agreement through FY 2018 in order to fully fund the completion of the initial pilot project. It is anticipated that Highway Fund appropriations would fund a portion of the program beginning in FY 2018, if another source of funding is not subsequently identified. That said, the agency is exploring three avenues of potential cost savings following the completion of full implementation of the project as proposed.

The first option is the possibility that federal transportation funds may continue to be available, and the agency is working with NDOT to confirm whether this is a viable method of funding. The next possibility, while not an option at present, is potential cost savings in replacement equipment by integrating the backup server technology for the MDCs along with the L-3 video systems that records evidence in patrol vehicles during traffic stops. Finally, NHP has indicated it may be able to leverage steeper discounts once the replacement cycle begins, as the agency will be replacing quantities in bulk.

Full implementation would equip all patrol vehicles with MDCs that connect to public safety databases using wireless technology by FY 2018. MDCs would consist of a tablet computer (with Windows 7 operating system), a vehicle docking station, and a vehicle modem at a unit cost of approximately \$8,228. The agency originally indicated the MDCs would have a five-year life, and thus replacement of

the devices would begin in FY 2020, however, the agency has since amended this statement to propose a four-year replacement schedule due to regular exposure to extreme temperatures and vehicle vibrations, thus accelerating the replacement schedule to start in FY 2019.

Including ongoing annual wireless, training, travel, and software support expenditures of \$247,903 for all units in operation, NHP would require \$1.3 million per year for replacement units during a typical replacement cycle. By comparison, the existing handheld citation writers have a unit cost of \$1,069 and a useful life of three years.

The agency indicates the MDCs would allow officers to access various data including computer aided dispatch service and records management. Field officers would be able to search drivers' license and vehicle licensing data from their patrol cars, determine if a person has any outstanding warrants and view a limited amount of a person's criminal history. The agency also anticipates decreased radio traffic for dispatch operators, as currently patrol officers must communicate every move over portable radios through dispatch. It is uncertain at this time whether this will translate to real dollar savings in the future. Other benefits as defined by the agency include the ability for officers to write reports in the field, saving travel time to the officer's substation while also providing an additional trooper presence on the roadways. The agency also indicates that GPS/GIS mapping of the MDCs would provide the ability to capture precise accident or event data, allowing the agency to analyze in real time the location of officers across the state. Similar systems are already in use by several other law enforcement agencies within Nevada.

Fiscal staff would note that if the MDC project is approved, Decision Unit E-550 would remove 260 citation writers as the agency would no longer need to replace them. Fiscal staff notes that in conjunction with the removal of citation writers, maintenance contracts for citation writers can also be removed; accordingly, this closing document reflects technical adjustments to eliminate equipment maintenance for citation writers in FY 2016 which was originally omitted from this decision unit.

Does the Subcommittee wish to approve the Governor's recommendation to continue funding for the Mobile Data Computer project through the 2015-17 biennium?

The Subcommittee recommended approval of the Governor's recommendation to continue funding for the Mobile Data Computer project through the 2015-17 biennium.

2. Visiting Dignitary Protection (Base, PUBLIC SAFETY-48-49): The Legislative Commission's Budget Subcommittee expressed concern during its January 2015 meeting about whether the agency had properly budgeted for anticipated visiting dignitary protection costs in anticipation of the 2016 Presidential Election.

Fiscal staff compiled historical appropriations and trooper overtime expenditures for the visiting dignitary protection category which are shown in the table that follows:

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015*	FY 2016**	FY 2017**
Leg Approved	30,683	4,606	4,606	17,693	1,066	3,031	3,031	17,834	17,834	17,834	17,834
IFC Contingency	-	40,141	-	-	-	15,766	-	-	-	-	-
Work Program	-	-	-	-	1,886	-	-	-	-	-	-
Supplementals	-	-	-	-	-	-	14,803	-	20,000	-	-
Total Approved	30,683	44,747	4,606	17,693	2,952	18,797	17,834	17,834	37,834	17,834	17,834
Actual Expenditures	30,683	29,422	4,413	3,031	2,952	17,834	14,546	-	5,978	-	-

Note: *Supplemental appropriations as recommended by the Governor for FY 2015.
 **Governor recommended budget for the 2015-17 biennium.

According to the agency, \$32,631 of visiting dignitary protection costs have already been incurred in FY 2015; however, full costs cannot be transferred until approval of Assembly Bill (A.B.) 465, which provides for a \$20,000 supplemental appropriation for NHP visiting dignitary protection expenses. The agency states that it is unable to accurately estimate costs in this category as visiting dignitaries rarely give much forewarning of the dates, times, and length of stay when visiting Nevada.

The agency estimates the 2016 Presidential Election is likely to resemble the circumstances surrounding the 2008 Presidential Election, and that the Governor recommended budgeted amounts may not be sufficient for FY 2016. However, staff would note that the agency has access to the Interim Finance Committee (IFC) Contingency Account if additional funding is required to address coverage for visiting dignitaries.

Based on the ability of the agency to access the IFC Contingency Account, staff recommends approval of General Fund appropriations for visiting dignitary protection as recommended by the Governor.

The Subcommittee recommended approval of General Fund appropriations for visiting dignitary protection as recommended by the Governor.

Other Closing Items

1. Database Programming (E-247, PUBLIC SAFETY-50-51): The Governor recommends Highway Fund appropriations of \$75,462 over the 2015-17 biennium to provide ongoing maintenance and programming services for NHP’s fleet database, which is responsible for tracking vehicle mileage and assignment during its life cycle. Services would be ongoing and provided by EITS. **This recommendation appears reasonable.**

2. Replacement of Portable Radios (E-710, PUBLIC SAFETY-52): The Governor recommends a Highway Fund appropriation of \$934,088 in FY 2016 to replace 252 portable 800 MHz radios that are carried by each sworn officer. During the 2013 Legislative Session the agency indicated the manufacturer of these radios would discontinue support for the current units (purchased in 2008-2009) in September 2015 and the Legislature approved a five-year replacement schedule beginning in FY 2014. Fiscal staff discussed the replacement schedule with the agency; accordingly, this closing document reflects technical adjustments to reduce the number of radios replaced in FY 2016, and shift some of the replacements to FY 2017 and FY 2018, as reflected in the following table based on the five-year replacement cycle:

Portable Radio Replacement Schedule						
	Actual		Proposed			Total
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	
Replacement Radios	150	100	100	100	52	502
Unit Cost	\$ 3,418	\$ 3,423	\$ 3,707	\$ 3,707	\$ 3,707	
Total	\$512,664	\$342,308	\$370,670	\$370,670	\$192,748	\$1,789,060

With these technical adjustments, this recommendation appears reasonable.

3. Replacement of Air Conditioning Diagnostic Machine (E-711, PUBLIC SAFETY-52): The Governor recommends a Highway Fund appropriation of \$5,000 in FY 2016 to replace one air conditioning diagnostic machine used to calibrate vehicle air conditioning units. The agency indicates the current machine is 13 years old and insufficient for newer vehicles. **This recommendation appears reasonable.**

4. Replacement of Radar Testing Unit (E-712, PUBLIC SAFETY-52-53): The Governor recommends a Highway Fund appropriation of \$6,535 in FY 2016 to replace a radar testing unit in the Northern Command. According to the agency, traffic radar units are tested periodically for accuracy in order to remain court compliant. **This recommendation appears reasonable.**
5. Computer Equipment Replacement (E-713, PUBLIC SAFETY-53): The Governor recommends Highway Fund appropriations of \$126,177 over the 2015-17 biennium to purchase 69 desktop computers and 25 laptop computers with associated software. **This recommendation appears reasonable.**
6. Replacement of Citation Writers and Printers (E-714, PUBLIC SAFETY-53): The Governor recommends Highway Fund appropriations of \$530,590 over the 2015-17 biennium to replace 260 citation writers and 245 printer units, including warranty and maintenance. The agency reports that citation writers are on a three-year replacement schedule and printers are on a five-year replacement schedule. Citation writers and printers are currently used to issue citations and document accident reports in the field. Fiscal staff would note that if the MDC project is approved, Decision Unit E-550 would remove 260 citation writers as the agency would no longer need to replace them. However, printers would still be necessary to print citations and reports from the MDCs. **This recommendation appears reasonable.**
7. Replacement of Camera Servers (E-715, PUBLIC SAFETY-53-54): The Governor recommends Highway Fund appropriations of \$112,095 over the 2015-17 biennium to replace one camera server, four firewalls, and three DVD backup systems. Camera servers totaling \$36,538 allow NHP to capture, download, and manage video evidence recorded in patrol vehicles. Extended warranty and maintenance contracts totaling \$75,557 are also included. **This recommendation appears reasonable.**
8. Replacement of Forensic Mapping Systems (E-716, PUBLIC SAFETY-54): The Governor recommends Highway Fund appropriations of \$180,160 over the 2015-17 biennium to replace six forensic mapping systems used to reconstruct accident and crime scenes. Funding of \$160,448 would purchase related equipment and software, as well as \$11,900 vendor provided training to staff. Travel and training costs for staff of \$7,812 are also included in this decision unit. **This recommendation appears reasonable.**
9. Cost Allocations (M-800, E-800, PUBLIC SAFETY-50, 54-55): The Governor recommends Highway Fund appropriations of \$2.1 million over the 2015-17 biennium for adjustments to the division's cost allocations for services provided by the DPS General Services Division, Director's Office, the Office of Professional Responsibility, and the Evidence Vault. **This recommendation appears reasonable.**
10. Cost Allocation for EITS Services Specific to DPS (New E-803): The Fiscal Analysis Division established this new decision unit in response to actions taken by the Joint Subcommittee on General Government in closing the EITS Administration - IT - Info Tech Consolidation DPS budget on April 30, 2015. These actions result in a reduction of cost allocations of \$498,415 over the 2015-17 biennium for the Highway Patrol budget.

The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's Enterprise Information Technology Services (EITS). Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although

The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS services provided to DPS, as discussed in the DPS - Director's Office budget. **This decision unit appears reasonable.**

11. Position Reclassification (E-805, PUBLIC SAFETY-55): The Governor recommends an increase in Highway Fund appropriations of \$9,103 over the 2015-17 biennium to reclassify one Administrative Assistant. The agency indicates this request is necessary to align the position with that of six other Administrative Assistants who perform the same duties in the Northern Command. **This recommendation appears reasonable.**
12. Position Transfer (E-901, PUBLIC SAFETY-55): The Governor recommends a decrease in Highway Fund appropriations of \$236,222 and an increase of \$7,200 in NHP vehicle lease revenue over the 2015-17 biennium to transfer a DPS Officer position, which acts as the division's Public Information Officer, from the NHP budget to the Director's Office budget. The agency indicates the transfer would provide coordination and consistency department wide. The \$7,200 increase in revenue associated with the transfer is due to the rental fee of a state vehicle which would be provided to this position at the Director's Office. **This recommendation appears reasonable.**
13. Transfer Remaining Dispatch Operational Expenditures to General Services (E-902, PUBLIC SAFETY-56): The Governor recommends a decrease in Highway Fund appropriations of \$10,900 to transfer dispatch operational expenditures from NHP to the General Services budget that were inadvertently omitted when the 2013 Legislative approved the transfer of dispatch services. The request would transfer cell phones and annual membership dues for Dispatch Supervisors, as well as a small amount of computer software. The Senate Committee on Finance previously approved the recommended transfer on April 15, 2015, in the General Services budget. The Assembly Committee on Ways and Means previously approved the recommended transfer on April 17, 2015, in the General Services budget. **Staff recommends approval of this decision unit contingent upon approval of the transfer in the Director's Office budget.**

Fiscal staff recommends that the Other Closing Items be closed as recommended by the Governor, along with the noted technical adjustments, and seeks authority to make other technical adjustments, as necessary.

<p>The Subcommittee recommended approval of the Other Closing Items in this budget as recommended by the Governor, with technical adjustments, and authority for Fiscal staff to make other technical adjustments, as needed.</p>
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Title: DPS - DIVISION OF INVESTIGATIONS
 Account: 101 - 3743

Budget Page: PUBLIC SAFETY-90, Volume II

	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
Revenues							
FEDERAL FUND	5,869	34,999	496.34	18,500	(47.14)	18,500	
GENERAL FUND	5,738,838	5,655,063	(1.46)	5,867,579	3.76	5,906,225	0.66
HIGHWAY FUND	343,842	348,139	1.25	395,280	13.54	396,724	0.37
INTERAGENCY TRANSFER	526,412	482,358	(8.37)	551,649	14.37	551,633	(0.00)
OTHER FUND	15,300	131,046	756.51	35,179	(73.16)	35,179	
REVERSIONS	(274,257)						
Total Revenues	6,356,004	6,651,605	4.65	6,868,187	3.26	6,908,261	0.58
Total FTE		51.00		50.00		50.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E803	00	2501	Reduce General Fund appropriations for EITS services specific to DPS.	(15,804)	(19,787)
E803	00	2507	Reduce Highway Fund appropriations for EITS services specific to DPS.	(1,436)	(1,798)
Sub-total				(17,240)	(21,585)
Line Item Changes to Revenues				(17,240)	(21,585)

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E803	81	7000	Establish DPS Specific Billing for EITS Services	(17,240)	(21,585)
Sub-total				(17,240)	(21,585)
Line Item Changes to Expenditures				(17,240)	(21,585)
Total				0	0
Grand Total General Fund Impact of Closing Changes				(15,804)	(19,787)

Overview

The Division of Investigations provides statewide investigative assistance and resources to agencies across the state, including major and general crimes, polygraph services, drug enforcement, special investigations, and internal affairs investigations. Additionally, the division provides training on a variety of topics involving law enforcement and investigative techniques (e.g., interview and interrogation, evidence handling, preservation and documentation, etc.). The division also supervises narcotic task forces in partnership with other law enforcement agencies in the rural areas of the state.

Major Closing Issues

There are no major closing issues.

Other Closing Items

1. Travel and Planning (E-227, PUBLIC SAFETY-93): The Governor recommends General Fund appropriations of \$2,994 over the 2015-17 biennium to provide travel funds for agency management to conduct a division-wide assessment and planning meeting. While the agency participates in weekly conference calls to discuss the status of day-to-day operations, the division requests an annual meeting for senior management to update its strategic plan and reflect upon goals, objectives, and capabilities going forward. Five supervisors would travel from Fallon, Elko, Ely, and Winnemucca to Carson City for a three-day meeting. **This recommendation appears reasonable.**
2. Database Programming (E-247, PUBLIC SAFETY-93): The Governor recommends General Fund appropriations of \$31,171 and Highway Fund appropriations of \$1,948 over the 2015-17 biennium to provide ongoing maintenance and programming services for the Fusion 360 program administered by the Nevada Threat Analysis Center. Fusion 360 supports the center's efforts to collect, analyze, and disseminate threat information to federal, state, local, and private sector partners. The division is the only DPS agency responsible for the management of this system. Services would be ongoing and provided by EITS. **This recommendation appears reasonable.**
3. Position Elimination (E-600, PUBLIC SAFETY-94): The Governor recommends eliminating one Administrative Assistant, which would result in a reduction of \$92,128 in General Fund appropriations over the 2015-17 biennium. The position is currently vacant, and the agency indicates it has been able to absorb the duties previously performed by this position through increased efficiencies in both its records management system and the distribution of workload to other Administrative Assistants. **This recommendation appears reasonable.**
4. Equipment Replacement (E-710, PUBLIC SAFETY-94-95): The Governor recommends General Fund appropriations of \$52,890 over the 2015-17 biennium to purchase 30 desktop computers with associated software. **This recommendation appears reasonable.**
5. Agency Vehicles (E-711, PUBLIC SAFETY-95): The Governor recommends \$192,570 in General Fund appropriations to replace 3 vehicles in each year of the 2015-17 biennium that are projected to reach or exceed 100,000 miles. The purchases would include the installation of special equipment such as radios, emergency lights and sirens, and window tinting. With the purchase of 6 replacement vehicles, the division would maintain a fleet of 44 vehicles.

During the agency's budget hearing, the Subcommittee inquired as to whether any of the scheduled vehicle replacements could be postponed in light of the Nevada Highway Patrol's announcement that it was revisiting its mileage replacement thresholds. The agency responded it had downsized its fleet by 11 vehicles in the last biennium, and the current recommended replacement vehicles were all at least seven years old and had or were expected to exceed the 100,000 mileage threshold. Specifically, the vehicles recommended for replacement are projected to be replaced between 90,000 to 116,000 miles and were purchased in 2001, 2007, and 2008.

The agency also noted that the Nevada Highway Patrol operates its own garage facilities for maintenance and repair which can help extend life and mitigate expenses, an option not available to the Investigation Division. **This recommendation appears reasonable.**

6. Cost Allocations (M-800, E-800, PUBLIC SAFETY-92-93,95): The Governor recommends \$172,935 (\$158,288 General Fund appropriations and \$14,647 Highway Fund appropriations) over the 2015-17 biennium for adjustments to the division's cost allocations for services provided by the DPS General Services Division, Director's Office, the Office of Professional Responsibility, and the Evidence Vault. **This recommendation appears reasonable.**

7. Cost Allocation for EITS Services Specific to DPS (New E-803): The Fiscal Analysis Division established this new decision unit in response to actions taken by the Joint Subcommittee on General Government in closing the EITS Administration - IT - Info Tech Consolidation DPS budget on April 30, 2015. These actions result in a reduction of cost allocations of \$38,825 over the 2015-17 biennium for the Division of Investigations budget.

The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's Enterprise Information Technology Services (EITS). Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS services provided to DPS, as discussed in the DPS - Director's Office budget. **This decision unit appears reasonable.**

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with authority for staff to make technical adjustments as necessary.

The Subcommittee recommended approval of the Other Closing Items in this budget as recommended by the Governor, with authority for Fiscal staff to make other technical adjustments, as needed.

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W10 - WORKING VERSION 10

Title: DPS - EMERGENCY MANAGEMENT DIVISION

Budget Page: PUBLIC SAFETY-102
 Volume III

Account: 101 - 3673

Revenues	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
BALANCE FORWARD	(4,072)	5,010	(223.04)				
GENERAL FUND	341,854	346,606	1.39	465,431	34.28	414,443	(10.96)
INTERAGENCY TRANSFER	3,734,365	5,488,547	46.97	4,533,461	(17.40)	3,942,430	(13.04)
INTERIM FINANCE	3,020						
OTHER FUND	1,053	52,300	4866.76	1,052	(97.99)	1,052	
REVERSIONS	(42,112)						
Total Revenues	4,034,108	5,892,463	46.07	4,999,944	(15.15)	4,357,925	(12.84)
Total FTE		29.00		29.00		29.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E711	00	2501	Division eliminated General Fund appropriations necessary for vehicle replacements by using federal funding	(74,403)	(22,237)
E711	00	2501	Reduce General Fund appropriations as a result of the division's agreement to eliminate three vehicle replacements with low mileage and corresponding replacement mobile radios	(11,322)	
E711	00	4683	Division agreed to fund two remaining vehicle replacements with 100 percent Emergency Management Performance Grant funds	(31,036)	22,237
E803	00	2501	Reduce General Fund appropriations for EITS services specific to DPS.	(4,367)	(4,828)
E803	00	4683	Reduce EMPG federal funding for EITS services specific to DPS.	(9,258)	(10,234)
E803	00	4686	Reduce Office of Homeland Security federal funding for EITS services specific to DPS.	(1,921)	(2,124)
E803	00	4704	Reduce Department of Energy federal funding for EITS services specific to DPS.	(1,921)	(2,124)
Sub-total				(134,228)	(19,310)
Line Item Changes to Revenues				(134,228)	(19,310)

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E711	05	7000	Reduce the number of replacement mobile radios to match the number of replacement vehicles.	(11,322)	
E711	05	8000	Division agreed to eliminate three vehicle replacements with low mileage	(105,439)	
E803	81	7000	Establish DPS Specific Billing for EITS Services	(17,467)	(19,310)
Sub-total				(134,228)	(19,310)
Line Item Changes to Expenditures				(134,228)	(19,310)

Total	0	0
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Grand Total General Fund Impact of Closing Changes	(90,092)	(27,065)
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Overview

The Division of Emergency Management (DEM) coordinates and facilitates planning, training, exercise and equipment initiatives in preparation for, responding to and recovering from the impact of any emergency/disaster situation. Through multiple federal programs, the division provides financial and technical support to state agencies and local governments in preparing for and maintaining a readiness capability to respond to all hazards. The DEM oversees requests made to the Disaster Relief Fund established pursuant to NRS 353.2735. The Office of Homeland Security is operationally integrated with the DEM. The budget is primarily funded through federal grant funds transferred from the Emergency Management Assistance Grants account, and General Fund appropriations.

Major Closing Issues

There are no major closing issues.

Other Closing Items

1. Database Programming (E-247, PUBLIC SAFETY-105-106): The Governor recommends \$20,962 (\$5,241 General Fund appropriations) over the 2015-17 biennium to provide ongoing maintenance and programming services for vendor coordination and support, application patching, and software upgrades and troubleshooting. Services would be ongoing and provided by Enterprise Information Technology Services (EITS). **This recommendation appears reasonable.**
2. Equipment Replacement (E-710, PUBLIC SAFETY-106-107): The Governor recommends \$40,676 (\$10,169 General Fund appropriations) over the 2015-17 biennium to purchase 12 laptop computers with associated software, 5 network printers, and 1 individual printer. **This recommendation appears reasonable.**
3. Agency Vehicles (E-711, PUBLIC SAFETY-107): The Governor recommends \$193,282 (\$96,640 General Fund appropriations) to replace four vehicles in FY 2016 and one vehicle in FY 2017 that are projected to reach or exceed seven years of age. The purchases would include the installation of special equipment such as radios, emergency lights and sirens, and window tinting. With the purchase of five replacement vehicles, the division would maintain a fleet of eight vehicles.

During the agency's budget hearing, the agency acknowledged that several of the five vehicles recommended for replacement were purchased in either 2008 or 2009 and had current mileage rates as low as 23,044 to 70,000 miles. The agency agreed to eliminate the recommended vehicle replacements for three of the five total vehicles (as well as the corresponding mobile radio replacements) and further agreed to change the funding source for the remaining two vehicles from 50 percent General Fund appropriations and 50 percent federal Emergency Management Performance Grant (EMPG) funding to 100 percent federal EMPG funding. Accordingly, this closing document reflects technical adjustments to reduce the number of vehicle and mobile radio replacements and change the associated funding sources for the remaining vehicle replacements. With these technical adjustments, this recommendation appears reasonable.

4. Equipment Replacement (E-712, PUBLIC SAFETY-107-108): The Governor recommends General Fund appropriations of \$5,031 over the 2015-17 biennium to purchase replacement equipment including flashlights, safety vests, hard hats, polo shirts, and distance measuring wheels for the State Technical Assistance Response Team (START). START provides preliminary damage assessments in the event of an emergency. **This recommendation appears reasonable.**

5. New Equipment (E-720, PUBLIC SAFETY-108): The Governor recommends General Fund appropriations of \$20,940 over the 2015-17 biennium to upgrade the START damage assessment equipment to expedite critical information delivery. Upgrades would include a navigation unit and portable tablets to document assessment information. **This recommendation appears reasonable.**
6. Cost Allocations (M-800, E-800, PUBLIC SAFETY-105, 108-109): The Governor recommends \$79,507 (\$19,739 General Fund appropriations) over the 2015-17 biennium for adjustments to the division's cost allocations for services provided by the DPS General Services Division, Director's Office, and the Office of Professional Responsibility. **This recommendation appears reasonable.**
7. Cost Allocation for EITS Services Specific to DPS (New E-803): The Fiscal Analysis Division established this new decision unit in response to actions taken by the Joint Subcommittee on General Government in closing the EITS Administration - IT - Info Tech Consolidation DPS budget on April 30, 2015. These actions result in a reduction of cost allocations of \$36,777 over the 2015-17 biennium for the Division of Emergency Management budget.

The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's EITS. Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS services provided to DPS, as discussed in the DPS - Director's Office budget. **This decision unit appears reasonable.**

Fiscal staff recommends that the Other Closing Items be closed as recommended by the Governor, along with the noted technical adjustments, and seeks authority to make other technical adjustments, as necessary.

The Subcommittee recommended approval of the Other Closing Items in this budget as recommended by the Governor, with technical adjustments, and authority for Fiscal staff to make other technical adjustments, as needed.

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W10 - WORKING VERSION 10

Title: DPS - CRIMINAL HISTORY REPOSITORY

Budget Page: PUBLIC SAFETY-127
 Volume III

Account: 101 - 4709

	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
Revenues							
BALANCE FORWARD	(139,306)	8,918,070	(6501.78)	6,261,681	(29.79)	7,825,022	24.97
GENERAL FUND	100	100		1,121,682	1121582 .00	1,121,987	0.03
INTERAGENCY TRANSFER	414,993	2,103,165	406.80	791,573	(62.36)	798,697	0.90
OTHER FUND	13,762,347	13,411,619	(2.55)	15,041,047	12.15	15,373,915	2.21
REVERSIONS	(100)						
Total Revenues	14,038,034	24,432,954	74.05	23,215,983	(4.98)	25,119,621	8.20
Total FTE		89.00		108.00		108.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E235	00	2511	Reduce reserves to add 10 additional temporary contracted employees for disposition backlog project		(288,956)
E550	00	2501	Increase General Fund appropriations to add additional contracted programmer hours to provide the agency with an equivalent level of programmer support to EITS programmers	65,000	65,000
E803	00	2511	Reduce reserves for EITS services specific to DPS		(1,222,965)
Sub-total				65,000	(1,446,921)
Line Item Changes to Revenues				65,000	(1,446,921)

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E235	23	7000	Add 10 additional temporary contracted employees for disposition backlog project	288,956	288,956
E235	86	9000	Reduce reserves to add 10 additional temporary contracted employees for disposition backlog project	(288,956)	(577,912)
E550	22	7000	Change EITS programmers to contract programmers	(335,416)	(335,358)
E550	22	9000	Add additional contracted programmer hours to provide the agency with an equivalent level of programmer support to EITS programmers	65,000	65,000
E550	22	9000	Change EITS programmers to contract programmers	335,416	335,358
E803	81	7000	Establish DPS-specific billing for EITS services	1,222,965	1,082,613
E803	86	9000	Reduce reserves for EITS services specific to DPS	(1,222,965)	(2,305,578)
Sub-total				65,000	(1,446,921)
Line Item Changes to Expenditures				65,000	(1,446,921)

Total	0	0
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Grand Total General Fund Impact of Closing Changes	65,000	65,000
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Overview

The Criminal History Repository (CHR) administers the Nevada Criminal Justice Information System (NCJIS) and is the state's clearinghouse for criminal history records information and crime scene statistics.

The CHR is also responsible for the administration of the Point-of-Sale Firearms program (Brady), the state's Domestic Violence Order Registry, Dangerous Offender Notification System, Sex Offender Registry and Civil Name Check program. The CHR receives court administrative assessments and user fees generated from civil fingerprint checks, background checks for individuals purchasing guns, and background checks for prospective casino employees.

Major Closing Issues

1. Nevada Criminal Justice Information System (NCJIS) Modernization Project
2. Budget Amendment – Funding Change for the NCJIS Modernization Project
3. Temporary Contract Staff for Disposition Backfill Project
4. New Positions for the Sex Offender Registry
5. New Information Technology Positions
6. New Position for Civil Name Checks

Discussion of Major Closing Issues

1. Nevada Criminal Justice Information System (NCJIS) Modernization Project (E-550, PUBLIC SAFETY-132): The Governor recommends General Fund appropriations of \$2.2 million over the 2015-17 biennium to continue the NCJIS modernization project that was started during the 2013-15 biennium.

As background for the Subcommittee, during the 2011 Legislative Session the Department of Public Safety (DPS) testified that its USoft platform applications, such as the Computerized Criminal History (CCH), the Offender Tracking Information System (OTIS), and the Temporary Protection Orders (TPO), were over 15 years old and no longer supported by their manufacturer. The 2011 Legislature approved \$400,000 in federal funding for a contractor to conduct a study of the technological applications and develop system upgrade recommendations for consideration by the 2013 Legislature. In April 2012, the completed study recommended that the entire NCJIS, which contains the applications noted in the overview above in addition to a number of other applications and databases, be modernized and redesigned. Complete replacement of the existing system was estimated at a total cost of \$18.8 million over a six-year period.

The 2013 Legislature approved a \$2.3 million General Fund one-shot appropriation to implement the first phase of the project during the 2013-15 biennium. According to agency documentation submitted with the one-shot appropriation request, funding for the first phase was intended for migration preparation, including implementing integration service, replacing mapper functions, connecting document management service, implementing the DPS Microsoft SQL Server, and migrating the investigative management system (AIM) to SQL. The agency testified at the March 17, 2015, budget hearing that the entire \$2.3 million one-shot appropriation was projected to be expended.

According to the agency, the \$2.2 million recommendation for the 2015-17 biennium would represent the second phase of the modernization project, replacement of the core Computerized Criminal History (CCH) repository. The decision unit recommends the following costs to replace the CCH:

Description of Costs	FY 2016	FY 2017	2015-17 Biennium Total
Contracted Project Manager	\$280,000	\$280,000	\$560,000
EITS Programmer/Developer and Database Administrator	\$365,511	\$365,816	\$731,327
Maintenance and Support for webMethods Software	\$476,071	\$476,071	\$952,142
Totals	\$1,121,582	\$1,121,887	\$2,243,469

The agency has indicated to Fiscal staff that the CCH repository replacement would recreate the Base Administration and Arrest systems in a new environment using webMethods software, which would maintain the same functionality as the current USoft application. The state owns a site license for the webMethods software tool, so only maintenance and support for the software is requested.

The agency testified at the budget hearing that the goal of the second phase is to recode existing functionality into a modern IT environment, which could be easily modified and expanded to handle additional mandates, and be able to more easily communicate with disparate systems and address stakeholder needs. In response to Fiscal staff inquiries, the agency reported that the new system would also include the following enhancements:

- The ability to meet the Federal Bureau of Investigation's (FBI) National Fingerprint File standards by decoupling fingerprint-based criminal history records from name-based criminal history records.
- The ability to meet FBI and Western Identification Network (WIN) standards for the electronic transmission of biometric identification information.
- The ability for the system to accept multiple types of scanned images and attach them to records.
- The ability for DPS staff to perform tasks such as ad-hoc reports and queries.
- The ability to produce a rap sheet that meets national standards.
- The ability for more cautions and conditions to be brought to the attention of law enforcement on rap sheets.
- The ability for the system to notify agencies of more actions taken on records than are available today.
- The ability for the DPS to better manage user security administration and record retention timeframes.

Fiscal staff would note that the 2012 consultant study recommended an outsourced solution for the multi-year project, and the agency has indicated that utilizing contracted vendors was the division's original plan. However, the technology investment request (TIR) submitted for this recommendation indicates that the agency plans an in-house implementation utilizing Enterprise IT Services (EITS).

In response to Fiscal staff inquiries about the reason for this change in strategy, the agency indicated that it changed its plan based upon information gathered through the TIR process, and as a result of the IT consolidation with EITS during the 2013-15 biennium. According to the agency, the in-house option was selected based upon cost, based upon the relative ease of upgrading existing systems rather than purchasing and modifying Commercial Off-The-Shelf (COTS) products to meet the department's needs, and based upon EITS' assurances that EITS staff has the necessary technical expertise to take on projects of this magnitude.

As noted above, the project was originally estimated to be a six-year project with a total cost of \$18.8 million. The division indicated that it anticipates two future phases for the modernization project. As proposed, phase three (2017-19 biennium) would include a data warehouse for master person records, and phase four (2019-21 biennium) would include the development of a user portal.

At the budget hearing, the Subcommittee asked the agency what the total estimated cost of the NCJIS modernization would be with implementation by EITS, as compared to the original \$18.8 million estimate. The agency indicated that a projected cost could not be accurately determined, since the system requirements for future phases have not yet been defined. However, in response to Fiscal staff inquiries following the budget hearing, the division indicated that although it was hesitant to provide an estimate with unknown requirements, at this time it estimates total project costs of \$10.3 million with EITS implementation.

In discussions with the agency, division staff indicated that EITS had originally planned to hire two programmers for two years, with the costs indicated in the table above. However, because of certain decisions made by the Executive Budget Office, the EITS Administration - IT - Application Support budget decision unit related to supporting the NCJIS modernization project was changed to include contract hours, instead of new positions, in The Executive Budget. Because of the change in rates and hours that would result, according to EITS, from implementing this decision, Fiscal staff estimates that an increase of approximately \$130,000 over the 2015-17 biennium would be required to provide the agency with an equivalent level of programmer support. The EITS Administration - IT - Application Support budget was closed on April 30, 2015, by the Joint Subcommittee on General Government, which approved adding contract development staff in support of the NCJIS modernization project, contingent upon the approval of this decision unit.

The Subcommittee may wish to consider the following options:

- 1) Approve the Governor’s recommendation to continue phase two of the NCJIS modernization project with General Fund appropriations of \$2.2 million over the 2015-17 biennium.**
- 2) Approve the Governor’s recommendation to continue phase two of the NCJIS modernization project with General Fund appropriations of \$2.2 million over the 2015-17 biennium, and provide additional General Fund support of \$130,000 over the 2015-17 biennium for additional contracted programmer costs.**

The Subcommittee approved Option 2, to approve the Governor’s recommendation to continue phase two of the NCJIS modernization project with General Fund appropriations of \$2.2 million over the 2015-17 biennium, and provide additional General Fund support of \$130,000 over the 2015-17 biennium for additional contracted programmer costs.

2. Budget Amendment – Funding Change for the NCJIS Modernization Project: On April 3, 2015, the Fiscal Analysis Division received Budget Amendment A150684709 from the Executive Budget Office. The amendment would remove the General Fund appropriations of \$2.2 million allocated for the NCJIS modernization project, thereby funding the project with agency reserves. The agency testified at the budget hearing that when the EITS rates were finalized in The Executive Budget, the Criminal History Repository reserves were higher than had been anticipated. As a result, the agency indicated that phase two of the project during the 2015-17 biennium could be funded internally, rather than putting that burden on the General Fund.

However, when the EITS Administration - IT - Info Tech Consolidation DPS budget was closed on April 30, 2015, the Joint Subcommittee on General Government approved Fiscal staff’s recommendation to charge several DPS-specific costs directly to DPS in the 2015-17 biennium, rather than being merged into existing EITS cost pools that are charged to all EITS customers. The allocation to CHR for these DPS-specific costs totals \$2.3 million over the 2015-17 biennium, as discussed in Other Closing Item 4.

The agency has indicated to Fiscal staff that it would prefer to withdraw the budget amendment because of the additional EITS costs allocated to this budget. Fiscal staff performed an analysis to determine whether this budget’s reserves could fund the NCJIS modernization project in the 2015-17 biennium. The following table reflects the reserve levels, as recommended in The Executive Budget, and projected through FY 2020 using agency-provided revenue and expenditure projections:

TABLE 1: AGENCY RESERVES PER THE EXECUTIVE BUDGET							
	Actual	Estimated	Governor Recommends		Revenue and Expenditure Estimates*		
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning reserve	\$8,778,763	\$8,918,070	\$6,261,681	\$7,825,022	\$9,528,553	\$10,110,648	\$10,371,922
General Fund appropriation	\$100	\$100	\$1,121,682	\$1,121,987	\$100	\$100	\$100
General Fund reversion	(\$100)						
Revenues	\$14,177,340	\$15,514,784	\$15,832,620	\$16,172,612	\$15,832,620	\$15,832,620	\$15,832,620
Total funding sources	\$22,956,103	\$24,432,954	\$23,215,983	\$25,119,621	\$25,361,273	\$25,943,368	\$26,204,642
Expenditures	\$14,038,033	\$18,171,273	\$15,390,961	\$15,591,068	\$15,250,525	\$15,571,346	\$15,906,605
Total funds expended	\$14,038,033	\$18,171,273	\$15,390,961	\$15,591,068	\$15,250,525	\$15,571,346	\$15,906,605
Ending reserve	\$8,918,070	\$6,261,681	\$7,825,022	\$9,528,553	\$10,110,648	\$10,371,922	\$10,297,937
Total funding uses	\$22,956,103	\$24,432,954	\$23,215,983	\$25,119,621	\$25,361,173	\$25,943,268	\$26,204,542
*Revenues are based on FY 2016 revenue projections. Expenditures are based on FY 2016 expenditure projections, plus 4.5% increase each year for Personnel step increases, less the FY 2016 NCJIS modernization project costs.							

Table 1 reflects that per recommendations in The Executive Budget, the agency would have reserves of \$10.3 million at the end of FY 2020.

However, the following table shows the adjustments to reserves from 1) approval of the budget amendment and resulting removal of General Fund appropriations for NCJIS, 2) the EITS costs specific to DPS that will be a continuing allocation, and 3) the cost of the additional ten contracted positions to address the disposition backlog, which is anticipated to continue until the backlog is eliminated. Fiscal staff has italicized the adjustments to highlight them in the following table:

TABLE 2: AGENCY RESERVES, ADJUSTED							
	Actual	Estimated	Governor Recommends		Agency-Provided Revenue and Expenditure Projections		
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning reserve	\$8,778,763	\$8,918,070	\$6,261,681	\$5,191,519	\$4,401,594	\$3,612,220	\$2,502,025
General Fund appropriation	\$100	\$100	<i>\$100</i>	<i>\$100</i>	\$100	\$100	\$100
General Fund reversion	(\$100)						
Revenues	\$14,177,340	\$15,514,784	\$15,832,620	\$16,172,612	\$15,832,620	\$15,832,620	\$15,832,620
Total funding sources	\$22,956,103	\$24,432,954	\$22,094,401	\$21,364,231	\$20,234,314	\$19,444,940	\$18,334,745
Expenditures	\$14,038,033	\$18,171,273	\$15,390,961	\$15,591,068	\$15,250,525	\$15,571,346	\$15,906,605
<i>DPS-specific EITS costs</i>			<i>\$1,222,965</i>	<i>\$1,082,613</i>	<i>\$1,082,613</i>	<i>\$1,082,613</i>	<i>\$1,082,613</i>
<i>Additional 10 contracted positions for disposition backlog</i>			<i>\$288,956</i>	<i>\$288,956</i>	<i>\$288,956</i>	<i>\$288,956</i>	<i>\$288,956</i>
Total funds expended	\$14,038,033	\$18,171,273	\$16,902,882	\$16,962,637	\$16,622,094	\$16,942,915	\$17,278,174
Ending reserve	\$8,918,070	\$6,261,681	\$5,191,519	\$4,401,594	\$3,612,220	\$2,502,025	\$1,056,571
Total funding uses	\$22,956,103	\$24,432,954	\$22,094,401	\$21,364,231	\$20,234,314	\$19,444,940	\$18,334,745

Table 2 projects a reserve balance of \$1.1 million at the end of FY 2020. Fiscal staff would note that a minimum reserve level of \$4.0 million has historically been retained in the CHR budget to fund ongoing operations.

Because of the adverse effect to agency reserves demonstrated in Table 2, Fiscal staff would recommend that Budget Amendment A150684709 not be approved by the Subcommittee. If the budget amendment is not approved, General Fund appropriations would be retained to support phase two of the NCJIS modernization project during the 2015-17 biennium, and Fiscal staff projects a reserve balance of \$3.3 million at the end of FY 2020, as shown in the following table:

TABLE 3: AGENCY RESERVES, ADJUSTED, <u>WITHOUT</u> BUDGET AMENDMENT							
	Actual	Estimated	Governor Recommends		Agency-Provided Revenue and Expenditure Projections		
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning reserve	\$8,778,763	\$8,918,070	\$6,261,681	\$6,313,101	\$6,645,063	\$5,855,689	\$4,745,494
General Fund appropriation	\$100	\$100	\$1,121,682	\$1,121,987	\$100	\$100	\$100
General Fund reversion	(\$100)						
Revenues	\$14,177,340	\$15,514,784	\$15,832,620	\$16,172,612	\$15,832,620	\$15,832,620	\$15,832,620
Total funding sources	\$22,956,103	\$24,432,954	\$23,215,983	\$23,607,700	\$22,477,783	\$21,688,409	\$20,578,214
Expenditures	\$14,038,033	\$18,171,273	\$15,390,961	\$15,591,068	\$15,250,525	\$15,571,346	\$15,906,605
DPS-specific EITS costs			\$1,222,965	\$1,082,613	\$1,082,613	\$1,082,613	\$1,082,613
Additional 10 contracted positions for disposition backlog			\$288,956	\$288,956	\$288,956	\$288,956	\$288,956
Total funds expended	\$14,038,033	\$18,171,273	\$16,902,882	\$16,962,637	\$16,622,094	\$16,942,915	\$17,278,174
Ending reserve	\$8,918,070	\$6,261,681	\$6,313,101	\$6,645,063	\$5,855,689	\$4,745,494	\$3,300,040
Total funding uses	\$22,956,103	\$24,432,954	\$23,215,983	\$23,607,700	\$22,477,783	\$21,688,409	\$20,578,214

Does the Subcommittee wish to not approve Budget Amendment A150684709, as recommended by Fiscal staff?

The Subcommittee did not approve Budget Amendment A150684709.

3. Temporary Contract Staff for Disposition Backfill Project (E-235, PUBLIC SAFETY-131-132): The Governor recommends a transfer of federal grants funds from the Office of Criminal Justice Assistance of \$577,912 over the 2015-17 biennium to continue the funding for ten temporary contract positions to address the court dispositions backlog relating to outstanding arrest records.

As background for the Subcommittee, the agency testified at the June 2014 Interim Finance Committee (IFC) meeting that the backlog was created as a result of outreach to judges and courts to educate them about the statutory mandate to report dispositions to the Criminal History Repository. After the outreach effort, the agency received dispositions dating back 20 years, creating a backlog that grew to 883,811, as reported by the agency at the December 2014 IFC meeting. During FY 2015, the IFC approved a total of 30 staff (10 permanent positions and 20 temporary contract positions) to reduce the backlog. It should be noted that The Executive Budget recommends continuation of 20 staff (10 permanent positions and 10 temporary contracted positions).

The agency testified at the December 2014 IFC meeting that the disposition backlog would not be cleared by 2017 as originally estimated, due to additional dispositions being submitted after all Nevada courts began reporting, and the time it has taken to recruit, hire, and train staff. Additionally, the agency testified that it would begin a graveyard shift, likely in April 2015. During the budget hearing, the agency described the challenges experienced with hiring and retaining qualified staff to address the backlog, citing a 47 percent turnover rate with temporary positions. However, the division reported that 25 of the 30 positions were currently filled, and that efforts to fill the remaining five positions were continuing.

The agency has previously reported that the General Services Division (GSD) staff is performing dual data entry for the backlogged dispositions, entering them not only into the state criminal history system, but also into the FBI's criminal history system. The division testified at the budget hearing that one of the goals of the NCJIS modernization project is to eliminate dual data entry of dispositions with an interface to the FBI system. In response to Fiscal staff inquiries, the agency indicated that although the requirements for all phases have not yet been defined, the elimination of dual data entry would likely be addressed in phase three (2017-19 biennium) or phase four (2019-21 biennium).

In response to Fiscal staff inquiries about technology solutions for the disposition backlog, the agency indicated that currently only two Las Vegas courts have the ability to electronically transmit dispositions through the Administrative Office of the Courts (AOC) and into the GSD arrest database. However, this information does not include sentencing data, which is mailed to GSD for staff to manually enter to ensure a complete criminal history record. Additionally, the electronically transmitted disposition data does not automatically populate the criminal history records maintained by the FBI, so GSD staff must manually data enter the disposition and sentencing information in the FBI database.

The agency testified at the budget hearing that efforts have been made to establish an automated disposition interface with the courts, but have not been successful because of the absence of a centralized court system; the courts have disparate systems and utilize different data elements. Although the agency has collaborated with the AOC to develop a disposition submittal template for the courts, the division notes that technology solutions would not assist with the current backlog problem of old dispositions, which require individual research and manual data entry.

In response to Fiscal staff inquiries, the division reports that staff is able to data enter approximately 40 percent of all backlogged dispositions immediately upon initial research and validation. The remaining 60 percent require further research by staff in order to enter them into the criminal history system. The agency indicates that in an effort to produce higher data entry numbers, GSD has been unable to address the 60 percent of records that require further research and validation. However, moving forward management plans to have staff who work during the day shift research the problem dispositions, as most courts are only open during the day. Staff on swing shift and graveyard shift will focus their attention on the 40 percent of dispositions that contain the necessary information for data entry.

The division indicates that this change in handling the backlogged dispositions revises the timeline for completion since staff members will not focus solely on data entry. At the January 27, 2015, pre-session budget hearing, the division reported that the disposition backlog was 875,290 as of January 22, 2015. At the budget hearing, the agency indicated that the backlog was 857,742 as of March 20, 2015. The agency acknowledged that the estimated completion dates for elimination of the disposition backlog of 2017 or 2018 that were provided to the IFC would not be met, and that the division could not commit to another completion date because of so many variables.

As noted earlier, The Executive Budget recommends continuation of 20 staff (10 permanent positions and 10 temporary contract positions), but does not include the additional 10 contracted staff that were approved by the IFC. In response to Fiscal staff inquiries, the DPS indicated that the additional 10 contract positions would be requested for FY 2016, using reserve funding, via a work program at the June 2015 IFC meeting, and for FY 2017 at the June 2016 IFC meeting. Fiscal staff would note that requesting the additional 10 temporary contracted positions at the June 2015 IFC meeting would authorize them for the same starting date as if they had been included in *The Executive Budget*. Consequently, Fiscal staff would recommend that the Subcommittee consider approval of the additional 10 temporary contracted positions at this time.

The Subcommittee may wish to consider the following options:

- 1) Approve the Governor's recommendation to utilize federal grants funds of \$577,912 over the 2015-17 biennium to continue the funding for ten temporary contract positions to address the court dispositions backlog relating to outstanding arrest records.**
- 2) Approve the Governor's recommendation to utilize federal grants funds of \$577,912 over the 2015-17 biennium to continue the funding for ten temporary contract positions to address**

the court dispositions backlog relating to outstanding arrest records, and authorize the division to utilize reserve funding of \$577,912 over the 2015-17 biennium to continue the funding for an additional ten temporary contract positions.

The Subcommittee approved Option 2, to approve the Governor’s recommendation to utilize federal grants funds of \$577,912 over the 2015-17 biennium to continue the funding for ten temporary contract positions to address the court dispositions backlog relating to outstanding arrest records, and authorize the division to utilize reserve funding of \$577,912 over the 2015-17 biennium to continue the funding for an additional ten temporary contract positions.

4. New Positions for the Sex Offender Registry (E-227, PUBLIC SAFETY-130-131): The Governor recommends reserve funding of \$318,211 over the 2015-17 biennium to add three new positions, two Program Officers I and one Administrative Assistant IV, and associated costs, to support the Sex Offender Registry (SOR), which maintains a statewide registry of persons convicted of sex offenses and crimes against children. The SOR is responsible for registration requirements for sex offenders, ensuring appropriate assignment of offenders to registration tiers, offender compliance with specific statutory requirements related to registration, as well as providing criminal justice agencies and the public with accurate information on registered sex offenders.

According to the agency, the new positions are intended to reduce the annual caseload per worker from the current caseload of 557 to approximately 400-450. In response to Fiscal staff inquiries, the agency indicated that when tasked with a caseload in excess of 400-450 case files per worker, the likelihood of human error increases. Consequences of errors include a false arrest of a registrant due to untimely or inaccurate information, and assigning a registrant an incorrect tier level, which can result in possible harm to the public by not being aware of the potential risk posed by a registrant. Additionally, the division reported that the SOR is not currently meeting the FBI’s requirement of three days for initial data entry into the National Crime Information Center’s National Sex Offender Registry, due to high caseloads.

Currently, the SOR is staffed with 17 positions, including 2 Program Officers II, 12 Administrative Assistants IV and 3 Administrative Assistants III. The Administrative Assistants IV serve as case investigators and carry a caseload; the Administrative Assistants III provide clerical support; and the Program Officers II act in a supervisory role. This decision unit would add 1 Administrative Assistant IV position to serve as an additional case investigator. In addition to the new case investigator, The Executive Budget recommends 2 new Program Officers I to add another supervisory layer in the chain of command, audit the case files, prepare reports, and assume a one-half caseload to provide relief in caseload assignments. As currently structured, the existing 2 Program Officers II supervise a staff of 7 or 8. If the 2 new Program Officers I were approved, they would be placed in the chain of command between the Program Officers II and the Administrative Assistants.

The agency projects 5 percent annual growth in the SOR registrations based on historical averages. The chart below shows the historical and projected caseload information, provided by the agency, with the annual caseload per investigator, including the proposed new Administrative Assistant IV position, and the two Program Officers I, with each assuming a one-half caseload:

	Actual			Projected	Governor Recommends	
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Annual Verifications	5,748	6,262	6,342	6,680	7,004	7,384
SOR Case Investigators	11	11	12	12	14	14
Annual Caseload per Investigator	523	569	529	557	500	527

As shown in the chart above, it does not appear that this enhancement would reduce the annual per worker caseload to the 400-450 level that the agency indicates would be manageable for each worker. Fiscal staff would note that another two positions, in addition to the ones recommended in The Executive Budget, would be required to meet that goal, based on the agency's projected growth in caseloads.

Does the Subcommittee wish to approve the Governor's recommendation to add two Program Officers I and one Administrative Assistant IV position to support the Sex Offender Registry?

The Subcommittee approved the Governor's recommendation to add two Program Officers I and one Administrative Assistant IV position to support the Sex Offender Registry.

5. New Information Technology Positions (E-226, PUBLIC SAFETY-130): The Governor recommends reserve funding of \$314,103 over the 2015-17 biennium to add two new IT Professional positions, and associated costs, to support the Federal Bureau of Investigation's (FBI) National Crime Information Center's (NCIC) audit function and ensure the integrity of departmental information resources.

The first new IT Professional position would be utilized to ensure compliance with the FBI's technical security audit requirements. The agency indicates that the General Services Division (GSD) of the DPS is the agency in Nevada that provides access to the FBI's NCIC data for statewide law enforcement agencies through NCJIS. The FBI security policy requires GSD to perform a technical security audit on each of the connected agencies once every three years, to formally report the audit results, and to ensure that all audit findings are successfully addressed at each agency.

The division reports that the FBI audit requirement has existed for over ten years; however, the function has been inadequately staffed since the need was identified. The agency began by hiring an IT Manager, but the requirement to audit all agencies in a three-year cycle was not met during the FBI visit of 2004, nor was it met in 2007. The division indicates that an IT Professional was hired in 2009 to augment auditing capability. According to the agency, the FBI requirement was met in 2010, but only with the use of extensive overtime, by performing cursory audits, and by glossing over the fact that although the audits themselves had been performed, the follow up to ensure that audit findings were addressed was not performed. In response to Fiscal staff inquiries, the agency indicated that requirements of the October 2012 audit were met by switching from in-person audits to mail-in questionnaires. However, the agency reported that questionnaires are only about 30 percent effective in addressing compliance issues.

In response to Subcommittee questions about possible penalties for non-compliance, the agency testified at the budget hearing that the consequences could range from the FBI sending a letter to the Governor, up to the removal of access by the State of Nevada to FBI systems.

The second IT Professional recommended in The Executive Budget would be utilized as the department's Information Security Officer (ISO). The State of Nevada Information Security Committee's Standard 102, Section 6.0.1 provides that "Agencies shall appoint, in writing, one or more ISOs dependent on the organizational structure, who shall be responsible for development, implementation, management, training, and enforcement of policies and standards regarding the security of information and information technologies which includes all divisions, bureaus, boards and commissions under the agency's purview, regardless of physical office location." The agency notes that there are 33 current Nevada state security standards that apply to all executive branch agencies, which contain 227 separate responsibilities.

The agency reports that the IT Manager was appointed to this ISO role in 2011. However, all ISO resources have been focused on performing compliance activities related to FBI requirements, and so the departmental ISO role has in practical terms, never been filled. The agency further indicates that DPS is only partially protected through meeting the FBI technical security requirements. First, the FBI requirements are considered the minimum standard for criminal justice information security across thousands of agencies in all states. Second, the agency notes there is a great deal of DPS information that is not subject to NCJIS requirements. For instance, active case information or undercover activity may be far more sensitive than any data the FBI provides.

In response to Subcommittee questions, the agency indicated that the ISO would serve the entire department, not just the General Services Division. In response to Fiscal staff inquiries, the agency indicated that despite the consolidation of the DPS information technology function with EITS during the 2013-15 biennium, EITS does not provide any ISO duties to DPS.

Does the Subcommittee wish to approve the Governor’s recommendation to add two new IT Professional positions to support the FBI’s technical security audit function and ensure the integrity of departmental information resources?

The Subcommittee approved the Governor’s recommendation to add two new IT Professional positions to support the FBI’s technical security audit function and ensure the integrity of departmental information resources.

6. New Position for Civil Name Checks (E-232, PUBLIC SAFETY-131): The Governor recommends Civil Name Check fees of \$88,794 over the 2015-17 biennium to add one new Administrative Assistant, and associated operating costs, to the Program Development and Compliance (PD&C) Unit for Civil Name Checks (CNC). The CNC program was created because the casino industry was seeking a screening program for non-gaming employees, prospective employees, volunteers, or prospective volunteers that would allow them to quickly determine the criminal history of an applicant. The CNC program allows screening based on name, date of birth and social security number.

Currently, the agency has one Administrative Assistant to support the CNC program inquiries and research. The agency indicates that the manageable volume that one FTE can complete is approximately 115 per working day, or 27,600 per year. The agency projects 7 percent annual growth in the CNC program based on historical averages. The following chart shows the historical and projected caseload information, provided by the agency, with the annual caseload per worker, including the proposed new Administrative Assistant position:

	Actual			Projected	Governor Recommends	
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Annual Inquiries/Research	53,058	55,902	56,327	60,270	64,489	69,003
Administrative Assistant FTEs	1	1	1	1	2	2
Annual Caseload per Worker	53,058	55,902	56,327	60,270	32,245	34,502

As reflected in the table above, the division reports that the CNC program volume is currently too high for one FTE to process the inquiries and complete the research within the contracted user agreement three-day response time. The agency indicates that management must consistently redirect other higher-paid staff within the PD&C unit from their primary responsibilities to assist the existing Administrative Assistant.

In response to Fiscal staff inquiries, the agency indicated that the CNC program currently has 510 customers, and on average, 1 to 2 new customers are established per year. The agency further

noted that the projected 7 percent growth rate is based on historical growth with new customers, and projected volume with existing customers staffing up for seasonal hiring. During the budget hearing, the division testified that the addition of the Administrative Assistant would be sufficient to meet the CNC program needs.

Does the Subcommittee wish to approve the Governor's recommendation to add one new Administrative Assistant position to support the Civil Name Check program?

The Subcommittee approved the Governor's recommendation to add one new Administrative Assistant position to support the Civil Name Check program.

Other Closing Items

1. Equipment Replacement (E-710, PUBLIC SAFETY-133): The Governor recommends reserve funding of \$109,581 over the 2015-17 biennium to replace 27 desktop computers and monitors; 18 laptop computers and docking stations; 16 printers; 8 wireless headsets; 80 chairs; 20 key fobs for secured remote access; 1 UPS backup battery for the Fingerprint Examiners Unit; 9 UPS computer backups, and 20 surge protector strips. **This recommendation appears reasonable.**
2. New Equipment for the Fingerprint Examiners Unit (E-720, PUBLIC SAFETY-133): The Governor recommends reserve funding of \$9,750 in FY 2016 to purchase two printers and associated software licenses for the Fingerprint Examiners Unit. The printers would be used on the Automated Biometric Identification System, a network used for the transmission of live scanned fingerprints to the Criminal History Repository and the Federal Bureau of Investigations. **This recommendation appears reasonable.**
3. Cost Allocations (M-800/E-800, PUBLIC SAFETY-129,130,134): The Governor recommends reserve funding of \$152,556 over the 2015-17 biennium for Department of Public Safety internal cost allocations. **This recommendation appears reasonable.**
4. Cost Allocation for EITS Services Specific to DPS (New E-803): The Fiscal Analysis Division established this new decision unit in response to actions taken by the Joint Subcommittee on General Government in closing the EITS Administration - IT - Info Tech Consolidation DPS budget on April 30, 2015. These actions result in additional cost allocations of \$2.3 million over the 2015-17 biennium for the CHR budget.

The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's Enterprise Information Technology Services (EITS). Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS services provided to DPS, as discussed in the DPS - Director's Office budget. **This decision unit appears reasonable.**

5. Transfer Software Costs to EITS (E-900, PUBLIC SAFETY-134): The Governor recommends transferring software maintenance costs of \$200,000 over the 2015-17 biennium to the EITS Administration - IT - Computer Facility budget. According to the agency, these costs relate to the webMethods software utilized for the NCJIS modernization project; however, the \$200,000 transferred to EITS represents the portion of the software platform that would be utilized by EITS for other users. **This recommendation appears reasonable.**

Fiscal staff recommends approval of all Other Closing Items, and requests authority to make other technical adjustments as needed.

The Subcommittee approved all Other Closing Items, and authorized Fiscal staff to make other technical adjustments as needed.

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W10 - WORKING VERSION 10

Title: DPS - CAPITOL POLICE
 Account: 710 - 4727

Budget Page: PUBLIC SAFETY-171, Vol III

	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
Revenues							
BALANCE FORWARD	(8,139)						
INTERAGENCY TRANSFER	2,543,513	2,589,662	1.81	2,772,858	7.07	2,729,982	(1.55)
Total Revenues	2,535,374	2,589,662	2.14	2,772,858	7.07	2,729,982	(1.55)
Total FTE		25.00		21.00		21.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E225	00	4719	Adjust Transfer from Buildings and Grounds Revenue to correct contract security hours	(1,693)	(1,658)
E803	00	3873	Adjust Transfer from Dignitary Protection due to a decrease in DPS-EITS costs	(1,536)	(1,917)
E803	00	4719	Adjust Transfer from B&G due to a decrease in DPS-EITS costs	(6,145)	(7,661)
Sub-total				(9,374)	(11,236)
Line Item Changes to Revenues				(9,374)	(11,236)

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E225	12	7000	Correct contract security hours	(1,693)	(1,658)
E803	81	7000	Establish DPS Specific Billing for EITS Services	(7,681)	(9,578)
Sub-total				(9,374)	(11,236)
Line Item Changes to Expenditures				(9,374)	(11,236)
Total				0	0
Grand Total General Fund Impact of Closing Changes				0	0

Overview

Pursuant to *Nevada Revised Statutes* (NRS) 480.140, the Capitol Police provides for the safety of state employees, constitutional officers, state building properties, and the general public on state property on a 24-hour basis, 7 days a week. The agency is funded primarily through transfers from the Department of Administration, Buildings and Grounds Division, with some funding from the Dignitary Protection account. Total funding for the biennium is \$5.5 million, which represents a 7.1 percent increase compared to the \$5.1 million approved for the 2013-15 biennium.

Major Closing Issue

Elimination of Four Department of Public Safety (DPS) Officer Positions; Replacement with Three Contract Positions.

Discussion of Major Closing Issue

Elimination of Four DPS Officer Positions; Replacement with Three Contract Positions (E-225 and E-600, PUBLIC SAFETY-173 and 175): The Governor recommends eliminating four DPS Officer positions and replacing those positions with three armed contract security officers resulting in a net reduction in Transfers from Buildings and Grounds and Dignitary Protection of \$208,366 over the 2015-17 biennium. According to the Division of Human Resource Management, three of the four positions proposed for elimination are vacant. In follow up, the agency intends to reassign the remaining incumbent to a position that will be vacated prior to the end of FY 2015 due to retirement.

According to the justification included in The Executive Budget, the armed contract security officers would monitor assigned state buildings that do not require peace officer duties after normal work hours, specifically, the Grant Sawyer Building in Las Vegas, the Capitol, and the Attorney General's Office in Carson City. Based on the information provided by the agency, contract security officers would provide services eight hours a day, seven days a week (after normal work hours including holidays) at the Grant Sawyer Building and the Capitol. Since the Attorney General's Office (AG) in Carson City is closed on weekends and holidays, security officers would monitor the AG's office 10 hours per day, 5 days a week. The table below shows the current staffing and proposed staffing levels for the Capitol Police.

Position	Current FTE	Proposed FTE	FTE Change	Assignment
Chief/Administrator	1	1	-	Carson City
DPS Officer II	1	1	-	Las Vegas
DPS Officer II	2	1	(1)	Carson City
DPS Officer I	7	6	(1)	Grant Sawyer Building
DPS Officer I	8	8	-	Capitol Complex
DPS Officer I	1	0	(1)	AG Office Carson City
DPS Officer I	5	4	(1)	Governor's Mansion
Total	25	21	(4)	

Note: DPS Officer II positions include supervisory and patrol duties

In discussing position eliminations with the agency, they indicated the proposed contract security officer hours do not directly coincide or is not a one-to-one match with the number of positions proposed for elimination. According to the agency, since the Capitol Complex has been identified as "critical infrastructure" it requires more security oversight. In addition, the agency determined four DPS officer positions would be sufficient to monitor the Governor's Mansion instead of five. Further, the agency indicates using contract security officers during graveyard shifts would allow the agency to use DPS officers during peak hours of activity (normal work hours) to respond to calls for services without requiring outside assistance.

Staff would note, the agency submitted a FY 2015 non-IFC work program for contract security services as a pilot program for the Grant Sawyer Building in Las Vegas and was approved to continue the contract services through the end of FY 2015 at the December 8, 2014, IFC meeting. Additionally, a FY 2015 work program was also approved at the April 9, 2015, IFC meeting for new contract security services to monitor the Capitol building and the Nevada Attorney General's Office in Carson City through the end of FY 2015 using vacancy savings.

At the February 10, 2015, budget hearing, the agency testified issues with recruitment and retention of DPS Officers prompted the agency to initiate a pilot program to utilize contract security officers to specific areas working from 11 pm to 7 am with some overlap with existing DPS Officers and has determined the pilot program has been successful. The agency further testified the elimination of four DPS Officer positions would not impact the agency's emergency response time as existing staff would be stationed in areas where employees work 8 am to 5 pm shifts, which is where the majority of the population is housed. The agency indicates the pilot program and the recommendation to use contract security staff is cost efficient; maintains the same level of service; and assists with the recruitment and retention issues faced by the agency.

Security Protocols

Pursuant to staff inquiry, the agency indicates security protocols for the contract security officers would include the following:

- a) Background investigation prior to employment;
- b) Issuance of electronic key cards programmed for access to common and public areas only;
- c) Requirement to log all nightly activities; and

- d) Use of cellular telephone and radios with limited capability to allow direct contact with DPS Officers if assistance is required or needed.

Further, the agency testified at the budget hearing that meetings were held with the affected agencies and safety committees notifying them of the recommendation and communicating the results of hiring contract security services.

Recruitment and Retention Issues

The agency indicates they have continuous issues with recruitment and retention of DPS Officer positions. Further, the agency indicates a 5 percent success rate in hiring qualified candidates due to division-specific training requirements and the time it takes before the candidate is assigned to work for the agency, which could take up to 18 months. Per the Division of Human Resource Management as of April 26, 2015, the agency has eight vacant DPS Officer positions, which represents a 32 percent vacancy rate. According to the agency, increased turnover is primarily due to retirements and promotional transfers to other law enforcement agencies.

The agency indicates the department is aggressively recruiting for DPS Officer positions including targeting out-of-state applicants, military, and college graduates. Further, specific recruitments have been posted on the state's website and out-of-state professional associations for Capitol Police DPS Officer positions; however, the outside recruitments only generated one hire in the current biennium. The agency further indicates that although the agency provided training opportunities and progressive/supportive management style, retention is still an issue due to the parity between DPS Officer positions in the Capitol Police and DPS Officer positions in other divisions. Specifically, Capitol Police Officers are in the DPS Officer I series (grade 33) and may only progress to the DPS Officer II (grade 36) series through promotion to other divisions. Additionally, Capitol Police supervisors have the same duties and responsibilities as a DPS Sergeant but are paid less. According to the agency, the cost to align the remaining DPS Officer positions in the Governor recommended budget with other divisions within the department is approximately \$419,231 over the 2015-17 biennium.

For this decision unit, The Executive Budget recommends 8,556 contract security hours per year with a starting per hour rate of \$25.60 in FY 2016 and a 2.5 percent per hour rate increase per year, for a total cost of \$444,393 over the biennium. Fiscal staff notes, the agency submitted a revised spreadsheet, which identified errors in contract security hours submitted with The Executive Budget, which corrected the total contract security hours to 8,490 per year, resulting in decreased security contract costs by \$3,351 over the biennium. A technical adjustment to correct the error is included in this closing document.

Does the Subcommittee wish to approve the Governor's recommendation to eliminate four Department of Public Safety Officer positions and replace those positions with three armed contract security officers resulting in a net reduction in Transfers from Buildings and Grounds and Dignitary Protection of \$211,717 over the 2015-17 biennium with the \$3,351 technical adjustment noted?

The Subcommittee voted to approve the Governor's recommendation to eliminate four Department of Public Safety Officer positions and replace those positions with three armed contract security officers resulting in a net reduction in Transfers from Buildings and Grounds and Dignitary Protection of \$211,717 over the 2015-17 biennium with the \$3,351 technical adjustment noted by staff.

Other Closing Items

1. Fleet Services (E-227, PUBLIC SAFETY-173-174): The Governor recommends increasing Transfer from Buildings and Grounds revenue by \$22,175 over the 2015-17 biennium for one leased vehicle from Fleet Services and associated law enforcement vehicle equipment. According to the agency, the addition of one leased vehicle with law enforcement equipment would allow increased response time in emergency situations and eliminate ride-sharing with other DPS officers. **This recommendation appears reasonable.**

2. Uniform Replacement (E-230, PUBLIC SAFETY-174): The Governor recommends \$2,515 in each year of the 2015-17 biennium for new and replacement uniforms. **This recommendation appears reasonable.**
3. Programmer Hours (E-247, PUBLIC SAFETY-174-175): The Governor recommends \$1,048 in each year of the 2015-17 biennium for additional programmer hours to maintain and update the agency's online citizen crime and incident reporting software. **This recommendation appears reasonable.**
4. Equipment Replacement (E-710, PUBLIC SAFETY-176): The Governor recommends \$1,763 in Transfer from Buildings & Grounds in FY 2016 to replace one computer and associated software. **This recommendation appears reasonable.**
5. Equipment Replacement (E-712, PUBLIC SAFETY-176): The Governor recommends \$43,471 in Transfer from Buildings & Grounds over the 2015-17 biennium for law enforcement equipment associated with the replacement of four Fleet Services vehicles. **This recommendation appears reasonable.**
6. Internal Cost Allocations (M-800; E-800, PUBLIC SAFETY-173,176-177): The Governor recommends a net increase of \$72,358 in cost allocation assessments for services provided by the DPS General Services Division, Director's Office, the Office of Professional Responsibility, and the Evidence Vault. **This recommendation appears reasonable.**
7. DPS/EITS Consolidation: The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's Enterprise Information Technology Services (EITS). Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS' services provided to DPS, as discussed in the Director's Office budget. **Fiscal staff seeks authority to make technical adjustments to accurately reflect the EITS' services provided to DPS.**

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with authority for staff to make technical adjustments as necessary.

The Subcommittee voted to approve the Other Closing Items as recommended by the Governor, with authority for staff to make technical adjustments as necessary.

Informational Item/No Action Required

Senate Bill 111, as amended, requires each uniformed peace officer to wear a portable event recording device; provides that records made by the portable event recording devices are public records and may be requested under certain circumstances; and requires each law enforcement agency to adopt initial policies and procedures governing the use of portable event recording devices. The Department of Public Safety submitted an unsolicited fiscal note indicating that based on the first reprint of the bill, DPS would expend \$856,890 to implement provisions of the bill for three divisions; Highway Patrol, Fire Marshal, and the Capitol Police, with future estimated annual maintenance costs at \$516,168. The bill was re-referred to Senate Committee on Finance on April 9, 2015.

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 Budget Closing Action Report
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 W10 - WORKING VERSION 10

Title: DPS - HIGHWAY SAFETY PLAN & ADMIN
Account: 101 - 4688

Budget Page: PUBLIC SAFETY-184, Volume III

	2013-14 Actual	2014-15 WP	%	2015-16 GOV REC	%	2016-17 GOV REC	%
Revenues							
FEDERAL FUND	56,859	63,224	11.19	65,586	3.74	69,155	5.44
HIGHWAY FUND	186,486	182,898	(1.92)	285,031	55.84	280,878	(1.46)
INTERAGENCY TRANSFER	4,328,355	6,030,651	39.33	3,065,642	(49.17)	3,059,008	(0.22)
REVERSIONS	(4,443)						
Total Revenues	4,567,257	6,276,773	37.43	3,416,259	(45.57)	3,409,041	(0.21)
Total FTE		10.00		10.00		10.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16	2016-17
E803	00	2507	Reduce Highway Fund appropriations for EITS services specific to DPS.	(736)	(1,187)
E803	00	4669	Reduce Office of Traffic Safety transfers for EITS services specific to DPS.	(736)	(1,187)
Sub-total				(1,472)	(2,374)
Line Item Changes to Revenues				(1,472)	(2,374)

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16	2016-17
E803	81	7000	Establish DPS Specific Billing for EITS Services	(1,472)	(2,374)
Sub-total				(1,472)	(2,374)
Line Item Changes to Expenditures				(1,472)	(2,374)

Total	0	0
Grand Total General Fund Impact of Closing Changes	0	0

Overview

The Office of Traffic Safety (OTS) is responsible for the state's highway safety plan. The plan details how long-range federal and state goals comply with the program standard adopted pursuant to the Highway Safety Act of 1966. The OTS mission is to reduce the number and severity of motor vehicle crashes, injuries and fatalities on Nevada's roadways. The OTS administers grant awards through the Traffic Safety budget account for overtime, equipment and training to state and local safety agencies.

Major Closing Issues

There are no major issues.

Other Closing Items

- Database Programming (E-247, PUBLIC SAFETY-187): The Governor recommends \$18,923 (\$9,462 Highway Fund appropriations) over the 2015-17 biennium to provide ongoing EITS maintenance and programming services for the Nevada Citation and Accident Tracking System (NCATS) database maintained by DPS as required by NRS 484E.110. The NCATS system is used to assist DPS and other Nevada law enforcement agencies in focusing limited resources on problematic traffic areas. **This recommendation appears reasonable.**

2. New Equipment (E-720, PUBLIC SAFETY-188): The Governor recommends federal funds of \$1,398 in FY 2016 to purchase two tablet computers. The agency indicates that the tablets would allow staff to access email and urgent requests while traveling for education and meetings. **This recommendation appears reasonable.**
3. Cost Allocations (M-800, E-800, PUBLIC SAFETY-186-188): The Governor recommends \$26,992 (\$13,495 Highway Fund appropriations) over the 2015-17 biennium for adjustments to the division's cost allocations for services provided by the DPS General Services Division and the Director's Office. **This recommendation appears reasonable.**
4. Cost Allocation for EITS Services Specific to DPS (New E-803): The Fiscal Analysis Division established this new decision unit in response to actions taken by the Joint Subcommittee on General Government in closing the EITS Administration - IT - Info Tech Consolidation DPS budget on April 30, 2015. These actions result in a reduction of cost allocations of \$3,846 over the 2015-17 biennium for the Office of Traffic Safety budget.

The 2013 Legislature approved the Governor's recommendation to consolidate DPS information technology (IT) services with the Department of Administration's Enterprise Information Technology Services (EITS). Under the proposal, an EITS consolidation budget was approved to temporarily account for the consolidation costs. For the current biennium, EITS and DPS were directed to determine how DPS IT resources, costs, and services would be integrated into the EITS' budgets and cost pools to facilitate the elimination of the DPS/EITS Consolidation budget. Although The Executive Budget recommends the elimination of the DPS/EITS Consolidation budget for the 2015-17 biennium, adjustments are necessary to accurately reflect the EITS services provided to DPS, as discussed in the DPS - Director's Office budget. **This decision unit appears reasonable.**

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with authority for staff to make technical adjustments as necessary.

<p>The Subcommittee recommended approval of the Other Closing Items in this budget as recommended by the Governor, with authority for Fiscal staff to make other technical adjustments, as needed.</p>

Nevada Legislative Counsel Bureau
 Budget Closing Action Report
 Public Safety, Natural Resources and Transportation Joint
 Subcommittee
 W01 - GOVERNOR RECOMMENDS

Title: DPS - PAROLE BOARD
 Account: 101 - 3800

Budget Page: PUBLIC SAFETY-219, Volume III

Revenues	2013-14 Actual	2014-15 WP	% Chg	2015-16 GOV REC	% Chg	2016-17 GOV REC	% Chg
BALANCE FORWARD	(44,134)						
GENERAL FUND	2,534,977	2,463,680	(2.81)	2,787,022	13.12	2,677,216	(3.94)
INTERIM FINANCE	44,134						
REVERSIONS	(29,653)						
Total Revenues	2,505,324	2,463,680	(1.66)	2,787,022	13.12	2,677,216	(3.94)
Total FTE		25.00		26.00		26.00	

Adjustments to Revenue

Dec Unit	Cat	GL	Description	2015-16 Gov Rec	2016-17 Gov Rec
Sub-total				0	0
Line Item Changes to Revenues				0	0

Adjustments to Expenditures

Dec Unit	Cat	GL	Description	2015-16 Gov Rec	2016-17 Gov Rec
Sub-total				0	0
Line Item Changes to Expenditures				0	0

Total				0	0
Grand Total General Fund Impact of Closing Changes				0	0

Overview

The Board of Parole Commissioners is responsible for evaluating eligible inmates for parole to consider whether the release of the inmate is compatible with the health, safety and welfare of society. The Parole Board (Board) also conducts parole violation hearings for those parolees alleged to have violated the conditions of their parole. The full-time board consists of a chairman and six commissioners, each appointed by the Governor. Commissioners conduct inmate hearings either in person or via videoconferencing for all of the prison locations throughout the state each month. To assist the Board in meeting hearing requirements, NRS 213.133 permits the Board to appoint and utilize hearing representatives who hear, consider, and make recommendations subject to final approval of a majority of the Board members. The budget is funded entirely by General Fund Appropriations.

The Executive Budget recommends total funding of \$5.5 million over the 2015-17 biennium, representing a 9.3 percent increase over the 2013-15 legislatively approved amount of \$5.0 million.

Major Closing Issues

1. Position Restoration
2. Upgrades to the Nevada Offender Tracking Information System (NOTIS)

Discussion of Major Closing Issues

1. **Position Restoration (E-225, PUBLIC SAFETY-221)**: The Governor recommends General Fund appropriations of \$169,434 over the 2015-17 biennium for a Management Analyst (MA) position and associated operating costs in the Carson City office. The agency indicates the position would coordinate the Sex Offender Program; plan and coordinate the Lifetime Supervision Program; provide administrative support to the Board; and review reports and case files to determine requirements set forth in applicable statutes and regulations.

As background information, the 2011 Legislature approved the Governor's recommendation to eliminate the MA position as a cost-savings measure during the recession. Follow-up information from the agency indicates that the elimination of the MA position has caused delays in conducting Board hearings, staff providing incorrect assessments during hearings, and confusion regarding statutory requirements of sexual offenders. Additionally, the agency indicates that recently Board staff, the Board, and the Attorney General's (AG) Office spent a considerable amount of time sorting through requirements for an appeal from a decision of Lifetime Supervision and cited that a trained, dedicated position to assist the Board would have been beneficial.

According to the agency, since the elimination of the MA position in 2011, the duties of the MA position have been absorbed by existing staff, which resulted in a lack of efficiency in coordinating the Sex Offender Program. The agency further indicates the need for the MA position is primarily due to an increased caseload. Although requested by Fiscal staff, the agency was unable to provide data demonstrating the increased caseload or lack of efficiency in coordinating the Sex Offender Program. The agency advised Fiscal staff that maintaining caseload data for the Sex Offender Program is a manual task and deemed by the agency as non-essential. However, the agency obtained information from the Division of Parole and Probation, which indicates that the current number of offenders on Lifetime Supervision is 1,618, which the agency stated represents a small portion of the Sex Offender Program. At the February 10, 2015, budget hearing, the agency testified that the MA position, if approved, would be tasked with tracking Sex Offender Program data; lawsuits with the AG's Office; and organizing/analyzing tier offender statutory information regarding lifetime supervision, and lifetime parole.

On July 27, 2006, President Bush signed into law the Adam Walsh Act to protect children from sexual exploitation and violent crimes, prevent child abuse and child pornography, and promote Internet safety. The bill created a new federal felony offense for failing to register as a sex offender as required by the Sex Offender Registration and Notification Act (SORNA) and established a new baseline sex offender registry standard.

To comply with the federal acts, the 2007 Legislature enacted Assembly Bill (A.B.) 579, which changed the tier assignment of sex offenders and expanded the scope of sex offender registration and notification requirements; and Senate Bill (S.B.) 471 which requires incarcerated sex offenders and offenders convicted of a crime against a child to register with a local law enforcement agency before being released from prison. The legislation also requires offenders to provide a biological specimen at the time of registration, increased the minimum sentence for certain sexual offenses committed against a child, revised the penalty for a violation of a condition imposed pursuant to the program of lifetime supervision, and revised provisions concerning the procedures for parole hearings.

In 2008, the American Civil Liberties Union of Nevada brought a civil action challenging the retroactive application of A.B. 579 and S.B. 471, which resulted in a district court staying implementation of the law. In April 2012, the Ninth Circuit Court of Appeals issued a ruling which upheld A.B. 579 as constitutional, including its retroactive application. The permanent injunction issued by the District Court in 2008 was lifted and A.B. 579 has gone into effect. However, the Ninth Circuit Court of Appeals

stated that the laws concerning certain residency requirements cannot be applied retroactively and has upheld the injunction for S.B. 471. In February 2014, the Nevada Supreme Court placed a temporary stop on the implementation of A.B. 579 and S.B. 471 after a lawsuit filed in Clark County objected to the law. At the budget hearing, the agency testified the Supreme Court injunction to A.B. 579 (2007) and S.B. 471 (2007) is still in place. However, if the injunction were lifted, the Parole Board would be required to establish conditions for certain sex offenses; parole and lifetime supervision; and tier assessments. The agency indicated that the MA position is also needed to address the implementation of A.B. 579 (2007) and S.B. 471 (2007) should the injunction to stay the litigation be lifted.

Does the Subcommittee wish to approve the Governor's recommendation for General Fund appropriations of \$169,434 over the 2015-17 biennium to restore a Management Analyst position and associated operating costs for the Sex Offender Program?

The Subcommittee voted to approve the Governor's recommendation for General Fund appropriations of \$169,434 over the 2015-17 biennium to restore a Management Analyst position and associated operating costs for the Sex Offender Program.

2. Upgrades to Nevada Offender Tracking Information System (NOTIS) (E-230, PUBLIC SAFETY-222): The Governor recommends a General Fund appropriation of \$101,395 in FY 2016 for contract services to modify Parole Board modules in NOTIS summarized as follows:
 - a) Parole Violation Report: Update the Parole Board's Violation report to be compatible with the Nevada Department of Corrections' (NDOC) new Sentence Calculation and Data Entry System.
 - b) Parole Board Maintenance Module: Update the maintenance module to allow designated Parole Board staff the ability to manage the screen-specific reference domains and associated codes within the module. The agency indicates the maintenance module in NOTIS has limited reference domains that can be updated.
 - c) Integrated Word Processing Module (IWPM): Update the IWPM to allow designated Parole Board staff to modify the system. According to the agency, Parole Board NOTIS users cannot make changes to IWPM, which requires the Nevada Department of Corrections (NDOC) programmers to make changes in the system.
 - d) Parole Hearing Detail Page: Update the Hearing Details screen to display the scheduled hearing time and hearing location of an offender.

At the budget hearing, the agency testified the existing module in the NOTIS system does not show the time and hearing location for an offender, which causes confusion and people showing up to hearings at incorrect times. The agency anticipates an upgrade to the system would alleviate confusion.

Fiscal staff notes, the 2013 Legislature approved a part-time IT Professional position in the Nevada Department of Corrections budget dedicated to provide IT support for the Parole Board. At the budget hearing, the agency testified that the part-time position in NDOC is tasked with system programming and the recommended upgrades in this decision unit are basic changes to existing maintenance modules in the system, which does not require system programming. Justification included in The Executive Budget indicates system changes requested through NDOC take time to be processed and often result in delays. At the budget hearing, the agency testified that the proposed upgrades to the system would alleviate requiring the part-time IT Professional in NDOC from performing basic and minor changes in the system, which would allow for other major programming needs to be performed in a timely manner.

Does the Subcommittee wish to approve the Governor’s recommendation for General Fund appropriations of \$101,395 in FY 2016 for contract services to modify Parole Board modules in NOTIS?

The Subcommittee voted to approve the Governor’s recommendation for General Fund appropriations of \$101,395 in FY 2016 for contract services to modify Parole Board modules in NOTIS.

Other Closing Items

1. Hearing Representative Contract (E-350, PUBLIC SAFETY–222): The Governor recommends General Fund appropriations of \$16,800 in each year of the 2015-17 biennium for hearing representatives to perform in absentia reviews (cases where the inmate is not present) for parole grants that do not require a hearing. The Board is authorized to use hearing representatives pursuant to NRS 213.135. Per NRS 213.133, matters before the Board can be heard by one member of the Board assisted by a case hearing representative. **This recommendation appears reasonable.**
2. Equipment Replacement E-710, PUBLIC SAFETY–223: The Governor recommends General Fund appropriations of \$39,296 in FY 2016 to replace one printer, videoconference equipment for two sites (Las Vegas/Carson City), one scanner, five televisions, two fax machines, and computer software replacement. **This recommendation appears reasonable.**
3. Cost Allocations (M-800 and E-800, PUBLIC SAFETY–221 and 223): The Governor recommends General Fund appropriations of \$5,535 to pay for services provided by the DPS Director’s Office. **This recommendation appears reasonable.**
4. Caseload Information: The Parole Board has provided the 2014 actual caseload as well as projected caseload information for FY 2015 and the upcoming biennium as shown in the table below:

Parole Board Caseload				
	FY 2014 Actual	FY 2015 Projected	FY 2016 Projected	FY 2017 Projected
Regular Hearings	4,792	4,777	4,862	5,089
Regular Granted	2,677	2,669	2,716	2,843
Percent Granted	56%	56%	56%	56%
Mandatory Hearings	2,057	2,051	2,087	2,185
Mandatory Granted	1,196	1,192	1,213	1,270
Percent Granted	58%	58%	58%	58%
Parole Violation Hearings	815	819	823	827
Parole Revocations	688	686	698	731
Percent Revoked	84%	84%	85%	88%
Data provided by the Parole Board, January 2015				

Fiscal staff recommends the Other Closing Items be approved as recommended by the Governor, with authority for staff to make technical adjustments as necessary.

The Subcommittee voted to approve the Other Closing Items as recommended by the Governor, with authority for staff to make technical adjustments as necessary.

Informational Item/No Action Required

Senate Bill 99 revises provisions regarding the community notification of sex offenders and offenders convicted of a crime against a child and provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. The Senate Committee on Judiciary amended the bill to, among other things, add aggravated sexual offenses to existing statute. The bill was re-referred to the Senate Committee on Finance on April 20, 2015.