

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Third Session
April 27, 2005**

The Committee on Government Affairs was called to order at 9:14 a.m., on Wednesday, April 27, 2005. Vice Chairwoman Peggy Pierce presided in Room 3143 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Peggy Pierce, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. Jerry D. Claborn
Mr. Pete Goicoechea
Mr. Tom Grady
Mrs. Marilyn Kirkpatrick
Mr. Bob McCleary
Mr. Harvey J. Munford
Ms. Bonnie Parnell
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

Mr. David Parks, Chairman (excused)
Mr. Chad Christensen (excused)
Mr. Joe Hardy (excused)

GUEST LEGISLATORS PRESENT:

Senator Dennis Nolan, Clark County Senatorial District No. 9

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Susan Scholley, Committee Policy Analyst
Nancy Haywood, Committee Attaché

OTHERS PRESENT:

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association

Ted Olivas, Director of Government and Community Affairs, City of Las Vegas, Nevada

Mark Blomstrom, Deputy Director, Nevada Department of Information Technology

John Slaughter, Strategic Planning Manager, Office of the County Manager, Washoe County, Nevada

Bjorn Selinder, Legislative Advocate, representing Churchill County and Eureka County, Nevada

Vice Chairwoman Pierce:

[Meeting called to order and roll called.]

Senate Bill 194 (1st Reprint): Revises provisions regarding certain systems of communication related to public safety. (BDR 19-749)

Senator Dennis Nolan, Clark County Senatorial District No. 9:

The bill you have before you today is a pretty simple bill. As a member of the Homeland Security Commission and a member of the State Emergency Response Commission, a number of items come before us dealing with those types of issues. Homeland security, emergency response, and the funding of emergency response receive grant dollars going out to the different agencies and different response entities in the state to help prepare for and prevent domestic and foreign attacks.

Since the Homeland Security Commission's creation two years ago, they have really spent about a year and a half trying to organize themselves into a working, functioning company. The language that created them left a lot of work to be done by that committee to self-regulate. You will see some other bills coming before you dealing with that same issue. The members of the Homeland Security Commission have struggled in the last year and a half to create a well-functioning, workable committee.

This is just one bill that addresses an issue that came before us that was not included in statute. It became a very integral part of what the commission does and the discussions that they have.

[Senator Nolan, continued.] Senate Bill 194's primary purpose is to deal with issues of compatibility and interoperability of different types of radio systems. Many of you know that we had a real debacle for a number of years with the state emergency response radio system, and finally, after about five or six years, that system seems to be up and functioning. It may not be in the way many of us felt it should have been working, but it is working now, especially with highway patrolmen who now can communicate with each other statewide.

We had those discussions in the Homeland Security Commission about how to deal with their compatibility issues, but that was not one of our formal charges. It inherently and naturally fell upon the Commission to become involved, because they are ultimately responsible for allocating funds for emergency response radio systems.

What S.B. 194 does is to include those things that the Homeland Security Commission would work with, such as the compatibility and the interoperability of radio systems for emergency responders. The Commission advises and makes recommendations to the Governor relative to those issues of compatibility and interoperability of radio systems. The bill tries to codify into statute what the Commission has already been doing.

Assemblywoman Kirkpatrick:

Why are the dates changed in the bill from July to October? Is there a down time? Why can't they buy for almost five months?

Senator Nolan:

Currently, the state is in the process of negotiating a contract. I think someone here will be talking about that. They are in the middle of a bid process, and this would accommodate negotiations that are going on right now.

Assemblyman Grady:

You brought up the radio problems and the state has literally spent thousands upon thousands of dollars trying to correct this. I understand we still have "dead spaces" around rural Nevada, and the Highway Patrol cannot even communicate with the local sheriffs' departments. Is that being addressed? Is that being fixed? I think this is one of the biggest problems we still have.

Senator Nolan:

There is an attempt to address that. Without going into all the complexities and the problems that we had with those radio systems, it is almost like the cellular commercials where a highway patrolman has to go out and say, "Can you hear me now?" in order for us to find all the dead spots. Unfortunately, even with as much of the state as they have covered, from my understanding, about

94 percent of the state still has some patches and dead spots. This is due to line-of-sight, issues with towers, and that sort of thing. They are still being identified. It is a scary thing. When you are a trooper out on a rural road by yourself, the last thing you want is to not be able to call for help if you need it. They are working through that, and it's almost an inherent issue to try to overcome all those obstacles. Had this been in place and had the Commission been working on this issue earlier, we might not have had some of the same problems that we ended up with.

Assemblyman Goicoechea:

Since I represent several rural jurisdictions, how are we going to address the issue about the local sheriff's office running on a different frequency and band than Nevada Public Safety? Unless we put two radios in a Highway Patrol vehicle or, in fact, you can't license those local jurisdictions into a higher band, then how are we going to address that? I know it is an issue. I know most of the rural highway patrolmen, and there are a lot of places in rural Nevada where they cannot call to the local sheriff for a backup. They are running on two different frequencies at this time. Are you going to put funding in for the local jurisdictions? Where are we headed?

Senator Nolan:

Yes, those are concerns that are being addressed. Unfortunately, technology is starting to catch up with the problem all at once. You have high-band and low-band radios, VHF [very high frequency] and UHF [ultra high frequency] radios, and now you have radio systems that can actually scan high-band, low-band, and VHF frequencies at the same time. We have to wait until we get to the point where we can install those types of radios. There are federal funds available for communications that the State Emergency Response Commission has applied for, and we do continually apply for those. There is actually more and more money becoming available for communications systems.

Because of prior disasters, like the World Trade Center disaster, other natural disasters, and even the Waterfall Fire up here, the greatest single issue—even in the short range areas—is to communicate with other emergency responders. It's a priority for the federal government and also for the state. Money is starting to flow that way but, until that happens, the best we can hope for is that the 24-hour dispatch systems that are set up in the rural area systems can be used to network. The highway patrolmen would be able, with a system in place right now, to contact the dispatch center for the Eureka County Sheriff's Department, and they would contact their patrolman who is out there.

Assemblyman Goicoechea:

We all have the same concern. It is dangerous in rural Nevada, whether you are a trooper or a county sheriff.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

I apologize to Senator Nolan for this late amendment ([Exhibit B](#)) that we are bringing forward, but like a lot of things, after considering the bills, we did identify some problems. We found some problems in Section 5(b). What if the Committee members have a fundamental difference of opinion among the systems that are being recommended? How do we resolve that? Secondly, what if the systems the committee recommends are beyond the financial capabilities of the rural communities? We all know that those communities are strapped for funds just like the major metropolitan areas are. I think it is even more crucial that we look at those financial capabilities of the smaller agencies.

We offer the amendment, but please understand that we are not locked into this verbiage. Our concern is that there be some methodology by which we are able to appeal this committee's decision. It should be either from within the committees concerned or from an agency. If the decision process has already been started, and they are not able to receive the approval of the committee for the system they are requesting, a postponement or delay of that process ends up costing money for the agencies. We are looking to find some mechanism where the recommendation of the Governor is not totally binding. Also, from the committee, we want some mechanism to work within the group to bring forward issues and problems that might not be resolved.

Being a 35-year law enforcement veteran, I can tell you that interoperability is primary. In my days as a uniform officer in North Las Vegas, I couldn't talk to Las Vegas, the county sheriff, or the fire department. When working narcotics in rural Nevada, it scared me, because I couldn't talk to anyone. We want to support this bill and go forward with it, but we just see there is an issue here of trying to resolve problems at the committee level and also at the local agencies' level.

Assemblyman Goicoechea:

To me it looks like the bill says, "advise and make recommendations," but the Commission is only "recommending" to the Governor. I don't see where that kind of binding language is in here.

Frank Adams:

I think you are probably right there. We are just concerned that there is no binding thing that the Governor would have to accept those

recommendations. We are not locked into this verbiage. We are concerned with just the process of being able to make some type of appeal.

Assemblyman Goicoechea:

Senator Nolan, is there anything in the bill that moves it beyond "advise and recommend"?

Senator Nolan:

I do not believe so. The recommendations that go to the Governor "advise and recommend," and they are strictly our opinions. He can take those recommendations or not. If the Committee adopts a recommendation, then it goes forward. The Governor would have to formally receive a recommendation, but then it is always at his discretion as to whether or not he accepts that.

I really am very sympathetic with the exact issue that Mr. Adams has discussed. We don't want to get a system that somebody has already spent millions of dollars on and then have a recommendation come up to do something else. What I would say is that there is a bill that might come to this Committee that restructures the Homeland Security Commission. Right now, there are about 20 people on it, and they are representatives from rural areas encompassing the north, the south, and central Nevada. They include police chiefs, fire chiefs, and many others. Many are representatives from the urban areas and from business and industry, which are all also affected by these issues. Part of the restructuring is to reduce the 20-member commission to a more manageably-sized working group.

I would say that any recommendation to come before the committee is debated, and they are public and open meetings. We have input from the State Emergency Response Commission on all recommendations. With respect to funding for radio systems, the State Emergency Response Commission is represented by the rural counties, which includes both their police and fire agencies. I think there is enough opportunity for input from the other rural agencies that if there is a major concern, like funding, then it can be brought forward to the commission.

I think what the amendment, as written, does is hamstringing the Commission's ability to make decisions based upon even one member disagreeing. It says that if the Commission adopts a recommendation by majority vote, and there should be members within the Commission who disagree with recommendations, an appeal process is created. What you are saying is, if there are a couple of people who don't like the idea, just like we have here at the Legislature, or if there is one person who disagrees with the recommendation, then it throws this whole process into some type of appeal. We will be back to where we started

from in the first place; the Commission would not be able to intervene with respect to radio operability and communications. That is one of the most critical issues, as Assemblyman Goicoechea and Mr. Adams indicated. I think the amendment might hurt us more than do us good, with all due respect to the Sheriffs' and Chiefs' Association.

Assemblyman Goicoechea:

This talks about establishing a state plan. Now that will be done through the Commission. I assume there would be some type of a public process to have that plan reviewed before it was adopted and passed onto the Governor as a recommendation.

Senator Nolan:

Yes, with the exception of those issues that would be considered as such a vital and sensitive infrastructure or security nature. Also, other issues not available to the public would be when we talk about radio systems and how to defeat our statewide communication system. The various state agencies always are involved, either at the Emergency Response Commission level or at the Homeland Security Commission level.

Assemblyman Goicoechea:

I would think, at a minimum, the public safety agencies that are scattered throughout the state should at least be involved in the creation of that plan.

Vice Chairwoman Pierce:

For myself, I think that "advise and make recommendations" is, by definition, non-binding. I am not sure what the amendment would do.

Ted Olivas, Director of Government and Community Affairs, City of Las Vegas, Nevada:

We are in support of this bill.

Mark Blomstrom, Deputy Director, Nevada Department of Information Technology:

We are now on the path toward developing that plan. We do have a draft framework at this point. We have had a consultant, funded by a Department of Homeland Security grant, on board for several months now working with the committee. This committee is called the Nevada Communications Steering Committee, and it actually has been formed under the direction of the Governor. It does precede the Homeland Security Commission in the sense that it was formed right at the end of 2002.

[Mark Blomstrom, continued.] The Nevada Communications Steering Committee has been working on developing a plan for some time now. We have the framework of that plan. Committee members have been moving through, reviewing, and modifying parts of the plan as they have been approved by this committee for publication. These have been placed on a dedicated website for public comment. We are anticipating we will have that public comment, and we will meld that into the plan.

The second piece is that we were approached last month, at the beginning of March, by the SAFECOM office. This is a small office within the Federal Department of Homeland Security. They have offered the State of Nevada assistance, and we have graciously appreciated their offer and have accepted. They have offered assistance in the form of experienced consultants in this particular piece of planning and, in return, wanted Nevada to become a model state. If Nevada became a model state, it would be published for use by the balance of the states.

There is an effort upon the part of the SAFECOM consultants to develop a focus group and bring the input of first responders—those users out in the field—and meld that information and view into the plan also. That is the primary reason Senator Nolan mentioned.

We are just about to complete—and by now, should have completed—a memorandum of agreement with the federal government and the office of SAFECOM. It will do exactly this, and that is the reason for the time extension you see in the three months from July 1 to October 1.

Assemblyman Goicoechea:

I assume that you are working with the Homeland Security Commission. Otherwise, we are going to have a real duplication, and that also concerns me—when you have two agencies going down a parallel track. How much involvement do you have from the local public agencies, whether it be Metro [Las Vegas Metropolitan Police Department] or Lander County Sheriff's Office?

Mark Blomstrom:

Yes. We are, in essence, the developer of the plan for the state. We have offered and long since been affiliated with the Homeland Security Commission within Nevada. This plan being developed is with full awareness and recognition of the Homeland Security Commission here. In fact, we have a timeline right now that will deliver our finalized recommended plan or version in late June to the Homeland Security Commission. We expect that we would deliver our final version to them for acceptance in August. We would then meet their meeting requirement in September and acceptance by October 1.

Assemblyman Goicoechea:

Then, can I assume that SAFECOM or the State of Nevada, in developing this plan, is also incorporated like Washoe County? Since they are taking input, are those people involved in the creation of this plan from the local public agencies?

Mark Blomstrom:

Yes, they are. The Communication Steering Committee is a representative body comprised of 16 representatives. From Washoe County, Deputy Chief Jim Johns sits on this board. Metro is represented by Chief Dennis Cobb. Also, in the rural areas, we have Sheriff Tony DeMeo of Nye County. Sheriff Neal Harris of Elko is also a member. They comprise our law enforcement factor. We also have health represented in the form of the Nevada Hospital Association, represented by Chris Lake, Director of Hospital Preparedness. We have fire representatives, and we have city, county, and State representatives. The committee chairman, at the direction of the Governor, is the State Chief Information Security Officer, Terry Savage.

John Slaughter, Strategic Planning Manager, Office of the County Manager, Washoe County, Nevada:

I wanted to inform the Committee about what is happening in Washoe County with our communication system. Several years ago, Washoe County voters approved a bond issue, and we are about two years into full implementation of our \$12 million and 800 MHz [megahertz] system that has brought all first responders—City of Reno; City of Sparks; Washoe County police, fire, and sheriff; the school district; and EMS [Emergency Medical Services]—and several users outside of the traditional first responders into the system.

We are involved in the statewide planning process, and I wanted it to be on the record that Washoe County is very proud of the system we have now. We have overcome a lot of the problems we had in the past with the various agencies not being able to talk with each other. We are moving forward and do very well with the system.

Assemblyman Goicoechea:

You are running on 800 MHz; Nevada Public Safety is on a higher band, I believe.

Mark Blomstrom:

The Nevada Highway Patrol is currently using 800 MHz in the state or what we call the NSRS [Nevada Shared Radio System]. The rural areas are also still equipped with high band VHF. Currently, they do carry two radios in the rural areas. They are primarily using the state 800 MHz radio system.

[Mark Blomstrom, continued.] I would like to add to what was mentioned with regard to Washoe County. Washoe County has worked very closely in developing that regional system with the State of Nevada. The State 800 MHz system and the Washoe County MHz system are integrated. They are mapped so they look, to a user, like one large system. A user can use that as one very big system. We are very proud of this from a state's standpoint.

Assemblyman Goicoechea:

I know Elko County put a ton of money into theirs and, of course, ended up on a higher one, anticipating the state was going to run on a different frequency. Can you tell me about some of the rural counties that are functioning on a higher band? Is there going to be a mechanism to bring everyone back down to this 800 MHz?

Mark Blomstrom:

There are two mechanisms we are currently considering. They will very likely be incorporated into the communication plan and are two mechanisms with respect to technology. One is the use of "gateways" into the intelligent platforms such as the 800 MHz systems of Washoe County, the state, SNAC [Southern Nevada Communications] down in Clark County, and the upcoming 700 MHz system of Metro. Those are very major digitally driven intelligent platforms. They have the capability to create gateways into those we might call the older, more conventional, or legacy, 150 MHz systems. Those gateways into these intelligent platforms allow the communication link to be at a high level. That is one mechanism.

The second mechanism, of which there are currently five examples within Clark County, are funded by federal grant money. They are a more simple approach. They are back-to-back transmitters. One is 800 MHz, one is 150 MHz, and this combination is placed on a mountaintop. They simply retransmit on both bands at the same time.

Those are two mechanisms that we will identify and probably implement more often. An observation to be made technically is, as we move down the line, that the difference between bands is becoming less and less, especially when any one agency works into a system—be it 150 MHz or 800 MHz—as that system is digitized and has the ability to blend those signals together. It is possible to go wherever you want regardless of the band, and it becomes much more achievable. We recognize this is happening, and it doesn't take much of a technologist to look backwards and see this trend. One thing I would mention with respect to the technology here is that technically, the ability to interoperate or create interoperability is fairly easy. It is actually a question of the funding.

Bjorn Selinder, Legislative Advocate, representing Churchill County and Eureka County, Nevada:

I want to caution you and am concerned about the prospects of compatibility with regard to the rural law enforcement agencies.

Vice Chairwoman Pierce:

I will now close the hearing on S.B. 194. The meeting is adjourned [at 9:49 a.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Transcribing Attaché

APPROVED BY:

Assemblywoman Peggy Pierce, Vice Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 27, 2005

Time of Meeting: 9:14 a.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
<u>S.B.</u> 194	B	Frank Adams / Nevada Sheriffs' and Chiefs' Association	Amendment to <u>S.B. 194</u>