

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session
February 24, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:30 p.m. on Thursday, February 24, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joe Heck, Vice Chair
Senator Maurice E. Washington
Senator Mark E. Amodei
Senator Michael Schneider
Senator Maggie Carlton
Senator Steven Horsford

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Stephanie Landolt, Committee Intern
Joshua Selleck, Committee Intern
Lee-Ann Keever, Committee Secretary

OTHERS PRESENT:

Virginia (Ginny) Lewis, Director, Department of Motor Vehicles
Martha Barnes, Administrator, Central Services and Records Division,
Department of Motor Vehicles
Andrew Alan List, Executive Director, Nevada Association of Counties
J. David Fraser, Executive Director, Nevada League of Cities and Municipalities
George Togliatti, Director, Department of Public Safety
Giles E. Vanderhoof, The Adjutant General, State of Nevada, Special Advisor on
Homeland Security
Philip H. Brown, Chief, Investigations Divisions, Department of Public Safety

Chair Nolan said a Committee introduction was needed for Bill Draft Request (BDR) 43-362.

BILL DRAFT REQUEST 43-362: Increases term of imprisonment under certain circumstances for driver of vehicle who leaves scene of accident involving bodily injury to or death of person. (Later introduced as [Senate Bill 141](#).)

SENATOR AMODEI MOVED TO INTRODUCE BDR 43-362.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Nolan opened the hearing on Senate Bill (S.B.) 12.

SENATE BILL 12: Creates Motor Carrier Division within Department of Motor Vehicles. (BDR 43-610)

Virginia (Ginny) Lewis, Director, Department of Motor Vehicles (DMV), said S.B. 12 was a Department bill which would add the Motor Carrier Division (MCD), Compliance and Enforcement Division, DMV to the DMV divisions listed in *Nevada Revised Statutes* (NRS) 481.0473. Ms. Lewis told the Committee members that the DMV had been reorganized in 1999. Since that time, the DMV fine-tuned its organizational structure, making changes pursuant to NRS 481.051 subsection 2.

Ms. Lewis said the DMV had a responsibility to routinely evaluate its organization. Such evaluation ensured the DMV operated at optimum efficiency, while meeting the needs of both its internal and external customers.

Ms. Lewis explained that as a result of the 1999 reorganization, the Compliance Enforcement Division (CED) became responsible for the regulatory and enforcement aspects of the automobile industry, the Emissions Control Program, and the salvage, wrecker, body shop and garage programs. Additional responsibilities for the CED included motor carrier activities which focused on

the collection and administration of fuel tax laws and commercial vehicle licensing.

Ms. Lewis stated the MCD collected and distributed in excess of \$400 million per year from the motor fuel tax on behalf of the cities, counties, municipalities and airports in Nevada.

Ms. Lewis said the DMV recognized the diversity, complexity and importance of its divisions and program areas. She explained both the MCD and the CED wanted separate oversight at a division level by administrators who give their time and attention to each division.

Ms. Lewis said she wanted the MCD to be a stand-alone division of the DMV. To achieve that, she researched the appropriate NRS and met with the DMV's legal counsel prior to requesting a BDR which would transfer the MCD from the CED to the DMV. Ms. Lewis reviewed NRS 481.051, subsection 2 which read: "The Director may organize the Department into various divisions, alter the organization and reassign responsibilities and duties as he deems appropriate."

The DMV's legal counsel, the Office of the Attorney General, told Ms. Lewis she could request the changes to the DMV's organizational structure. Ms. Lewis said the organizational restructuring had already occurred in 2004, which meant S.B. 12 was needed to make the restructuring legal.

Senator Carlton asked whether or not a fiscal note was attached to S.B. 12. Ms. Lewis explained there would be no fiscal impact as the move would be paper only.

Senator Carlton said the 1999 reorganization of State agencies was one of the first pieces of legislation on which she worked. The Senator asked if the MCD had been a part of the DMV prior to the 1999 reorganization. Ms. Lewis told her in 1999 the DMV had been called the Department of Motor Vehicles and Public Safety (DMVPS). At that time, a major reorganization occurred within the DMV branch of the DMVPS, when the MCD was part of the DMV. In 2001, two separate entities were created when the DMVPS had been reorganized into the Department of Motor Vehicles and the Department of Public Safety.

Chair Nolan said the Nevada Sheriffs' and Chiefs' Association and the Nevada Motor Transport Association supported S.B. 12, but would not be providing testimony to the Committee.

SENATOR WASHINGTON MOVED TO DO PASS S.B. 12.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Nolan opened the hearing on S.B. 87.

SENATE BILL 87: Eliminates additional fee charged for renewal of driver's license by mail. (BDR 43-1036)

Martha Barnes, Administrator, Central Services and Records Division, Department of Motor Vehicles, explained that S.B. 87 would eliminate the fees which supported the driver's license by mail renewal program. The program had been established in 1995 by the Drivers' License Division and was funded by a \$1.50-per-renewal fee. After the 1999 reorganization, the program was transferred to the Central Services Division, DMV.

Since that time, DMV expanded the Department's programs which permitted people in Nevada to use alternative technological means by which to renew their driver's licenses. The alternative technologies included telephone, kiosk or the Internet in addition to using the mail or going to a DMV office. The DMV did not charge additional fees when alternative technologies were used to renew a driver's licenses. Due to that fact, the DMV wanted to eliminate the \$1.50 charged per NRS 483.383 when a person renewed through the mail.

Ms. Barnes told the Committee that the Central Services and Records Division's Budget Account 4741 had been built around the requested change by using Highway Fund appropriations to cover the loss of revenue should S.B. 87 be passed.

Chair Nolan wanted to know about the fees currently collected and for what those fees were used. Ms. Barnes said the fees were dedicated to the driver's license renewal by mail program and the money collected was used to purchase office supplies. Ms. Barnes said the DMV wanted to replace the revenue generated through the collection of the \$1.50 fee with General Fund appropriations. Annually, the collection of the \$1.50 fee resulted in approximately \$100,019 being collected by the DMV.

Chair Nolan asked whether the allocation of the revenues would be to the municipalities. Ms. Barnes replied, "No," adding the \$1.50 fee was intended to support the program. She noted when alternative technology was used to renew a driver's license, no additional fees were charged. The DMV wanted to eliminate the \$1.50 fee associated with renewing a driver's license by mail as DMV customers paid those fees.

Chair Nolan said there was opposition to S.B. 87 and requested Ms. Barnes remain available to answer any questions that might arise.

Andrew Alan List, Executive Director, Nevada Association of Counties, said he and J. David Fraser, Executive Director, Nevada League of Cities and Municipalities, were not concerned about S.B. 87, but rather BDR 43-1038.

BILL DRAFT REQUEST 43-1038: Authorizes the Department of Motor Vehicles to recover debit and credit card fees from the entities that receive revenue from taxes and fees that were paid by debit or credit cards. (Later introduced as Assembly Bill 435).

Mr. Fraser said BDR 43-1038 proposed to withhold the merchants' fees charged by credit card companies from the distribution of monies to local governments. The DMV received 6 percent of the merchants' fee to administer the program. Mr. Fraser noted the DMV had been accepting credit card payments for the past six years and had been bearing the costs associated with the credit card transactions during that time.

Mr. Fraser said through S.B. 87 and BDR 43-1038, the DMV was requesting an additional 2 percent over the 6 percent it already received for administering the program. The additional money would not be distributed to local governments, which was the reason he and Mr. List objected to S.B. 87. Mr. Fraser stated

that if the DMV did not need the funds collected from the \$1.50 fee, then it should not use BDR 43-1038 to withhold money from local governments.

Mr. List said the DMV should not be eliminating one set of fees while shifting another set of fees to local governments. Mr. List stated he would not provide extensive testimony on BDR 43-1038 until it was scheduled for a hearing. He requested the Committee hear both measures at the same time. Mr. List also wanted information on DMV's overall budget picture. Mr. List stressed he and Mr. Fraser would oppose S.B. 87 only if BDR 43-1038 were assigned a bill number and legislative hearings conducted on it.

Senator Washington said he thought S.B. 87 and BDR 43-1038 were two separate issues. The \$1.50 fee was for the renewal of a driver's license through mail. Senator Washington said that if the DMV wanted to eliminate the \$1.50 fee it should be allowed to do so.

Chair Nolan asked Ms. Lewis to address Mr. List's and Mr. Fraser's concerns. Ms. Lewis explained that Senator Washington was correct in saying S.B. 87 and BDR 43-1038 were two separate issues.

Ms. Lewis said the DMV had alternative technologies in place for the public to use when transacting business with the DMV. Renewing by mail was the only technology which employed a surcharge. The DMV requested the removal of the surcharge in order to be consistent with the other alternative technologies offered by the DMV.

Ms. Lewis stated the DMV's budget would be impacted by approximately \$100,000 per year if S.B. 87 were passed; that amount would be replaced with money from the Highway Fund. The BDR referenced by Mr. List and Mr. Fraser was a separate issue and concerned a new funding mechanism for the merchant fees charged by credit card companies. Ms. Lewis said she did not see a connection between S.B. 87 and BDR 43-1038.

Chair Nolan said he agreed with Ms. Lewis's explanation. The Chair said the Committee did not want to create unintended consequences or unfunded mandates as a result of passing a piece of legislation.

The Chair wanted BDR 43-1038 to be introduced by the Senate. He instructed Ms. Lewis to ensure the BDR was received by the Committee as a Senate bill

introduction. Once the bill was in the Committee, it could be scheduled for a hearing where all points of view could be heard.

Chair Nolan instructed Mr. List and Mr. Fraser to notify him if there were problems with BDR 43-1038 prior to being heard by the Committee.

SENATOR HECK MOVED TO DO PASS S.B. 87.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Nolan said the Committee received additional responsibilities concerning Nevada's homeland security. It was the Committee's intent to legislatively support the Nevada Commission on Homeland Security (Commission), the Department of Public Safety (DPS) and the Nevada National Guard on homeland security issues.

For the record, Senator Carlton said:

My husband is employed by the Department of Public Safety. His ultimate boss is sitting at the table, so I just wanted to make sure that is on the record. But, anything you do will not impact him any differently than it would any other State employee working for the Department of Public Safety.

George Togliatti, Director, Department of Public Safety, provided the Committee with a brief overview of his Department's homeland security efforts. Mr. Togliatti said he had recently addressed the subject of homeland security at a meeting of the Las Vegas Chamber of Commerce (LVCC). During his presentation, he emphasized the fact that Nevada's homeland security was as much a state of being as it is anything. For years, the federal government had spent billions of dollars on national security; now, federal money was being directed towards homeland security on a state level.

Mr. Togliatti stated homeland security sometimes frustrated people. He said people in Nevada's communities wanted to become more involved in the State's

homeland security issues. People wanted to become involved because they realized the threat to the United States and because they often felt helpless. Mr. Togliatti said people felt helpless because there was no clear definition as to what the threat was; the threat was a faceless enemy and an attack could happen at any moment.

Mr. Togliatti said he thought it important for the citizens of Nevada to assist in Nevada's homeland security efforts. The business communities throughout the State were being asked to help in a homeland security awareness campaign. The LVCC was the first business entity to become involved in the campaign.

The DPS increased the inspection of commercial vehicles in and around the Las Vegas Strip. During August 2004, the DPS randomly inspected commercial vehicles. The inspection program had proved successful. The DPS recently began handing out information cards to commercial drivers as those drivers were the eyes and ears of Nevada's homeland security efforts; the cards contained contact information the drivers could use to report suspicious individuals or circumstances.

Mr. Togliatti said both the business owners and commercial drivers saw usual and unusual events or people during the course of their work day. Mr. Togliatti stated the DPS hoped the rest of Nevada would participate in the homeland security awareness campaign.

Mr. Togliatti said the December 31, 2004, operation in Las Vegas in cooperation with other law enforcement agencies, had been successful. The DPS not only enforced the laws, but asked other law enforcement agencies to assist the DPS with its homeland security efforts.

Mr. Togliatti stated the Federal Bureau of Investigation (FBI); the Las Vegas Metropolitan Police Department (Metro), the Nevada Highway Patrol (NHP), DPS, the Investigations Division (ID), DPS; and the State Fire Marshal Division all participated in the New Year's Eve operation. Mr. Togliatti said the natural disasters in Nevada provided the DPS with experience that was helpful in the Department's homeland security efforts.

The DPS comprised 11 divisions. The DPS divisions most closely associated with Nevada's homeland security efforts were NHP, Parole and Probation (PP), the ID, the State Fire Marshal and the Division of Emergency Management

(DEM). Mr. Togliatti mentioned that Frank S. Siracusa, Chief, Division of Emergency Management, DPS, was available to answer any questions the Committee members might have regarding that division's responsibilities and duties.

Mr. Togliatti explained the State needed to find a comfort level in its homeland security efforts and that using the DEM arm of the DPS would be one means by which to achieve that comfort level. Mr. Togliatti noted the DEM had been available for a number of years to provide assistance to the State in times of natural disaster; that experience would be beneficial to the agencies engaged in Nevada's homeland security efforts.

The Nevada Legislature mandated the Nevada Commission on Homeland Security as the Governor's advisor on homeland security issues. The DPS employees provided the Commission with the information necessary to provide the Governor with up-to-date advice.

Mr. Togliatti stressed the emergency management and homeland security efforts were intertwined. Mr. Togliatti said that when people talked about a terrorist threat and the homeland security efforts to combat that threat, they were also talking about intelligence. The ID of the DPS had been tasked with interacting with other law enforcement agencies in Nevada on a Joint Terrorism Task Force. The purpose of the task force was to analyze and participate in the sharing of intelligence information.

Mr. Togliatti stated the federal government had been challenged in its efforts to share intelligence. The DPS considered the Department of Justice, the FBI and the U.S. Department of Homeland Security as potential sources of information. Mr. Togliatti and Giles E. Vanderhoof, The Adjutant General, State of Nevada, Special Advisor on Homeland Security, both agreed that information from the Department of Defense (DOD) was needed for Nevada's homeland security efforts to be successful.

Mr. Togliatti said it was imperative for both the State of Nevada and the DPS, as a law enforcement agency, to gather as much information as possible from the federal government. Mr. Togliatti added that local law enforcement and Nevada's communities played key roles in gathering intelligence. Such intelligence helped all concerned in locating and destroying terrorist threats to Nevada.

Mr. Togliatti mentioned Nevada's vulnerability where the mobility of the citizens had to be weighed against threats. For that reason, Mr. Togliatti was pleased that General Vanderhoof was working with the DPS on Nevada's homeland security efforts. Mr. Togliatti said the Nevada National Guard was an absolute asset to the DPS. The reorganization of the Commission resulted in a win-win situation for all involved. Mr. Togliatti added the DPS made it a point to provide the Commission with the resources it required to make informed decisions.

Mr. Togliatti elaborated on the commercial intervention program. He noted it was similar in nature to a drug intervention program where people looked for illegal drugs. Mr. Togliatti said the commercial intervention program consisted of specially trained NHP troopers who inspected commercial trucks for safety as well as the trucks' contents.

Mr. Togliatti said terrorist threats in southern Nevada had been specific and nonspecific. The DPS felt first responders had to be proactive and respond to all threats. He noted when a threat was received, any vehicle mentioned in the threat had to be evaluated for its potential to cause harm. Mr. Togliatti reminded the Committee that in the April 19, 1995, bombing in Oklahoma City, Oklahoma, a commercial vehicle had been used to deliver the explosives and the attacks of September 11, 2001 (9/11), were air attacks. He stated law enforcement agencies could control the activities of commercial vehicles on the ground.

Senator Washington asked whether or not the Uniting and Strengthening America by Providing Appropriate Tolls Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) would be rewritten. He mentioned some individuals were concerned about the USA PATRIOT ACT's constitutionality. The Senator asked Mr. Togliatti if he knew what would happen to the USA PATRIOT ACT in the future. Mr. Togliatti said he did not have any specifics on the USA PATRIOT ACT's future; he had just heard rumors. Mr. Togliatti added if the USA PATRIOT ACT were amended, he had concerns about the money provided by the USA PATRIOT ACT and what would happen to those funds.

Mr. Togliatti said if the USA PATRIOT ACT was amended, it was possible that there would be serious cuts in the funding provided to the State's law enforcement and criminal justice communities. Mr. Togliatti said he thought the USA PATRIOT ACT would be diluted on a federal level, but that he did not see

any major changes affecting Nevada. He stated the federal government agencies would be the ones most impacted by any revisions to the USA PATRIOT ACT.

Senator Washington asked how much federal funding the State received. As an example, Mr. Togliatti cited the ID which for the past 12 years had supported 18 employees using federal funds. Those federal funds were slated to be reduced by 32 percent in 2005 and entirely eliminated in 2006. The DPS would seek alternative funding or shift resources in order to fund the 18 positions. Mr. Togliatti said that disturbed him and added the federal government needed to find other means to fund homeland security efforts on a nationwide basis.

Mr. Togliatti stated not only would a reduction in federal funding impact his agency, but it would also impact many of the law enforcement task forces in both the urban and rural areas across America. A reduction in funding meant the task forces could not hire or keep employees and would not be able to purchase the equipment needed by task force employees.

Senator Washington asked how much of the ID's funding for homeland security was derived from the State's General Fund. The Senator was interested in the staffing level and whether that would be affected should federal funding to the Division be reduced. Mr. Togliatti said Major Philip H. Brown, Chief, Investigations Division, DPS, could better answer the Senator's question.

Major Brown said the ID had 71 employees; 53 of the positions received funding from the State's General Fund. The remaining 18 positions were carried in Budget Account 3744, which was also known as the Narcotics Control Account. Budget Account 3744 received \$1.9 million in federal funding per year to support the 18 positions. Those positions would be jeopardized should federal funding be reduced.

Senator Washington asked how much of the federal funding for homeland security was mandated upon Nevada to maintain funding for homeland security efforts and staffing at a certain level. Major Brown said the concept of homeland security and narcotics control were being confused. He noted federal grant funding was directly linked to homeland security. The intelligence component of the narcotics task force indirectly affected and complemented Nevada's homeland security efforts. The federal funds Mr. Togliatti and Major Brown referred to were not specifically designated for homeland security efforts.

Mr. Togliatti said there were two challenges associated with the federal funding. The first challenge was that funding had been moved from the traditional areas of use to homeland security. The move changed the manner in which a state could spend the money; it could only be used for homeland security purposes. The money could not be used by a state agency to supplement its normal budget by obtaining items or services which were not traditionally funded through the agency's budget.

The second challenge was the competition for the funds by all agencies. When using federal funds, a state, city or county agency had to follow established expenditure criteria plus compete with other agencies for limited revenues. A state, city or county also had to take into consideration established terrorist threats. In Nevada, the established threats were in Clark County. The competition made it difficult for agencies to obtain and recoup monies they would normally receive.

Senator Carlton said the manner in which the DPS and Commission would achieve their objectives would be through well-trained employees. She said it was difficult for government agencies in Nevada to hire and retain well-trained employees. The Senator asked Mr. Togliatti to explain DPS staffing levels and the DPS's efforts to recruit and retain employees. Senator Carlton said she realized staffing discussions were generally discussed by the legislative money committees, but felt it was important for the Committee to be aware of the Department's staffing difficulties and needs.

Mr. Togliatti said DPS was concerned with three areas of employment in 2004. Those areas were: 1) recruiting, 2) training and 3) attrition. One year ago, the DPS began an intense recruiting campaign designed to attract qualified candidates including minorities. Currently, the DPS did not have the ability to create and maintain a list of well-qualified candidates.

Further, the DPS did not have a training facility in southern Nevada. The lack of a proper training facility in southern Nevada meant the DPS employees or potential employees in southern Nevada had to travel to northern Nevada for extended periods of time to receive the necessary training. Many potential DPS employees in southern Nevada would not accept employment with a DPS division as they were not willing to stay away from home for an extended period of time.

Mr. Togliatti said he was also concerned about the lack of management training for the DPS management team. The lack of management training resulted in personnel issues within the organization.

Mr. Togliatti referenced attrition and the low salaries received by DPS employees, particularly the NHP and PP employees. The attrition and low salaries resulted in the DPS being used as a training ground for other law enforcement agencies, especially those in southern Nevada. The other agencies knew they could save money by hiring DPS-trained people. Mr. Togliatti said he hoped new budget enhancements would allow the DPS to become competitive with other law enforcement agencies, but stressed he did not think that the DPS would ever achieve parity with the salaries paid by other law enforcement agencies.

Mr. Togliatti spoke about the DPS model which would allow the DPS divisions to work together instead of independently. Mr. Togliatti said he thought the Department's weaknesses were actually its strengths. He noted that when the DPS divisions worked together, he would be able to offer promotions throughout the State instead of on a county-by-county basis. For example, a NHP employee would be able to transfer to a higher position at PP.

Mr. Togliatti stated that law enforcement agencies tended to forget the non-sworn employees when offering promotions. By using the DPS model, the Department's non-sworn employees would be offered the same promotional opportunities as those offered to the sworn employees. Mr. Togliatti said he hoped that in the future, the senior DPS managers would receive experience within each of the DPS divisions. He stated such diverse experience was career-enhancing and made those managers more knowledgeable and well rounded. Presently, the DPS had more career opportunities than Metro.

Chair Nolan thanked Mr. Togliatti for his presentation. The Chair said some of the information which the Commission received came through national sources. He noted that it was the citizens of Nevada who were the frontline defense for homeland security; those citizens could recognize what might be a developing threat. Chair Nolan said he had only seen a portion of the program Mr. Togliatti described at the beginning of his presentation and wanted to know whether or not there was a national program which could be incorporated into Nevada's homeland security efforts.

Chair Nolan said he was concerned about Nevada's soft targets. The Chair noted that a soft target could be an educational facility at an elementary or secondary level. Chair Nolan reminded those present that schools were susceptible to domestic attacks as well as terrorist attacks. The Chair asked Mr. Togliatti whether or not there were specific programs, either on a state or federal level, which would put the schools on alert.

Mr. Togliatti said he had heard that the federal government was working on a citizen information program. He said he liked to think Nevada was ahead of the federal government in that regard.

General Vanderhoof said he felt the USA PATRIOT ACT was political in nature and it was his job to implement the results of political decisions. General Vanderhoof stated some of the fear and concern created by the 9/11 attacks had waned and the American public had a short memory. The General said if America was not the subject of another terrorist attack, then the short memory of the American people would result in the USA PATRIOT ACT being watered down. The General stated if America were once again attacked by terrorists, the USA PATRIOT ACT would be strengthened. Another terrorist attack would generate fear on the part of the American public.

General Vanderhoof stated the Nevada National Guard (Guard) was beginning to tie anti-narcotics and antiterrorism activities into one unit. He said the Guard's narcotic-fighting budget in Nevada was well funded. The Guard's narcotic fighting team in Nevada was sophisticated and supported law enforcement's efforts in the war against illegal drugs. General Vanderhoof detailed the use of helicopters and fixed-wing aircraft to serve the community. The Guard had C-130 aircraft which it used for search and rescue efforts in addition to providing support for law enforcement antidrug activities.

General Vanderhoof noted there was a tie between the sales of narcotics and terrorism. He said he was worried about citizens remaining alert to the dangers of attack and providing needed information to the appropriate law enforcement agency when needed. The General stated when people did not participate in the process, they became immune to the threat of possible attack.

General Vanderhoof said the Guard's Web site contained links to other Web sites which had information on what Nevada's citizens could do to participate in the fight against terrorism and remain vigilant. People were

sometimes hesitant to provide information to the proper authorities as they were not sure what information would be helpful. The Web sites detailed the information the authorities would find helpful.

General Vanderhoof presented an overview of the Nevada Commission on Homeland Security. He said the staffing level had been reduced to one employee in May, 2004. General Vanderhoof stated he was surprised by the accomplishments of that one employee. However, in September 2004, the office fell behind in completing a number of federally mandated tasks. The federal funding the office received had certain conditions which had to be met and paperwork which had to be completed.

In September 2004, the General met with the federal homeland security staff and decided what processes Nevada needed to implement in order to meet the federal requirements. The General began implementing the work plan as soon as he returned to Nevada as he did not want to endanger the federal grant money Nevada received.

General Vanderhoof detailed the statewide strategic plan and key asset and infrastructures. He said the partnership between the Commission, the DEM and his office was wonderful. The agencies were all working together for success. He said his office wanted to contract with the University of Nevada, Las Vegas to survey law enforcement agencies in Nevada and determine what resources the agencies had or what actions an agency had taken. It was hoped the survey would reveal duplicated efforts on the parts of Nevada's law enforcement agencies, including the Guard. This information was required in order to formulate a realistic plan for Nevada's homeland security efforts.

General Vanderhoof said additional staff was being hired for the Commission's office. The DEM also wanted to place an employee in the North Las Vegas Armory along with the Commission's staff. The additional staff would give the Commission the ability to communicate with the public and interface with other agencies. The staff would be the central point of contact for the public.

General Vanderhoof said the State could be proud of the intelligence sharing among all the agencies. He noted that the DOD's weekly sharing of information had been beneficial to the State. The General stated the DOD's analysis was helpful to him.

For years, people in the country responded to a situation involving either terrorist attack or natural disaster; they did not think ahead as to prevention. When agencies had information, they were able to plan ahead and possibly prevent or deter terrorist attacks.

Planning was important for agencies in Nevada as it gave the agencies the ability to either deter and prevent or respond to a terrorist attack.

General Vanderhoof said homeland security and the Guard were natural partners who were working together on the State's homeland security efforts. The Guard had two missions, one federal and one state. The federal mission mandated the Guard fight and support the nation's wars. The State mission mandated the Guard's assistance in any type of State emergency. The U.S. Northern Command opened up a new type of intelligence on an internal level. Previously the focus had been on international intelligence.

General Vanderhoof said the Guard had approximately 1,000 enlisted personnel with 500 of those serving overseas. In phases, the Guard had discharged approximately 1,000 enlisted personnel from service. Despite the loss of personnel, the Guard had never lost its ability to respond to a State emergency. The General noted that during times of war, the Guard did not want to tell Nevada "no" when it requested help, so Guard resources had to be allocated cautiously.

General Vanderhoof detailed the different professions employed by the Guard including medical personnel, engineers, pilots, and food service workers. He also noted the Guard had different types of transport.

The General referred to [Exhibit C](#) which listed the equipment the Mass Destruction Team would have on display in the Legislative Mall after the Committee meeting. General Vanderhoof explained that the communications capabilities of the advanced liaison vehicle enabled the vehicle to communicate with any communications system (secure or unsecured) in the world. The system could also assist incompatible communications systems to communicate with one another.

General Vanderhoof explained the analytical laboratory system and team ([Exhibit C](#)) which would also be displayed in the Legislative Mall. The General said it had taken five years to have the system and team assigned to Nevada.

The system and team were scheduled to be certified by the U.S. Centers for Disease Control and Prevention (CDC) by December 2005. However, the certification process was progressing faster than anticipated and it was likely the certification would be awarded prior to the December 2005 certification date. The team was stationed in Las Vegas, and attracted highly qualified individuals to serve on it. The team comprised of 22 members who provided assistance to an incident's first responders. General Vanderhoof said he was proud of the team.

Chair Nolan said the Committee members appreciated the General's efforts on behalf of the Commission and Guard. The Chair stated the Committee was compelled to support the Guard and the Commission in the legislative process. He noted that the Senate determined homeland security was important and dedicated a standing committee to it. Chair Nolan said the Committee members viewed their role as supporting the Commission. He directed the General to use the Committee members as resources whenever needed.

Chair Nolan said Vice Chair Heck was a medical officer serving in the Guard. He asked the Senator to provide an overview of the mobile hospital unit (MHU) on display on the grounds of the DEM. Vice Chair Heck said the Nevada Hospital Association (Association) received grant money from the State Board of Health through the CDC. The grant money allowed the Association to purchase two MHUs which were based on an Air Force design. The Association told the manufacturer of the MHUs that design modifications were required in order to make the MHUs civilian-friendly. Vice Chair Heck noted the Association's suggestions for the electrical design of the units were now being utilized by the military.

Nevada was the first state in the country to receive the mobile hospitals for civilian use. Each unit supported 50 patients for 72 hours before restocking was required. Nevada initially purchased two of the units and planned to purchase a third one. The units were owned by the Association and kept in Las Vegas; the MHUs were statewide assets.

Chair Nolan said Nellis Air Force Base (Nellis) owned an MHU which could be used by the State. He asked Vice Chair Heck how much time was required to erect an MHU. Vice Chair Heck replied the MHU at Nellis was more complex than the ones purchased by the Association. The units purchased by the Association typically required 120 man-hours to erect. However, by using a

14-man team to erect a unit, an MHU could be operational within 14 hours after delivery to the site where it would be utilized.

Chair Nolan said he wanted to know how the State could use the MHU located at Nellis should a community-wide crisis occur and more than one of the mobile hospital units was required to take care of the injured. Chair Nolan stated the unit was a combat-ready piece of equipment.

General Vanderhoof told the Committee military equipment, including the MHU, and personnel would not be available for civilian use until the President declared a federal emergency. Once the President declared a federal emergency, federal resources would become immediately available. The personnel and equipment from Nellis would be given the highest priority for immediate use as those resources were already in the State.

The General noted there were other resources located in California which would be made available to Nevada when a federal emergency was declared; those resources would be transported to Nevada by C-130s.

General Vanderhoof added when a situation required immediate action in order to save lives, the rule book would be deviated from for a short period of time. He added that an entity with the ability to save lives and property during times of crisis would not say no to a request for equipment or personnel.

The Chair thanked General Vanderhoof for updating the Committee on the use of military equipment and personnel by civilians. Chair Nolan said when the Committee adjourned, those present should tour the display in the Legislative Mall.

Senator Horsford stated the presentation had been informative and commended both Mr. Togliatti and General Vanderhoof on their work for Nevada's homeland security efforts. Senator Horsford asked what process would be used for disseminating or sharing information should a terrorist attack occur in Nevada.

Mr. Togliatti said the DPS and Commission were attempting to find a comfort level when dealing with the media. He reiterated his previous testimony that when people became comfortable, they became desensitized and did not pay attention. There was a delicate balance between providing information to the media and scaring the public. Mr. Togliatti stated since he had been appointed

the director of DPS, he always disseminated information to the media when there was a legitimate reason. He added law enforcement personnel were not comfortable sharing information with the media. A healthy balance had to be found between providing information to the media and not alarming the public. Mr. Togliatti said when the media found out information before his office provided that information, it appeared as though his office was attempting to hide that information from the media.

As an example, Mr. Togliatti cited the Inauguration Day 2005 situation in Las Vegas. On January 19, 2005, the Commission received an unsubstantiated, nonspecific threat. Mr. Togliatti notified the Governor who made the final decision on the information which was to be released to the media. Mr. Togliatti said when releasing information, he used his personal rule of thumb; if the situation reached a point where he felt compelled to move his family out of harm's way, then everybody needed to be notified of the threat.

General Vanderhoof said the response to every nonspecific, uncorroborated threat received by the Commission had been immediate. While the response was not always obvious to the public, there were occasions when the response would be made known. The General said his office would lose credibility should every nonspecific, uncorroborated threat it received be made public. He stressed the Commission did not ignore any threat it received, even those threats which were not made public. General Vanderhoof stated the Governor was aware of all terrorist threats received in Nevada. All threats were reviewed by the Joint Information Committee.

Senator Horsford again thanked the General and Mr. Togliatti for their presentations. He said he wanted the information for his benefit. The Senator introduced his intern, Rochelle Kinsey, as her husband served in the Guard and had been deployed overseas.

Chair Nolan introduced his interns, Joshua Selleck and Stephanie Landolt and thanked them for their service.

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There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security was adjourned at 3:01 p.m.

RESPECTFULLY SUBMITTED:

Lee-Ann Keever,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____