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Appropriations Committee
March 06, 2013

[AGENCY 64]

DAVID SANKEY: (Exhibit 2) Good afternoon. Good afternoon, Senator Mello and members of the Appropriations Committee. My name is Colonel David Sankey, D-a-v-i-d S-a-n-k-e-y, and I'm the superintendent of the Nebraska State Patrol. I'd like to thank you for giving us the opportunity to appear before you today to offer testimony in support of the Governor's recommendations contained in LB195, the main appropriations bill intended to support the operations of the Nebraska State Patrol. I would also like to thank you for your continued support of our operations and consideration of our budget request. One difference between the Governor's recommendations and the committee's preliminary figures is the area of appropriations for higher gasoline prices. The Governor's recommendations provided total increases over the FY 2013 base budget level of \$351,039 each fiscal year for anticipated higher gasoline costs. The committee's recommendations provided an increase of \$189,000 each fiscal year. We respectfully request the committee reconsider providing the agency with the full \$351,039 each year as reflected in the Governor's figures. There are three areas that I would like to cover that were of specific interest to the committee: the consolidation of State Patrol communications centers; the operations of the state crime lab, including backlogs which are pending cases, and the crime lab facility; and a discussion regarding perceived overtime changes by our sworn officers. First, the communications center consolidation: The Nebraska State Patrol currently operates a communication center in each of the six troop areas across the state. In 2012, the State Patrol began to fully utilize the statewide radio system. The technology associated with this system will allow the State Patrol to dispatch personnel remotely from other centers, realizing efficiencies and cost savings by consolidating some communication centers. This course of action is a result of an internal committee which was formed to study the issues related to consolidation, which consisted of various subject matter experts within the agency to evaluate the pros and cons of consolidation and to identify a new organizational structure for our communications division. Specifically, the committee was charged with evaluating potential efficiencies, consistencies in

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operations amongst the centers, possible cost reductions, and the streamlining of operations in order to provide better services to the citizens of Nebraska. The results of the committee's work indicated the centers should be brought under the direction of a statewide communication director and three area site managers. This central point of direction ensures consistency of operations, fosters a team-like approach, and streamlines the center's functions. The committee also recommended consolidation from six to three centers over a period of four years. As a result, we anticipate the number of employees would gradually decrease from 53 to 45 by July 1, 2014, with the potential for a further reduction to 40 employees by July 1, 2015. It is estimated the plan will result in a cost savings from the FY 2013 base of \$203,912 during fiscal year 2014 and of \$247,938 during fiscal year 2015. The agency has considered the impact consolidation will have on the communities we serve statewide. We anticipate no change in the level of service we provide to communities. Overall, we believe the benefits of the consolidation outweigh the concerns which have been raised. The State Patrol Crime Lab: Over the last several years, the utilization of DNA samples has increased dramatically. The Nebraska State Patrol crime lab is one of only two labs in Nebraska that conduct DNA testing and the only facility in the state that provides its services free of charge to the law enforcement community. Additionally, our lab is the designated CODIS administrator for our state. CODIS stands for the Combined DNA Index System. Due to the increased level of demand and a number of other factors, the lab is experiencing pending cases for testing of samples. One contributing factor is that time is required to recruit, hire, and train scientists. A newly hired scientist needs one year to be competently trained to perform DNA testing. A second related factor is the lab has experienced a turnover of scientists as a result of salary limitations due to budgetary constraints. In many cases, we simply cannot pay scientists as much as they are able to earn at other labs. A third factor impacting pending cases is the inability to expand the lab's capabilities due to space limitations. While the demand for DNA testing and drug testing is increasing, the current lab facility does not have additional space available to accommodate additional equipment and scientists to allow for increased testing, thus allowing for a reduction in the pending cases. The State Patrol recently

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engaged industry consultants to prepare an assessment of the current facility and projection of future needs based on demand for services. The study and the assessment found the current facility to be lacking in terms of meeting future growth needs. The crime lab's facility lease expires in February of 2014. The lab is faced with either renewing the lease with the current owner, pursuing a new location, or purchasing the existing facility and making improvements. To that end, the Governor's recommendations include \$1,750,000 in additional Cash Fund appropriations in FY 2014, which the committee preliminary recommendations also provide. The funding for this cash appropriation has been provided in LB199 via cash transfers from existing State Patrol cash funds. We understand that funds do not exist in the current budget to provide for a new facility for the crime lab and, therefore, we are appreciative of the provisions of these funds to improve the current short-term situation for the lab. Thirdly, we'd like to address overtime for sworn officers. For several years, the State Patrol has allowed our sworn personnel to work either four 10-hour days or five 8-hour days, depending on their work area. Due to a reduction in manpower, it was determined the State Patrol could provide better service to the citizens of Nebraska by switching all of our personnel to five 8-hour workday schedules. On February 1, 2012, this change was implemented after considering calls for service; the changing census, such as population growth and crime rates; an inability to cover the current shifts; and the desire to enhance the safety of our officers. The command staff is in the process of analyzing the impact of this change, one of which is the impact on overtime. Based on a statistical review, it does not appear this change in shift schedules has resulted in a significant increase in overtime. In conducting the analysis, overtime related to special out-of-the-ordinary incidents, such as the Chadron fire, was removed to ensure the accuracy of the statistics. In closing, I'd like to express our appreciation for your ongoing support of public safety initiatives. The Nebraska State Patrol is committed to operating in a fiscally responsible manner and will continue to do so with your support. I would be happy to answer any questions that you have at this time. [AGENCY 64]

SENATOR MELLO: Thank you for your testimony, Colonel Sankey. Are there any

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questions from the committee? Senator Harms. [AGENCY 64]

SENATOR HARMS: Thank you very much for coming, appreciate it. I want to talk to you a little bit about the communication center. [AGENCY 64]

DAVID SANKEY: Sure. [AGENCY 64]

SENATOR HARMS: I remember when we went out to Scottsbluff and we opened that and everybody was pretty much excited about it. But since then, I've done a lot of following up and talking with people in the field that say it doesn't really work as well as the old one and they're having difficulties with it and the amount of money that we have spent in trying to tie the state together, I just would like to know what your views are on that. It doesn't sound like to me that the people in the field are real excited about this. And that's just (inaudible). [AGENCY 64]

DAVID SANKEY: About the new communication system? [AGENCY 64]

SENATOR HARMS: That's correct, um-hum. [AGENCY 64]

DAVID SANKEY: Yes, sir. Well, I can tell you, I mean, the old system was an antiquated, 50-year old technology. It was very basic and it had limitations. The new system is state of the art, it's digital, it's got the capabilities to communicate statewide. The clarity on the system is amazing, it really is. But when you implement, as we have found, whenever we implement new technology, there are bugs that you have to work through and we're working through those bugs right now. I think our experiences are on a daily basis the system works pretty well for us. Now have we had some issues? Yeah, we've had some issues. And we're trying to identify how to overcome those issues, whether that's training or infrastructure or however else we can try and address it. [AGENCY 64]

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SENATOR HARMS: I think the two biggest complaints I heard was one was training and the other was just the infrastructure itself in that there were places in Nebraska which you still couldn't contact and you couldn't get yourself between other agencies. So if you needed some help on something, you couldn't shift to maybe the sheriff or someplace else, ambulance services, or whatever you might need, there seemed to be a lot of confusion with that and it just didn't feel like it was working. I'd just like to know whether it is or isn't. [AGENCY 64]

DAVID SANKEY: Yeah. Interoperability is an issue we're going to have to work on once we get the system to work for the State Patrol and the other state agencies that are on the system. We have successfully achieved interoperability with a few agencies: Chadron Police Department, the Keith County Sheriff's Department, they're using the system. So we're working on improving interoperability for those agencies. And interoperability was an issue on the old system as well. [AGENCY 64]

SENATOR HARMS: So what's the problem in making this actually work? I mean do people have to buy into it? Does like the community of Chadron have to pay some fronted dollars to be a part of the system? Is that part of the instructional problem that we're having with this? [AGENCY 64]

DAVID SANKEY: Yeah, sir. I'm really not the infrastructure expert, but what I can tell you is I think there are opportunities for the locals to purchase equipment and to sign MOUs with the state to be able to come onto the system or at least to patch into the system so that we can have mutual aid channels and have interoperability. [AGENCY 64]

SENATOR HARMS: Is that cost prohibitive for some of these smaller areas? [AGENCY 64]

DAVID SANKEY: I can't answer that, sir. I don't know what the costs are involved with

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them joining the state system. [AGENCY 64]

SENATOR HARMS: Is there anyplace in the state that we still can't communicate? Is there anyplace that's just a dead area that you just can't get to? [AGENCY 64]

DAVID SANKEY: I think there are some areas of the state that we have difficulty with some of our coverage areas, yes. [AGENCY 64]

SENATOR HARMS: So what are we going to do to make that correction? [AGENCY 64]

DAVID SANKEY: Well... [AGENCY 64]

SENATOR HARMS: It would seem to me then with the millions of dollars...I'm not being critical, okay, and I don't want to think that I'm being defensive here because I'm not. I'm just wanting to explore a little bit about it. It would seem to me with the amount of money that we have spent in bringing this system up that there shouldn't be anyplace in Nebraska that's dead and we should be able to communicate with every different agency. And if that's not possible, then I think this Appropriations Committee needs to see a plan that would make that happen. I don't think that...these smaller communities like where we live in rural Nebraska should have a right to be able to get the help they need and be able to communicate where they need to communicate. But if it's the fiscal sort of thing, then we need to understand that because I am concerned about it, quite honestly, for making sure that we have the coverage; and also to be honest, are they giving you the tools that you need to provide the job that we're so proud that you do, making sure we're getting the coverage of citizens that we should have? And I guess I'd kind of like to see that. I just don't know what the process would be with that, but I'd like a lot more depth review of this whole communication structure and system and more in-depth of why it's not working appropriately and what we have to do to fix it other than just training. Because when you use the term infrastructure, I'd like to know...and I know you probably may not have this answer, but what is the infrastructure? I mean what is

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the problem with the infrastructure? Why can't we make that communication? I'd like to have us just have some time...you don't have to answer if you don't know, but I think there's sometime...because I don't want to push you on the issue. I just want to make sure that we do ask these questions, and somewhere along the line we ought to get a report back that says here's the problem, here are the issues, and here's the solution and here's what we have to do to fix this so we have a better idea. [AGENCY 64]

DAVID SANKEY: Yes, sir, I would agree with you. The State Patrol, we're a user on the system so what we can control is we can control...we can try and train our people the best they can to use the system so that's what we're working on right now. [AGENCY 64]

SENATOR HARMS: But would you be able to...I don't mean to (inaudible) that's not the intent of it. Would you be able to in some form or manner give us the report that simply shows what has happened in this system, the areas that specifically are not working, and what your recommendation is to fix those so that we would have a better idea about what it might cost, come back and start to address this issue again as we do another budget cycle or as we look at next year? Because I really am concerned about it. And in talking with other law enforcement folks or the highway patrol, and they're not specifically from Scottsbluff. They've been pretty careful about how they talk to me about that aspect, but they said the old system was so much better. I mean they could just pick up and they could call, you know, other agencies very quickly and get response quicker because they were all on the same line, the same process. (Inaudible) very clear and we know there were a lot of dead areas there. But with the kind of digital system we have and the computer, the technology, there shouldn't be any. [AGENCY 64]

DAVID SANKEY: Yeah. I think we're working, we're all working towards the same goal, Senator. We just have to continue to identify what those gaps are and figure out how do we fix them. [AGENCY 64]

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SENATOR HARMS: So could we have a report? [AGENCY 64]

DAVID SANKEY: I'll work with the folks that are in charge of the infrastructure and we'll work with Motorola and see if we can come up with something like that for you, sir.
[AGENCY 64]

SENATOR HARMS: Thank you for answering the question, appreciate it. I didn't want to put you in a defensive way in any form or manner. I just want to get to the bottom of that issue. If we need to do something on our side to fix this so that our citizens of rural Nebraska have the coverage they need to have, we need to do this. [AGENCY 64]

DAVID SANKEY: I agree. [AGENCY 64]

SENATOR HARMS: And that's really what I'm after. [AGENCY 64]

SENATOR MELLO: Senator Larson. [AGENCY 64]

SENATOR LARSON: Thank you. Senator Harms, then on that vein, one of those biggest holes in that communication system sits in the middle of Knox County in Center, Nebraska. So that's also very much of a concern, and I've heard from my state troopers up there that they just hope they don't have to pull somebody over in that dead zone because they don't know what's going to happen if they do. But also I talked to a lot of patrolman, whether it's back home or even a few down here, and one thing that I continually here, and I guess I was hoping for a little more information from you is the switch from four 10s to five 8s and what they view as actually...I know you tell us that it helps actually enhance the amount of hours on the road or coverage, but I hear something completely different from the officers on the ground that, you know, it's...not only are they able to cover less in rural Nebraska because of the five 8s, there's bigger blackout zones or whatever you want to call them during each day that there is nobody

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on the roads whereas when there are four 10s there was at least one. And I also hear a lot, you know, I see it says you're doing a study and it doesn't appear that it's going to have a significant increase in overtime, but I mean you didn't bring any numbers in terms of is there an increase. [AGENCY 64]

DAVID SANKEY: (Exhibit 3) I do have some numbers if you'd like to see them, Senator. [AGENCY 64]

SENATOR LARSON: Oh, you...I would love to have the... [AGENCY 64]

DAVID SANKEY: You bet. I didn't know if you were interested or not so. [AGENCY 64]

SENATOR LARSON: Because again, a lot of times I hear, I mean, these guys that are working the five 8s, I mean they're saying they're getting more overtime but they don't like the five 8s in general. So those are two things that I think are concerning. On the gasoline prices, I know you came in and we gave you \$175,000 in the preliminary budget. How many...and right now you're budgeted for \$2.60 a gallon and you're asking for the increase to \$3.38 a gallon. You drive nearly 10,000,000 miles a year. How many employees does the State Patrol have? [AGENCY 64]

DAVID SANKEY: Well, we are...employees or sworn officers? [AGENCY 64]

SENATOR LARSON: Well, people that are going to be eating up that 10,000,000 miles. [AGENCY 64]

DAVID SANKEY: Mostly our sworn officers, well, some of our employees drive some of our vehicles as well, pool cars. [AGENCY 64]

SENATOR LARSON: But for the most part. [AGENCY 64]

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DAVID SANKEY: For the most part it's our sworn officers. Our authorized strength is, we're about 477 sworn officers right now. We've got about eight vacancies. That number fluctuates from week to week, but we've got about eight vacancies in our sworn strength. So we're down to about 469 sworn officers right now, plus we have some of the Capitol Security vehicles that you see. We have three of those. So we're somewhere around 470, 472 cars that operate on a daily basis. [AGENCY 64]

SENATOR LARSON: Okay. Where...do you have a specific fund or does all your mileage come out of just the public protection... [AGENCY 64]

DAVID SANKEY: Um-hum, yes, correct. [AGENCY 64]

SENATOR LARSON: ...\$53 million general request, it just comes out of there? [AGENCY 64]

DAVID SANKEY: Um-hum, yeah. [AGENCY 64]

SENATOR LARSON: Do you guys enter into contracts? I know a lot of people are entering end of price contracts where it's guaranteed per gallon amount? Or do you guys pay as the gas rises and drops? [AGENCY 64]

DAVID SANKEY: We pay as the price at the pump rises and falls. [AGENCY 64]

SENATOR LARSON: Have you ever looked into getting into those set contracts or? [AGENCY 64]

DAVID SANKEY: We actually used to do that with the Department of Roads, but we went away from that. And I can't tell you why we went away from that. But prior to my time, we went away from that. [AGENCY 64]

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SENATOR LARSON: Have you looked into possibly moving into again...and that \$3.38, mind you, since you're a state agency obviously, and this is my own ignorance, so you're paying state gas tax as well. [AGENCY 64]

DAVID SANKEY: No. We don't pay tax. [AGENCY 64]

SENATOR LARSON: You don't pay tax. [AGENCY 64]

DAVID SANKEY: No. That's deducted, yes. [AGENCY 64]

SENATOR LARSON: That's deducted off that \$3.38 so do you pay to the federal...any taxes on the gasoline? Do you pay the federal ones? [AGENCY 64]

DAVID SANKEY: I believe we pay taxes...we don't pay the state taxes. [AGENCY 64]

SENATOR LARSON: You just don't pay the state taxes, but you... [AGENCY 64]

DAVID SANKEY: Yeah, that's what I understand. [AGENCY 64]

SENATOR LARSON: Okay. Do we know what the state taxes are right now? [AGENCY 64]

SENATOR CONRAD: 26.5-ish. [AGENCY 64]

SENATOR MELLO: 24.6 cents. [AGENCY 64]

SENATOR LARSON: 26.5? [AGENCY 64]

SENATOR MELLO: 26.4. [AGENCY 64]

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SENATOR LARSON: 26.4 so that's really at \$3.38 a gallon that's really bumping it up to like \$3.60-something where you would... [AGENCY 64]

DAVID SANKEY: Yeah. [AGENCY 64]

SENATOR LARSON: What... [AGENCY 64]

DAVID SANKEY: If I may, sir, last year, last budget we didn't have enough money budgeted for gasoline to cover our expenses. So what we're asking for...we had to make that up from other areas of our budget. And so what we're asking for is what we actually spent last year on gasoline. [AGENCY 64]

SENATOR LARSON: Another thing that...this is just talking to troopers throughout the state as I know a number of them, they...they seem fairly happy with, you know, the equipment they have and things like that. I don't think...one thing, you know, I always learn talking to just the average guy on the ground, and one thing they were frustrated with and I've actually talked to you about this as well is...and I know you guys are proud that you did a...you spent money on the anniversary badges and license plates and whatnot. Can you tell me how much exactly you guys expended on...? [AGENCY 64]

DAVID SANKEY: Right now I cannot tell you exactly what we spent on our 75th anniversary celebration last year. For those of you folks that may not know, last year was the 75th anniversary of the State Patrol, as it was with the Legislature or the Unicameral, I'll put it that way. And so, you know, we're a proud agency with a rich tradition and we wanted to celebrate that. So we did that in several different ways. Most of the money that we spent on that was through the Nebraska State Patrol Foundation, money that was raised through the foundation. But there were probably some General Fund dollars that we expended on some items to celebrate our 75th anniversary. [AGENCY 64]

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SENATOR LARSON: Was that out of the public protection program, Program 100?
[AGENCY 64]

DAVID SANKEY: Again, I'd have to get you those numbers, Senator. [AGENCY 64]

SENATOR LARSON: Okay. If you could get me that, I mean, that's very interesting because obviously we're talking about base appropriations. And when it comes to things like, you know, you had to take away money from your, you know, other things to pay for gas last year, and I understand that. And that obviously can be a concern, but like I said, I talked to a lot of troopers and they...I mean, they're obviously very proud and they like their job but at the same time they understand that they work for the state and they want the state's money to be used in the most effective manner as possible. And a number of them didn't feel that way. And it concerns me as a member of the Appropriations Committee, you know, if state funds are being used on things like of that nature. And I'm hearing it from troopers saying, why did we spend money on this? Why can't we get X or Y or Z? So I appreciate you coming in, and I'm sure if I have any questions I'll let you know personally. [AGENCY 64]

DAVID SANKEY: Sure, sounds good, Senator. [AGENCY 64]

SENATOR MELLO: Senator Conrad. [AGENCY 64]

SENATOR CONRAD: Thank you, Colonel Sankey, appreciate your presentation. Just to follow up on Senator Harms's line of questioning and maybe these questions are better directed to the vendor or another state agency, but I think the members of this committee were particularly concerned when we read media reports from the past year in regards to dramatic situation that occurred out west... [AGENCY 64]

DAVID SANKEY: Oh, yes. [AGENCY 64]

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SENATOR CONRAD: ...and folks having to utilize their cell phones or first responders having to utilize their cell phones to communicate rather than being able to access the communications system which the state has invested significant amounts of dollars. So while we're thankful that the first responders were thinking quickly on their feet to get the job done regardless of the barriers they faced, it provided, I think, a real wake-up call to us to say, gosh, are we getting good value for our dollars here? And if not, how can we fix that moving forward? So that's kind of where the committee started to discuss some of those communications-related issues. And I know we have some new members this year, and it's probably a good refresher for us returning members as well, but are you aware or is the State Patrol the primary driver of that effort in the streamline communications system? I know it cuts across Game and Parks, DAS, the list goes on and on or who's really leading that effort? [AGENCY 64]

DAVID SANKEY: Well, I guess what I can tell you is this: that the Office of the Chief Information Officer... [AGENCY 64]

SENATOR CONRAD: Yes. [AGENCY 64]

DAVID SANKEY: ...and the Nebraska Public Power District are the owners of the system. [AGENCY 64]

SENATOR CONRAD: Okay. That's helpful. [AGENCY 64]

DAVID SANKEY: The Nebraska State Patrol is probably the primary user of the system. The Game and Parks and the Fire Marshals are also users of the system. [AGENCY 64]

SENATOR CONRAD: Okay, very good. Well, I'll make sure to take it up with those folks, too, in regards to their budgetary hearing. But that's really where that line of questioning emanated from, and I wanted to make sure that we followed up on that so thank you. Thank you very much. [AGENCY 64]

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DAVID SANKEY: You bet. [AGENCY 64]

SENATOR MELLO: Senator Wightman. [AGENCY 64]

SENATOR WIGHTMAN: Thank you for being here. With...you talked earlier about the gasoline price and I thought you said that what you were asking for would merely bring you up to what it would have been last year if you'd have had the money. Is that correct? [AGENCY 64]

DAVID SANKEY: That's correct. [AGENCY 64]

SENATOR WIGHTMAN: And that you used other sources for that a year ago. [AGENCY 64]

DAVID SANKEY: That's correct. [AGENCY 64]

SENATOR WIGHTMAN: Now you had funds to cover it last year I gather, but out of something other than what had been appropriated for that particular purpose, is that correct? [AGENCY 64]

DAVID SANKEY: Yes. [AGENCY 64]

SENATOR WIGHTMAN: So you're not increasing what would have been last year, or am I incorrect there? Are you increasing it from what it would have been last year... [AGENCY 64]

DAVID SANKEY: No. [AGENCY 64]

SENATOR WIGHTMAN: ...if you'd have had the funds to pay with it or? [AGENCY 64]

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DAVID SANKEY: Yeah. We looked at what did gasoline cost us last year and so that's what we're asking for in this current budget. [AGENCY 64]

SENATOR WIGHTMAN: So it would be the same amount. [AGENCY 64]

DAVID SANKEY: Yes. [AGENCY 64]

SENATOR WIGHTMAN: Thank you. [AGENCY 64]

SENATOR MELLO: Are there any further questions from the committee? Senator Harms. [AGENCY 64]

SENATOR HARMS: I just want to take a moment to say thank you for all that you do for Nebraska and how proud we are of the services that you give us, and particularly in rural Nebraska. It's pretty important to us so thank you for putting your lives on the line for us each day. And when you stop cars, you never know what you're going to get into. I just want you to know we appreciate that. [AGENCY 64]

DAVID SANKEY: Thank you, Senator. I'll be sure and pass that along to the troopers. [AGENCY 64]

SENATOR HARMS: Thank you. [AGENCY 64]

SENATOR MELLO: Colonel Sankey, I guess I have one final question. In your testimony you describe that as part of your recommendation for the consolidation of six centers into three that you're going to look to also reduce staff roughly by 13 employees by July 1, 2015. Are those uniformed officers? [AGENCY 64]

DAVID SANKEY: No. Those would be communications personnel, our dispatchers...our

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dispatchers and supervisors. [AGENCY 64]

SENATOR MELLO: No doubt you and the returning members of this committee have weighed this issue in the sense of the number of, declining number of patrolmen, uniformed patrolmen in the State Patrol over the last four to six years, which as our colleague, Senator Nordquist, as the Chair of the Retirement Committee has also had to deal with the aftermath of fewer uniformed officers in regards to dealing with the state's pension obligations for the State Patrol Retirement System. Is there any planning in regards to going on within the State Patrol right now to utilize the savings from these communication center staff to shift that cost savings to hiring more uniformed officers in the next two to four years? [AGENCY 64]

DAVID SANKEY: There aren't any discussions currently to increase our sworn strength in the next budgetary process, in the next budget. [AGENCY 64]

SENATOR MELLO: All right. Okay. Thank you, Colonel. [AGENCY 64]

DAVID SANKEY: Yes. [AGENCY 64]

SENATOR MELLO: Are there any further questions? Seeing none, thank you, Colonel. [AGENCY 64]

DAVID SANKEY: Thank you. [AGENCY 64]

SENATOR MELLO: Are there any further testifiers on behalf of Agency 64, the Nebraska State Patrol? [AGENCY 64]

JERRY STILMOCK: Senators, Mr. Chairman, members of the committee, my name is Jerry Stilmock, J-e-r-r-y Stilmock, S-t-i-l-m-o-c-k, testifying on behalf of the Nebraska State Volunteer Firefighters Association and the Nebraska Fire Chiefs Association.

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When the conversation two times during Colonel Sankey's testimony, one was the fires at Chadron and the other was the questioning from Senator Harms, it has to do with the communication system so it's outside the realm of what you're looking at right now. But I did want to share with you there was at least one area, Keith County around Ogallala, that did spend resources in order to patch their radio so they'd be able to communicate. There were other sections of the state that haven't done that. And with the devastating wildfires that we had last year, 500,000 acres burning, that have burned, Senator Harms, I just commit to you that we...my clients, we need to find a solution to this area as well. And I just commit to you and the members of the committee that I'm going to continue on it because I've heard it from senators outside of this committee of, you know, the various departments--at times 20, 30--responding to a mega fire covering acres and acres and miles of land that it's working in a black box without being able to communicate. And thank goodness we didn't have a death. Those are my comments, just merely to let you know because of the issue of communication. Senator, I'll complete the form upon my completion here this afternoon. [AGENCY 64]

SENATOR MELLO: Thank you, Jerry, for your testimony. Are there any questions from the committee? Senator Harms. [AGENCY 64]

SENATOR HARMS: Thank you very much, Jerry. Do you think the actual system that we have, that the system just...or is it the training or? I guess I'm trying to come to grips with what's really creating the problem, why we cannot communicate with it. Did we not get the right system? Or is it just...I don't know what it is. I'm just trying to come to grips in my own mind about what the issue is because I really believe that we have every responsibility here as senators to make sure that our highway patrol, our law enforcement officers, have the tools they need and to make sure that we can give them those tools to help protect the citizens that they are trying to help us with. And so if communication is the issue, one of the issues, we need to come back and try to fix this. And I just don't understand whether it's the system itself was not the right system. It's what I don't know. What is your thoughts about that? [AGENCY 64]

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JERRY STILMOCK: Thank you, Senator Harms. I have the same questions and I've actually asked the same set of questions. In order to solve the problem, I needed to know so I could share with you what the problems are and what, you know, what's remediable. The closest I've come is that there was funding...and I'm talking about the regions of communication now that's set out, those communication regions. They each received funds from grant money that went out and there was no requirement that those funds be spent directly on upgrading in order to latch onto the state system. It was the word shared to me by others were that we weren't going to mandate how the funds were going to be spent. We were going to leave it up to local control. And so the fire chief at Ainsworth, Brad Fiala, he said we went into these mega storm, fire...mega fires without any communication, without the ability to communicate. But then when their tasks were completed in October, they realized that there was some way that they could patch on. And since that time they have gone ahead and be able to upgrade in order to communicate more widely. So it appears at least on that initial review, Senator, we're able to patch in but people don't know. People don't know how to. And so there's a term that they use, paraclete. It's one of the software components that's added onto the radio system. But I'm trying to get out to our membership so we don't have this. It's bad enough fighting the weather and everything else and the fires. We don't need to be fighting among ourselves. Senator, we had backfires being set and people showing up on the scene backfire as an offensive way to fight the fires, we had people coming behind them that were putting the backfires out. Why? Because they didn't know. A little too dramatic for a Wednesday afternoon, pardon me, but we need to get the answers. And I vow to you, as I have to my membership, we're going to continue to push so if it is a matter of getting information out, this is what you need in order to upgrade, to patch in, at least for the fire districts throughout the rural part, then this is what you're going to need to do. [AGENCY 64]

SENATOR HARMS: I think, Jerry, what would really help us is a complete analysis of the system so we can actually look at the study and a review to tell us exactly what the

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issues are and what the problems are because it's our responsibility if we can do it to start fixing it so that we give the tools to the people who need the tools. [AGENCY 64]

JERRY STILMOCK: Senator, I'm committed and I'll tell you and the other members I'll reach out to those other agencies because there is no agency for the volunteer firefighters other than the ones we piggyback on, the Fire Marshals, NEMA, I'll leave somebody out; but those are the agencies we deal with. But other than that, we're out there as our own. So we need this answered as well, Senator. [AGENCY 64]

SENATOR HARMS: I agree. [AGENCY 64]

JERRY STILMOCK: Thank you. [AGENCY 64]

SENATOR MELLO: Are there any further questions from the committee? Seeing none, thank you, Jerry. [AGENCY 64]

JERRY STILMOCK: Thank you. [AGENCY 64]

SENATOR MELLO: Are there any further testifiers on behalf of Agency 64, the Nebraska State Patrol? Seeing none, that will end today's hearing on Agency 64 and move us next to Agency 78, the Nebraska Commission on Law Enforcement and Criminal Justice. [AGENCY 64]