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Appropriations Committee
February 23, 2011

[AGENCY64]

The Committee on Appropriations met at 1:30 p.m. on Monday, January 24, 2011, in Room 1003 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on Agency 64, Agency 21, Agency 35, Agency 78, and Agency 46. Senators present: Lavon Heidemann, Chairperson; John Harms, Vice Chairperson; Danielle Conrad; Tony Fulton; Tom Hansen; Heath Mello; Jeremy Nordquist; and John Wightman. Senators absent: John Nelson.

SENATOR HEIDEMANN: I think we're going to go ahead and get started. We've got some members will be showing up in a little bit. Welcome to Appropriations. Thank you for being here today. We got some things we've got to take care of before we get started with the first thing on the agenda. We're going to start with introductions first. Just to let you know, sitting to the right, he will be here later, Senator Jeremy Nordquist from Omaha, District 7; Senator Tom Hansen from North Platte, District 42 is here and ready for action. Next to his left is Senator Danielle Conrad from Lincoln, "the fighting 46." Senator John Wightman would be to her left from Lexington, District 36. I'm State Senator Lavon Heidemann from Elk Creek, District 1. Sitting to my right is Anne Fargen, committee clerk; and sitting to my left is Doug Nichols, the fiscal analyst at the present time. Our page for today and every day is Christina. If you need some help, she's always good at that. Starting down the left side, we have Senator John Harms from Scottsbluff, District 48. Joining us...actually Senator John Nelson from Omaha, District 6, sitting right next to Senator Harms is sick today so he will not be here. But joining us later, the last two will be Senator Tony Fulton from Lincoln, District 29, and Senator Heath Mello from Omaha, District 5. At this time we ask if you have cell phones to please shut them off as not to be disruptive later. We want to remind you that testifier sheets are on the table and near the back doors. We ask that you would please fill them out completely and put them in the box on the table when you testify. At the beginning of the testimony, for the transcribers following, we ask that you would please state and spell your name. Nontestifier sheets near the back door if you do not want to testify but

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would like to record your support or opposition, you only need to fill this out if you will not be publicly testifying. If you have printed materials to distribute, please give them to the page at the beginning of your testimony. You will need 12 copies. This year is something we haven't normally done before. We did it in the 2009 Special Session but we're also doing it this year, we're running underneath the light system. To be fair to all who want to testify on this budget this year, the Appropriations Committee will be using the light system. The principal introducer or the principal agency representative will not have a time limit. We do, though, encourage you to be...keep your testimony concise and on topic. All testifiers will be given 4 minutes. On the light system sitting on the testifier table you will notice a green light when you start your testimony. When you have one minute left, the yellow light will turn on. When the red light turns on, we ask that you kind of wrap things up and finish your testimony. Following the principal introducer on bill hearings we will take testimony first from proponents, then opponents, and then the neutral capacity. I see we have all agency budgets before us so that won't affect us today. For agency budget hearings, we will take general comments on the agency budget proposal following the principal agency representative. With that, we will start our public hearing today with Agency 64, the Nebraska State Patrol. Welcome.

BRYAN TUMA: (Exhibit 1) Good afternoon, Senator. Senator Heidemann and members of the Appropriations Committee, I'm Colonel Bryan Tuma, T-u...excuse me, Bryan, B-r-y-a-n, Tuma, T-u-m-a. I am appearing before you today one last time as Superintendent of the Nebraska State Patrol. In December when I announced that I would be retiring on March 1, I was not sure if these hearings would be set early enough for me to testify on the budget request that I had submitted. Although I will not be superintendent when these appropriations become effective, after reviewing the Governor's recommendations and the preliminary recommendations of the Appropriations Committee, I feel that these recommendations will position the Nebraska State Patrol well for the upcoming biennium. I support Governor Heineman's budget recommendation. The preliminary recommendation from the Appropriations Committee is very similar to the Governor's recommendation for the State Patrol. I would like to

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spend some time reviewing our major issues in the budget and reference differences between the Governor's and committee's recommendations. The Nebraska State Patrol has been working very hard over the past year to improve the operations within the criminal identification division. We have reorganized this division and improved the system of processing criminal history records checks. However, to further improve the operations of this division, we requested that additional personnel be added to this division. These recommendations have included this request for eight additional personnel and a request for three additional personnel in the troop areas to process requests for criminal history records checks, fingerprint requests, and concealed carry weapon requests. These requests will be funded by the Nebraska State Patrol Cash Fund which contains the cash funds generated by the production of criminal history records checks. Additional details of these specific requests have been included in the handout which we have provided. Both budget recommendations include these increases. Both budget recommendations also include additional funds for information technology increases. The Nebraska State Patrol has reached agreement with the Office of the Chief Information Officer to transition to a more secure environment and infrastructure offered by the OCIO. This follows with the nationwide emphasis currently being placed upon consolidation of information technology systems. The Nebraska State Patrol is migrating to an OCIO maintained and operated virtual environment which will result in some added costs to the agency. The Nebraska State Patrol has implemented a program of improving the troop area sergeant facilities throughout the state of Nebraska. The agency is in the process of developing a new facility at Lexington. We have requested additional appropriations authority through the Public Safety Cash Fund to continue to improve one of these facilities each fiscal year. Both recommendations include the additional appropriations. The biennial budget request submitted by the Nebraska State Patrol and the preliminary recommendations recognize there will be economies and savings in the following areas of the agency's budget. The operations of the combined law enforcement information network, or CLEIN, will be financed through the OCIO. The current computerized message switcher is currently in the process of being replaced and will be financed through a fund

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established with the OCIO for the operations of the CLEIN network. The Nebraska State Patrol has been paying approximately \$70,000 annually for the maintenance contract on the present computerized message switch. These costs will be paid from the CLEIN network funds in the future and are included in both recommendations. Both recommendations also include a reduction on funds available for the purchase of replacement Patrol vehicles. The Nebraska State Patrol has seen a reduction in the number of authorized officers during the last biennium and has delayed training camps due to uncertain economic conditions. This has resulted in the agency possessing enough vehicles to allow for the agency to purchase a reduced number of vehicles during the requested biennium. The Nebraska State Patrol, like all state agencies, was required to submit budget modifications based upon achieving a base level appropriation which would be 90 percent of the current General Fund appropriation. The Nebraska State Patrol included budget modifications which involved eliminating ten civilian positions and reducing the expenditure for supplies. This is an area in which there is a difference between Governor Heineman's recommendation and the Appropriations Committee preliminary recommendation. Both recommendations include eliminating General Fund support for these two modifications. While the Appropriations Committee recommendation includes an increase in Cash Fund appropriations to provide flexibility in managing General Fund reductions, this is not a sustainable action, and the Nebraska State Patrol will make reductions in the 2011-2013 biennium to reflect the General Fund reductions. While the committee's preliminary recommendations closely align with the Governor's recommendations, the committee has provided a much higher level of PSL than required by the Governor's recommendations. This difference is over \$1 million of PSL. I support the Governor's lower PSL recommendation as this PSL is no longer needed, and I believe it is important to have realistic expectations about staffing levels within the total Nebraska State Patrol budget. Thank you for the opportunity to testify today, and I will answer any questions you may have.

[AGENCY64]

SENATOR HEIDEMANN: Senator Conrad. [AGENCY64]

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SENATOR CONRAD: Thank you for being here. Thank you for your testimony and for your long and distinguished career... [AGENCY64]

BRYAN TUMA: Thank you. [AGENCY64]

SENATOR CONRAD: ...and service to our great state and best wishes... [AGENCY64]

BRYAN TUMA: Thank you. [AGENCY64]

SENATOR CONRAD: ...for what your future endeavors may hold. Quick question in regards to a hot topic that has significant impacts for law enforcement in, I think, my opinion, anybody's opinion. You've probably had a chance to visit with folks in other states and maybe even locally about the fiscal impacts that may befall the department, the Patrol, if they're required to enforce our federal immigration laws. If you want to provide just an overview to the committee about some of those conversations or concerns or ideas or estimated impact, that would be helpful. [AGENCY64]

BRYAN TUMA: Sure. Well, I think it's fair to say we do assist in that effort right now. That is not a state responsibility. I know you're all aware of that. But we do help the federal authorities when we have those occasions where we encounter situations where we have known illegal aliens. We would continue to do that. That is consistent with our mission and our requirement to enforce the laws of the state of Nebraska. So I would suggest that that remains a federal responsibility until there would be something that suggests that we have to have state authority to do that. I don't see it as having much impact on us at least for the foreseeable future. There are some programs out there, one escapes me the name of it, but there's a federal law that allows state or local law enforcement officers to go through a five-week training program at the federal law enforcement training center. When they receive that training, they can come back and they can enforce federal immigration laws as long as they're in a place where they have

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legal authority as a state or local law enforcement officer. I would have some concerns about that in how we would apply our enforcement resources. My other concern is if we are recognized as having that authority, are we going to be fielding a whole bunch of complaints and concerns about illegal immigrants. So we have elected not to participate in that program. [AGENCY64]

SENATOR CONRAD: So it would be fair to say at this point in time that if those responsibilities were put on the State Patrol and local law enforcement there indeed would be significant impacts and there remains many questions about implementation of that policy. [AGENCY64]

BRYAN TUMA: Yes, yeah. [AGENCY64]

SENATOR CONRAD: Okay, thank you. [AGENCY64]

SENATOR HEIDEMANN: Senator Mello. [AGENCY64]

SENATOR MELLO: Thank you, Chairman Heidemann. And thank you as well, Colonel Tuma, for your service to the state... [AGENCY64]

BRYAN TUMA: Thank you. [AGENCY64]

SENATOR MELLO: ...and sorry to see you go. My two questions...your testimony was very thorough so a lot of questions I originally had had you've answered. But two that I have asked most agencies and I would be remiss not to ask you as well is does the State Patrol have a strategic plan that you operate from and is that plan available on the State Patrol's Web site? [AGENCY64]

BRYAN TUMA: Yes, we do. We do an annual strategic planning process. We have an organized committee with chairman and a cochairman identified. When the chairman

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serves for a year, then the cochair steps up to lead that committee. And we have a system of rotating the 12 members of the committee so that we always have 6 that are tenured and 6 that are incoming. So we devote a lot of time and energy to that strategic planning process. We produce an annual report and that is a document typically covers three years. We don't go beyond three years because we think things change too much in that period of time, and going beyond a three-year period might be a waste of time. So, yes, we do have a formal process. We devote a lot of attention to it, and that document is available on the Web site. And I have copies of that with me if you are interested. [AGENCY64]

SENATOR MELLO: That would be great if you could provide it to the committee.
[AGENCY64]

BRYAN TUMA: Okay. [AGENCY64]

SENATOR MELLO: The second item I guess to some extent, and you might already looked to address this then with your strategic plan, is while formulating that plan or at least in part of doing your budget process that comes in front of the Legislature since your time as colonel, do you know of any performance measurements, performance benchmarks that you can measure success or failure against your budget on any given, whether it's monthly, quarterly, or annually? [AGENCY64]

BRYAN TUMA: Yeah. We...well, we operate in a couple of areas with performance measures. We do performance-based goal setting within the agency. It starts at the top. I identify goals and objectives annually for the agency. Those are distributed to the troop area and division managers. We operate statewide so we have different issues impact different areas, different divisions differently. So we try to allow the commanders the flexibility to identify performance-based goals and objectives. Those are documented quarterly and we do an annual analysis and we take that information during our inspection process done each year. And that does influence our budget because the

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recommendations and the issues that we see coming from the performance objectives and some other inspection criteria, I mean, we use that to target areas of our budget where we either have to modify...we address our staffing, our training, our equipment purchases, virtually all areas of operation of the agency. The other thing that we find is a lot of the federal grants that we receive have performance-based measures attached to them. So, for instance, the commercial motor vehicle enforcement grant, the MCSAP program, there are standards or goals that we have to meet in order to receive our continued funding. And then we're seeing the federal folks are moving more towards an evidence-based performance measures so they're attaching some expectations about inputs, outputs, and outcomes. [AGENCY64]

SENATOR MELLO: Thank you so much. [AGENCY64]

BRYAN TUMA: You bet. [AGENCY64]

SENATOR HEIDEMANN: Senator Harms. [AGENCY64]

SENATOR HARMS: Thank you, Mr. Chairman. Thank you very much for all that you've done for Nebraska. [AGENCY64]

BRYAN TUMA: Thank you, sir. [AGENCY64]

SENATOR HARMS: We really do appreciate that and the funding hasn't been the best and sometimes a little difficult to do the job the way you want to do it. A couple questions I have: When you look at the economy and the conditions that we're in across the state, have you seen an increase in crime? And if you have, what kind of crime and geographically where are those locations? [AGENCY64]

BRYAN TUMA: Well, I don't know that we've noted any particular increases in crime. We have a lot of interdiction activity on Interstate 80. We're seeing a bit of an uptick in

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the number of seizures, both cash and drugs. That seems to be one indicator that that criminal enterprise is doing well. So we try to be responsive to that issue. But overall, I don't think that there's any one thing that I would point to. The crime stats don't seem to point to any one thing that's on the increase in property crimes or crimes against person. [AGENCY64]

SENATOR HARMS: So with the modification of the budget, how many patrolmen will that leave you with? [AGENCY64]

BRYAN TUMA: We are authorized at 488 sworn positions. [AGENCY64]

SENATOR HARMS: Okay. And are you going to have those (inaudible)? [AGENCY64]

BRYAN TUMA: Well, we are current...yeah. As of March 1 we will have 14 vacancies for sworn officers, just received another resignation, retirement letter this morning for the end of March, so we will have about 14, 15 vacancies in the near term. And I think we would...now that the labor contract for the SLEBC group has been determined, I think it's...we're moving closer to making a decision about whether or not to do a recruitment and selection process to fill those vacancies. And that will take approximately about eight to nine months to get those people identified and get them to a training program. [AGENCY64]

SENATOR HARMS: I guess I always have a little bit of concern about the safety of people and cutting back in areas like this that I think where I live, you know, in rural America is a concern. [AGENCY64]

BRYAN TUMA: Sure. [AGENCY64]

SENATOR HARMS: And I want to make sure that we have the coverages that we need to have and the highway patrol and law enforcement in general have enough money to

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be able to provide the kind of assistance I think we need to have in that area. And you feel comfortable with where we are today and where we might be through this budget cycle? [AGENCY64]

BRYAN TUMA: Right. You know, I think it is what it is. We know it's a tough economic environment. I think we are doing things as an agency to operate more effectively and efficiently. For instance, the technology that we've put in place over the last several years is...you know, I think our officers are able to spend more time out in the field addressing enforcement activities as opposed to spending more of that time doing reports and other administrative tasks. We use some other programs where we look at data to identify where we're having problems or hot spots, whether it's traffic enforcement or criminal activity, and we try to deploy our resources accordingly. So, yeah, we have fewer people, but I don't think that has jeopardized our mission. Would it be nice to have more? You know, I'd be crazy if I said, yeah, we could use more people. I think everybody would like...but the reality is we don't have those folks so it's incumbent upon us to work more effectively and efficiently. And, you know, honestly I think that's kind of the new norm and so we work within that framework and... [AGENCY64]

SENATOR HARMS: The communications system that we now have across the state of Nebraska, how has that helped you? [AGENCY64]

BRYAN TUMA: Well, it's almost completely operational statewide now. Obviously, it's a better, more reliable form of communication. That equates to better officer safety. We have put in mobile data terminals in each of the cars that allows us to do all of our reporting more efficiently, less...again, less time in the office, more time in the field. I think it's going to reduce our dependence upon some of these sergeant area offices or these duty station offices that we have across the state. And we've been reducing the number of those because the officers, quite frankly, don't have to go into the office as much. If they do, they go to the troop area headquarters or one of the more established

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sergeant area offices. So the technology is allowing us to be more efficient. I mean we're beginning to see that more and more. The evidence of that is becoming more obvious all the time. [AGENCY64]

SENATOR HARMS: Thank you. [AGENCY64]

SENATOR HEIDEMANN: When was your last training class? [AGENCY64]

BRYAN TUMA: We graduated a class at the end of 2010. That was the first one in three years, and we hired 15 individuals and we graduated a class of 11. [AGENCY64]

SENATOR HEIDEMANN: And your...it's a possibility you'll have another training class yet in 2011? [AGENCY64]

BRYAN TUMA: Well, I think we have to continue to monitor what's happening with our budget. Certainly this process we're going through now will help us do that. We've negotiated the labor contract for the sworn officers in the SLEBC labor group so that helps. We don't have any surprises there. And we have the vacancies. We'll soon have almost 15 vacancies. So I think it's probably appropriate to seriously think about starting a recruitment effort, a selection process, and set a target date for hiring another class. [AGENCY64]

SENATOR HEIDEMANN: Senator Fulton. [AGENCY64]

SENATOR FULTON: Thank you, Mr. Chairman. I'll echo the sentiments of my colleagues... [AGENCY64]

BRYAN TUMA: Thank you, Senator. [AGENCY64]

SENATOR FULTON: ...in thanking you and congratulating you. [AGENCY64]

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BRYAN TUMA: Thanks. [AGENCY64]

SENATOR FULTON: There are two questions I'd like to ask. Number one, with respect to the General Fund reduction that we offset with Cash Fund increase, you indicated that that would not be sustainable. Is that over the course of this biennial budget or would that be unsustainable over the course of the next four years? [AGENCY64]

BRYAN TUMA: I think it would be fair to characterize it perhaps we could survive this biennium, but in the future bienniums it might be more difficult to do that. [AGENCY64]

SENATOR FULTON: Okay. And secondly, with respect to the discrepancy in PSL between the Governor's recommendation and our recommendation, I guess I'm echoing Senator Harms's concerns about public safety, which I think my colleagues recognize is one of our responsibilities in government. [AGENCY64]

BRYAN TUMA: Right. [AGENCY64]

SENATOR FULTON: If we were to provide an increased PSL such that more hires could be made, would that not increase public safety? And I guess if we were to provide this increase in PSL, would it be useful? [AGENCY64]

BRYAN TUMA: Well, yeah, I think you can make that argument that more officers in the street would be perhaps beneficial. But I think we're trying to operate with the reality that we're going to have a diminished level of resources available to us. So our goal is not necessarily to add more officers, but to make sure that the officers that we have are working in the right areas at the right time, addressing the appropriate duties, and that we're providing them with the resources in terms of technology and equipment that they can operate more efficiently. You know, I'll just be very honest with you, we don't expect to get any additional officers. [AGENCY64]

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SENATOR FULTON: Okay. [AGENCY64]

BRYAN TUMA: And so that's the perspective that we're working from. [AGENCY64]

SENATOR FULTON: Okay. All right. That's good. Thank you. [AGENCY64]

SENATOR HEIDEMANN: Senator Nordquist. [AGENCY64]

SENATOR NORDQUIST: Thank you, Mr. Chairman. Thank you again for being here, for your service. [AGENCY64]

BRYAN TUMA: You bet, Senator. [AGENCY64]

SENATOR NORDQUIST: Back in I think it was either '07 or '08 the Legislature enacted the DROP, Deferred Retirement Option Program, for members of the State Patrol. Can you kind of address over the time from its enactment what impact that's had on the work force of the Patrol and if there's any challenges, its benefits? [AGENCY64]

BRYAN TUMA: Well, in the short term that's allowed us to keep a greater number of more experienced tenured officers. That does a couple of things for us. It kind of filled that gap when we couldn't hire folks. We retained some of our most experienced officers. When we keep those people, then we don't have to backfill with newer officers that are going to require a substantial amount of training to get them to that same point. So in the short term, it's had that effect. Long term we are approaching a time, probably in the 2013 year where we will have that first group of officers that entered DROP. If they stayed in the DROP program for the full five years, they are going to have to transition out of the agency. And, you know, I can't recall all the numbers, but I'm thinking in 2013 there's probably about eight or nine officers that would have to...they're compelled to leave the agency because of the parameters of that program. And every

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year after that, there's probably about the same number of...upwards of 9, 10, 11, 12 officers, that will probably have to mandatorily leave the agency because of DROP. Not everybody goes into DROP. I think when the program was first made available roughly about 50 percent of the officers that were at retirement age and elected to retire actually went into the DROP program. The other folks just...they left. They retired completely. [AGENCY64]

SENATOR NORDQUIST: Thank you. [AGENCY64]

SENATOR HEIDEMANN: Senator Hansen. [AGENCY64]

SENATOR HANSEN: Thank you. Colonel Tuma, again thank you for your service. [AGENCY64]

BRYAN TUMA: Thank you. [AGENCY64]

SENATOR HANSEN: I talked to Captain Parish in Troop D before the session started and asked him some questions about the various counties, especially north of North Platte, and questioned him whether or not the State Patrol was going to be adequately staffed to help those counties up there. I mean they're not...even though they've got a problem with county funding, they're still not going to have a bigger staff than they have now. [AGENCY64]

BRYAN TUMA: Right. [AGENCY64]

SENATOR HANSEN: Are you going to have enough staff to help those counties out? I mean you're talking about McPherson and Arthur and Logan and Thomas and all those counties up there. [AGENCY64]

BRYAN TUMA: Well, we continue to look at the calls for service, and we know that

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budgets have been hard on the county and the local law enforcement agencies as well. And the cuts that we have sustained has had an impact on their operations as well. So we continue to work with that issue. We look at where we have our officers assigned. We look at where our officers are assigned to work. They may not live in that particular area. But if there's a necessity and the data is telling us we need to shift enforcement in those areas, the commanders have the capacity, the ability to move people around and address those issues. You know, it is more difficult. I will agree with that. But I think we're trying to manage our operations such that we can continue to try and be as responsive as possible to those calls for service when they happen in those areas.
[AGENCY64]

SENATOR HANSEN: And you do work with the local sheriffs. [AGENCY64]

BRYAN TUMA: Oh, absolutely, yes. [AGENCY64]

SENATOR HANSEN: That's what I would assume. Another question I have is equipment and cruisers. I know Ford is going to stop making the Crown Victoria.
[AGENCY 64]

BRYAN TUMA: Right. [AGENCY64]

SENATOR HANSEN: So where are you going to go? I mean Senator Mello always wonders about these hybrid cars. [AGENCY64]

BRYAN TUMA: Right. [AGENCY64]

SENATOR HANSEN: And I don't want to see you out there in a Prius (laughter) so what are you going to do? [AGENCY64]

BRYAN TUMA: Well, there's some good news I think. What we are seeing are the

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vehicle manufacturers being much more responsive to the law enforcement market. You know, instead of taking a family sedan and making it into a police car we're beginning to see the manufacturers make a platform or a vehicle for law enforcement. A couple of things: Yeah, the Crown Vic, which has been the workhorse--I think 70 percent of police vehicles in the United States are Crown Vic--those are going away after 2011. We just placed an order for the next batch of cars and we went with Crown Vics because they are about \$3,000 cheaper than the Dodge Charger on the bids. So it's an economic issue for us. But we are seeing a couple of different options. For instance, Ford is putting out two different platforms for law enforcement. One is more of the Ford Explorer, which has undergone a rather drastic overhaul, available in a two-wheel or an all-wheel drive configuration. The Taurus, which will be the new Patrol sedan vehicle, will be available in two-wheel or all-wheel drive as well. Chevrolet has been very responsive with the Impala has gone quite a makeover. The emphasis is on fuel efficiency. You have several options for engines. We tend to opt for a more high-performance engine because of the interstate and higher speeds that we have to work with and the distances whereas some of the metropolitan or local agencies may be able to opt for a, you know, a smaller power plan. So a lot more options. We think it's a good thing. There's actual consideration on vehicle design being put into these vehicles specific to law enforcement. So we're seeing good trends there and I expect that to continue. And again, the emphasis on those folks is they have to provide us a platform that allows us to get our job done, but they have to be sensitive to fuel economy.

[AGENCY64]

SENATOR HANSEN: Thank you. Thank you, Mr. Chairman. [AGENCY64]

SENATOR HEIDEMANN: Senator Harms. [AGENCY64]

SENATOR HARMS: You had an educational program for a lot of different communities where you have a highway patrolman goes to the schools... [AGENCY64]

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BRYAN TUMA: Right. [AGENCY64]

SENATOR HARMS: ...and talks about drugs issues, talks about text messaging and all of the things that we now have. Is that a...any fear of losing that with those positions in this budget (inaudible)? [AGENCY64]

BRYAN TUMA: Right. Well, we had what used to be known as the safety education division. We opted to do away with that, and now we allow the troop area commanders to identify an officer or perhaps they assign that to several officers and spread that workload around. But we have community service officers. We continue to emphasize education as one component of highway safety and public safety. You can't enforce all the problems the way you have to do education, so we try to do those community outreach efforts. I think you're very familiar with Trooper Elley out in your area. [AGENCY64]

SENATOR HARMS: I've done a lot of work with him. That's why I asked the question. [AGENCY64]

BRYAN TUMA: He's very good. And, no, we continue to put emphasis on that. That is part of our goals and objectives year in and out. We have to continue to do that. [AGENCY64]

SENATOR HARMS: Well, I think it's very valuable, and I know it's made a big difference where we live in regard to what happens with some of our teenagers. [AGENCY64]

BRYAN TUMA: Right. [AGENCY64]

SENATOR HARMS: So I just wanted to make sure that we're still moving that direction. Because if not, then we need to look at the budgeting process again. [AGENCY64]

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SENATOR HEIDEMANN: Senator Mello. [AGENCY64]

SENATOR MELLO: Thank you, Chairman Heidemann. And, Colonel Tuma, to some extent this is a serious follow-up to Senator Hansen's question which is fuel costs have been increasing dramatically over the last I think few months. And I was listening this morning that they're anticipating fuel costs with some of the uprisings in the Middle East right now possibly moving gasoline up over \$4 a gallon very soon. Is that taken into any consideration when you were doing your budget of what you project fuel costs to be over the next few years on average? [AGENCY64]

BRYAN TUMA: I think it's fair to say we didn't anticipate a dramatic increase in fuel prices. [AGENCY64]

SENATOR HEIDEMANN: Is that the end of your question? [AGENCY64]

SENATOR MELLO: No, I'm sorry. I just wanted to write that down. My second question deals with an issue that I know the Legislature...we dealt a little bit with it last year and I have a feeling this committee will hear more about it with the bill introduction by Senator Loudon, which is the ongoing issue surrounding Whiteclay, Nebraska, in the sense that the State Patrol I know has been an active partner in regards to some of the patrolling issues surrounding Whiteclay. And I was hoping that you might be able to share the agency's perspective on some of the challenges maybe that we've seen over the last few years. I know it's some funding issues that are going to come in front of us in the near future regarding seeking of appropriations to help provide maybe a little bit more security or financing for security measures. And I'd appreciate hearing your perspective first. [AGENCY64]

BRYAN TUMA: Well, Whiteclay specifically I think it's fair to say we work quite closely with the tribal police on the South Dakota side of the border, and we work very closely with the county sheriff of Sheridan County. And I believe the sheriff's office recently

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received some additional grant monies to add personnel specifically for the Whiteclay issue. We continue to monitor Whiteclay. It is a part of the strategic enforcement plan for the Troop E area, which is Scottsbluff headquarters. We continue to provide for a community of that size probably an inordinate amount of enforcement and patrolling activity. On occasion, we will go up there and work selective enforcement. We continue to send our liquor investigators up there to do compliance checks and periodic enforcement activities to try and identify where we've got underage minors, those types of purchases, or violations of the liquor stores up there. So we continue to put emphasis on that whole issue of Whiteclay. We've had dialogue with the tribal leaders beyond just enforcement and public safety issues. We continue to be a part of that, and there's other state leaders that have met with Whiteclay. Typically when they have a meeting with those folks, we are a part of that discussion. So there is a lot of open dialogue. There is a fair amount of enforcement activity and emphasis placed on that community.

[AGENCY64]

SENATOR MELLO: Do...and if it's something that we can follow up maybe after the hearing, I think it would be worthwhile for some of...those of us who I think work on looking for some solutions of this ongoing problem is the number of violations that maybe the State Patrol has issued or citations the State Patrol has issued in comparison to maybe the convictions, and maybe that's something we have to follow up with maybe the Liquor Control Commission as well as the local judicial branch in Sheridan County. [AGENCY64]

BRYAN TUMA: Well, we do compliance reviews, which I mean that's typically the investigator going in. That's not a surprise. Typically they know we're coming. We go in and monitor those issues, the regulations, if they're in compliance with those. And then we do...we try to do...you know, it's difficult to do undercover operations in that community, but we do go up there and do enforcement. And we have cited a couple of the retailers up there for sale to minors and that was fairly recently. We just completed a compliance review process at the end of 2010 so there has been some recent

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enforcement activity up there. [AGENCY64]

SENATOR MELLO: Okay, thank you. [AGENCY64]

SENATOR HEIDEMANN: Senator Wightman. [AGENCY64]

SENATOR WIGHTMAN: Thank you, Chairman Heidemann. I wanted to add my thanks for your past years of service. They've been exemplary I think. As we've continued through this over many years, I assume your two biggest areas are traffic and criminal investigation, drug investigation. Do those two areas tend to parallel each other as far as number of personnel hours spent or is one growing faster than the other?
[AGENCY64]

BRYAN TUMA: Well, in terms of mission requirements, clearly highway safety traffic enforcement issues, I mean, that's our primary responsibility. We place considerable emphasis on criminal and drug investigations, a lot of alcohol, tobacco, sex offender registry, Internet crimes against children. We have gotten more active over the last few years with what we call cyber crimes. We're part of the FBI Cyber Crime Task Force out of Omaha. So, you know, we try to address all those investigative functions as well. But clearly the bulk of our mission, the mission that most folks in the state of Nebraska equate us with is our highway safety enforcement activities. [AGENCY64]

SENATOR WIGHTMAN: Percentagewise, what do you think that would account for as far as personnel? [AGENCY64]

BRYAN TUMA: Well, there are about 100 officers assigned to investigative services compared with about 270 officers assigned to traffic enforce field services and then we have another 98 officers assigned to commercial motor vehicle. [AGENCY64]

SENATOR WIGHTMAN: So that ratio is pretty standard for that. [AGENCY64]

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BRYAN TUMA: That's fairly consistent over the years, yes. [AGENCY64]

SENATOR WIGHTMAN: Thank you. [AGENCY64]

SENATOR HEIDEMANN: Any other questions? Seeing none, once again, thank you for all you've done for the state. [AGENCY64]

BRYAN TUMA: Thank you. [AGENCY64]

SENATOR HEIDEMANN: Is anyone else wishing to testify on Agency 64, the Nebraska State Patrol? Seeing none, we will close the public hearing on Agency 64 and open up the public hearing on Agency 21, the Nebraska State Fire Marshal. [AGENCY64]