

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

**Seventy-Fourth Session
May 29, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:02 a.m., on Tuesday, May 29, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn K. Kirkpatrick, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Chad Christensen
Assemblyman Jerry D. Claborn
Assemblyman Pete Goicoechea
Assemblyman Ruben Kihuen
Assemblywoman Bonnie Parnell
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

Assemblyman Harvey J. Munford
Assemblyman James Settelmeyer (Excused)
Assemblywoman RoseMary Womack



GUEST LEGISLATORS PRESENT:

Senator John Lee, Clark County Senatorial District No. 1

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Mary Kay Doherty, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Anne Loring, representing Washoe County School District
Dale Sanderson, Plant Facilities Administrator, Plant Facilities Department,
Washoe County School District
Michael Mitchell, Director of Operations, Carson City School District
Mary Walker, representing Carson, Douglas, and Lyon Counties
Larry Casey, Executive Director, Nevada Commission
on Homeland Security
Ted Olivas, representing the City of Las Vegas
Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County

Chair Kirkpatrick:

Since I do not see either one of the Senators, we will start with Senate Bill 499 (1st Reprint).

Senate Bill 499 (1st Reprint): Revises provisions governing the approval of certain plans, designs and specifications for school buildings. (BDR 22-443)

Anne Loring, representing Washoe County School District:

Currently, all school districts in Nevada must have their school construction plans checked by the State Public Works Board (SPWB). This bill would require school districts in counties with a population between 30,000 and 400,000 to have their plans reviewed by the local building department and not by the SPWB. The local building department would inspect the construction. If, in one of those counties there is no building department, the district would either go to the SPWB or have another local government building department or a private entity do their plan checks and inspections.

This bill does not change the current law for the Clark County School District. In the Washoe County School District, when a new school is going to be constructed it has to have the plans checked by SPWB and their local building department. The Clark County School District has their plans checked by the SPWB only. We are trying to eliminate duplication.

For school districts in counties with populations under 30,000, which generally do not have building departments to do plans checks, the school districts would continue to have their plans checked by the SPWB, who would also be responsible for construction inspections.

This bill was voted unanimously out of Senate Government Affairs, Senate Finance, and the full Senate. It was rereferred to Senate Finance because of potential impact to the State Fire Marshal, who testified that the loss of revenue from the midsize school districts would be about \$20,000 a year, but that he could absorb that loss. Therefore, Senate Finance sent the bill out without a fiscal impact to be addressed.

Dale Sanderson, Plant Facilities Administrator, Plant Facilities Department, Washoe County School District:

We have three hopes from this bill. First, is faster construction schedules with the elimination of the duplicate plans check; second, is to eliminate conflicts that we have had in the past between fire review entities; and third, it means less cost for our limited Capital Improvement Budget. We will still comply with all of the fire codes because the State Fire Marshal sets those regulations, so it would be the responsibility of the local plan review entities to check for them. The Washoe County School District submits duplicate school plans to a number of entities. An example is, if we build three elementary schools in one year, we could have four plans checks under the current standard; that might include submissions to Sparks, Reno, Washoe County, and the SPWB. So we still have duplication of plans checks, we are just trying to eliminate the one between the local entities and the state entities.

Michael Mitchell, Director of Operations, Carson City School District:

In Carson City, we are a little different. If the Public Works Board does the plan review, we are kind of stuck. We do not get inspection service from the SPWB; nor do we get a certificate of occupancy. Those items are sort of left undone. The public and the school district need to ensure they have that complete service, but the Carson City Building Department does not want to provide inspection services in a permitting aspect to plans that they have not checked. Then we are faced with having to contract with the Building Department to do a full separate plans review, in addition to what Public Works has done.

There are often conflicts between the two, and then the architects are unsure to whom they respond.

One would think that plans checks are a cut-and-dried science, but there is a lot of subjectivity to it and anytime that enters into a process, you are caught in the grey area.

With respect to the State Fire Marshal, our local fire department does a plans review, which encompasses the State Fire Marshal's requirements, and they also do the full inspection service of that part of the plan review.

This bill is a win-win situation because we get better, timelier, cheaper, and clearer plans check done.

Assemblyman Goicoechea:

Why are the counties with populations fewer than 30,000 carved out? I realize they do not build as often, but it is even tougher for them to get the State Fire Marshal to come out. They might not have the building department in place, but they could contract it. Counties under 30,000 have the same duplication that you all are trying to get away from.

Dale Sanderson:

It is our understanding that the smaller counties may not have the sophistication in their building departments to do a plans review of schools. They do have the option to contract it out or go to the SPWB. That was our rationale for carving out those counties.

Michael Mitchell:

Talking with some of the smaller counties, they wanted to have the option to go to either the SPWB and the State Fire Marshal or contract that out. Some of the counties did not think they could contract out separately, so they wanted to have the ability to go back to the State.

Assemblyman Goicoechea:

As I understand the bill, they would still have to come back under the State Fire Marshal for a plan review, even though they were paying for another review with a private contactor.

Michael Mitchell:

The local entity can request an exception: that the State Fire Marshal delegate that plans review responsibility to the local fire department or contracted service. There is an alternative.

Assemblyman Goicoechea:

I wanted to clarify that. The State Fire Marshal would not review the plans in any jurisdiction over 30,000, is that correct?

Michael Mitchell:

That is correct.

Assemblyman Goicoechea:

Yet, in counties with populations under 30,000 the State Fire Marshal would be there to review the plans, no matter if the SPWB or a private consultant was already doing their plan review.

Michael Mitchell:

There is an option out of that. I will get that information to you. There is a provision in other *Nevada Revised Statutes* (NRS) to opt out of that.

Assemblywoman Pierce:

Why is the section on Americans with Disabilities Act taken out with regard to counties whose population is 400,000 or more and left for the counties who are 30,000 or less?

Anne Loring:

Are we looking at the top of page 5? [Assemblywoman Pierce nodded yes.] That is an editing issue that the bill drafters picked up. If you look at page 7, Section 4, subsection 5, you will see all of the districts, whether the plans checks are made by the SPWB, the local building department, or a private entity, all plans have to be checked for compliance with the Americans with Disabilities Act (ADA). The language was duplicated in the original statute and therefore was put into subsection 5 as an umbrella, so it applies to the plans checks of all of the districts.

In the middle of page 7, it says "In conducting reviews . . . the SPWB, building department or private entity," all have to check for compliance with the ADA.

Assemblywoman Pierce:

"Reviewed by a private entity" seems broad. It could be the local doughnut shop. It seems that we could define that better. Is there an organization that certifies people who do inspections of buildings?

Anne Loring:

Almost the entire bill, with the exception of the Clark County School District aspect, was pulled from a bill that passed both Houses last session, but was

vetoed by Governor Guinn. He vetoed it because in the final moments the Clark County School District was put under the section of statute that the midsize districts wanted, but Clark County did not want.

Dale Sanderson:

There are private consulting firms that do this work. Anyone reviewing plans has to have certain International Conference of Building Officials (ICBO) certifications, which certify that they know the codes and are capable of interpreting those codes. That is our understanding of what a private entity is.

Assemblywoman Pierce:

Is that defined somewhere in the bill or in NRS?

Dale Sanderson:

We would have to review that.

Assemblyman Stewart:

Clark County has state inspections, counties under 30,000 have state inspections, but the middle counties are now going to have local inspections. Is that right?

Dale Sanderson:

Yes, that is correct. The reason that Clark County does not have local inspections is because they have their own building department with ICBO-certified inspectors. The local entities do not want to do it, so the Clark County School District has their own building department and the State is the second set of eyes. In our case, the second eyes are the local building officials, which Clark County does not have.

Assemblyman Stewart:

Now we have the duplication between state and local, why does not everyone go to the State instead of having the state/local/state?

Dale Sanderson:

That would be all right with us. We are looking at eliminating one layer of plans review. We could eliminate the local or the state review. In our instance, it is the local officials who do the compliance inspection, which is why we thought it best to go with the local entity.

Anne Loring:

In Senate Government Affairs, Mr. Nuñez, the Director of the SPWB, was there and pointed out that he has the authority to check the plans, but not to inspect

construction, so his office is conflicted. He described it as being "half-in/half-out." In Clark County the inspections are done by the Clark County School District's own building department. Washoe County School District, a midsize district, and the smaller districts do not have their own building departments to do the inspections. The reason why it is appropriate for the local government reviews in the midsize counties is because then the inspections are done by the same entity that did the plans check.

Assemblyman Beers:

On page 7, lines 15 and 16, there is a short phrase that I find disquieting. It is "a reasonable fee for," but there is nothing that describes reasonable.

Dale Sanderson:

The fee that we have been paying has not been unreasonable. Our heartburn is that we are paying two fees; we pay both the local entity and the State a reasonable fee.

Assemblyman Beers:

I would rather see something defined in here so it is solid.

Michael Mitchell:

The wording is left that way on purpose. I have had conversations with our local building department and the SPWB about that and it is left with that terminology so the fee can adapt to the changing expenses of the local plans review. In Carson City's case, the fee has changed over the years as their costs have increased. It is an enterprise account. They have a chart of fees that we can rely on from one year to the next so we can plan. To try to lock it down in statute would mean that it would have to be reviewed and could cause more problems than it would solve.

Chair Kirkpatrick:

On page 7, in subsection 5, lines 20 through 28, this confuses me. It says that you have to comply with the requirements of both codes, those adopted by the state and local governments, but you are saying that is where the problem lies, that they do not always agree. We have already passed a bill this session that says within a one-mile radius, local government plans would override. It would be determined within that one-mile radius, so you all were not conflicting with each other. This states what you said is the problem.

I have issues with the State Fire Marshal, because his audit stated that out of 60 buildings that were built, they were only able to inspect 3 within a 4-year time frame. Their entire budget is fee based.

We passed another bill that said since there were no fire marshals in Clark County, what are we paying for?

The bill seems contradictory. Page 4, line 14, states "a county whose population is 400,000 or more" and then outlines how this bill affects them. Then on page 2, subsection 2, "The governing body may also fix a reasonable schedule of fees for the issuance of building permits." But then it says, "A schedule of fees so fixed, does not apply to the State of Nevada, or the Nevada System of Higher Education," but it keeps school districts in. It seems like you all are going to be at the mercy of fees.

Dale Sanderson:

I will address the first question. With the interpretation of codes and ordinances, there can always be different interpretations of the same code. That is the nightmare we have gotten into before. We have had different interpretations from the State Fire Marshal representative versus the local representative, such that we could not work out those differences. We complied with one to get signed off by the State and then changed it within the week to comply with the locals so we could get a certificate of occupancy to open the building. It is not really the difference between the codes and ordinances; it is the interpretation of those codes and ordinances. When there are two different inspectors, there are two different interpretations of the same code.

Chair Kirkpatrick:

Is it not true that this is the same situation when someone at a job site believes that this is the way the code book reads, but the inspector might interpret it a different way? Is this not common?

Dale Sanderson:

It is common, but the inspector is the judge and has the certification that says that his interpretation is the final say. The problem that we have had is two people of that certification who say that they have the final say, telling us different interpretations.

Chair Kirkpatrick:

One of the things we required on a previous bill is that they had to have the most stringent standards apply. I do not see that in this bill at all. Where is that safety for the public, that we are getting the most stringent codes adopted for the buildings where our children go to school?

Dale Sanderson:

Other NRS states that the State Fire Marshal shall establish the regulations and codes for school construction and what we are doing is having the local entities review plans and inspect for those ordinances. We have to comply with local ordinances also.

Chair Kirkpatrick:

The State Fire Marshal sets all of the codes in place, and local government is supposed to say "Here are your plans; we agree that this meets the State Fire Marshal's codes, and also meets local codes." I do not understand why you are trying to cut them out unless there is something they are doing. The way this reads, you are still relying on them for information.

Dale Sanderson:

The most restrictive ordinance would satisfy the local ordinance. If the city ordinance is more restrictive than the state ordinance, it would be acceptable to the State and vice versa. It is the task of the local plans reviewers to require compliance with the most restrictive portion of the code.

Chair Kirkpatrick:

Is it just the time frame and double fees that are the problem?

Dale Sanderson:

The real problem is having two people mandating codes and the difference of interpretation between two people. It can be the same code, but there have been some nightmares.

Michael Mitchell:

The term "most stringent" provides the greatest amount of safety for the children in our schools. There is some subjectivity to that "most stringent" term. There are generally two ways of gaining full code compliance. As an example, a building that is built of a certain fire-resistant construction might have two layers of fire-taped sheetrock and so forth; or there may be a steel structure and a spray to fireproof the steel. Either one of those are fine, but the State Fire Marshal might look at it one way with respect to how he got to his decision, and the local fire department would get to it in another way. They both have equal power. That is the frustration. When one brings those two entities together to get a decision, quite often they do not come to an agreement.

The other thing that is important to note is that the local fire department has a lot of additional fire safety requirements that the State Fire Marshal does not have. Those can come into conflict occasionally. It is just so much simpler to

only have one qualified, certified inspection and plans review agency. The local entities have that full certification and ability to do this. To take it away from the locals and give it to the State would provide no benefit.

Chair Kirkpatrick:

Where in statute does it say the local government would have more stringent codes than the State Fire Marshal? I do not see it referenced in this bill.

Michael Mitchell:

I do not think it could be defined as more stringent. As long as it meets the requirements of not only the local, but also the state and federal codes, then the term "most stringent" really does not apply. One could get there in a number of different ways.

Chair Kirkpatrick:

Could we say that it has to adopt the Uniform Fire Code?

Michael Mitchell:

Yes, the bill could reference building code terminology.

Chair Kirkpatrick:

My other two questions: Section 1, line 11, where it takes the school districts out of the schedule of fees? Could you explain that to me?

Anne Loring:

Currently, for building permits at the local level, school districts do not have to pay for the permit, which includes the inspection piece. From other sections of statute, school districts do have to pay for the plans checks. We do not have to pay for inspections by the local building department. This allows the school districts to pay for the inspections, which we think is reasonable. The counties or cities are going to great expense to inspect our buildings, which is not being paid for. That is why school districts are removed from the prohibition of paying for issuance of a building permit.

Chair Kirkpatrick:

Does this mean that you are offsetting the cost, but saving the time?

Dale Sanderson:

Actually, we are offsetting the costs because we are now paying two sets of fees. We pay a plans review fee at both the local and state level. We do not pay the local municipality for construction inspection compliance with the codes, and do not get that service from the State. We receive the service from the local entities and it is reasonable that they be reimbursed for that.

Chair Kirkpatrick:

So instead of paying for the second plans check, you are paying for the inspection?

Dale Sanderson:

That is correct.

Chair Kirkpatrick:

You are not saving any money, but you are going to save time?

Dale Sanderson:

Certainly time was the big issue. We have not analyzed all of the costs, so there may be some savings associated with it, but we cannot quantify it at this time.

Chair Kirkpatrick:

On page 4, line 14, what is the reference to in Clark County?

Anne Loring:

On page 4, subsection 2, the deletion and then the addition of "In a county whose population is 400,000 or more" is simply saying that the current statute with the requirement of going to the SPWB will still apply to Clark County. Prior to the new language that is in subsection 3, that says the midsized school districts will go to their local governments for plans review, all school districts were covered by the language in subsection 2. This clarifies that what is going to follow in subsection 3 does not apply to Clark County.

Assemblywoman Parnell:

Page 7, subsection 5, is the crux of this bill as I read it. One could use either the SPWB, local building department, or a private entity; and depending on which one is used, looking at the subparagraphs (a), (b), and (c), it states that they would all have to meet relevant codes adopted by the State or local jurisdiction, or any federal requirements including the ADA. Is that correct? If that is the case, then I agree with Assemblyman Goicoechea. As long as we allow a choice depending on the situation, one might use one and another might use another. That would give them flexibility if they had someone in a smaller district to provide those services. It would make more sense, the smaller districts need that flexibility even more. Flexibility is important to clarify because the bill references back to the stricter codes in language that this Committee has looked at in this section with reference to what takes precedence over safety code.

Dale Sanderson:

That is the correct interpretation.

Mary Walker, representing Carson, Douglas, and Lyon Counties:

I have a couple of practical examples of why our entities support this bill. When the community college built an addition, they used the State Fire Marshal for the plans check, but the State Fire Marshal did not inspect the contractor's work. In one instance, the contractor did not install fire hydrants next to the new building. If there were a fire, there were no fire hydrants next to the building to provide water.

The State Fire Marshal does not make the inspections to ensure the contractors are doing what is in the plans; but a local fire department will do both plans reviews and inspections.

The other problems we had were at a local level and involved the Legislature building. When the façade was refurbished, a lot of the water outlets were either moved or eliminated and there was no notification to our fire department. If there were a fire or other emergency, there was no notification that things had been moved, and there could have been firefighters running around the building trying to find the outlets. There has been a real lack of coordination between the local fire departments and the State Fire Marshal. By having only one jurisdiction as the authority, it will be responsible for the plan checks, inspections, and local knowledge of the buildings. It is important that this bill passes.

Chair Kirkpatrick:

Is there anyone else who would like to testify on S.B. 499 (R1) in favor, opposition, or neutral? [There were none.] I will close the public hearing on S.B. 499 (R1).

Staff will present Senator Nolan's bill, Senate Bill 90 (2nd Reprint).

Senate Bill 90 (2nd Reprint): Revises provisions relating to the Nevada Commission on Homeland Security. (BDR 19-299)

Amber Joiner, Committee Policy Analyst:

Senate Bill 90 (2nd Reprint) was sponsored by Senator Nolan.

It adds an employee of the largest incorporated city in each county whose population is 400,000 or more to the list of voting members who must be appointed by the Governor to the Nevada Commission on Homeland Security. It also changes the status of the officer designated by the United States

Department of Homeland Security (DHS) and the agent in charge of the Federal Bureau of Investigation (FBI) to serve on the Nevada Commission on Homeland Security from voting members to nonvoting members. This bill also clarifies that the Chairman of the Nevada Commission on Homeland Security is authorized to appoint any person he deems appropriate to serve on a committee to assist the Commission, so long as one member of the Commission is appointed to the committee. It also provides that if a member of such a committee is a public employee, he must be given leave with pay to serve on the committee without reducing any of his accrued leave.

Chair Kirkpatrick:

Is there anyone who would like to speak in favor of S.B. 90 (R2)? Could you go through the bill with us?

Larry Casey, Executive Director, Nevada Commission on Homeland Security:

The initial problem we had with some of the membership legislation language was that we had a member of the federal Homeland Security Office and a senior agent of the FBI as voting members. While it is important to have their influence and input, it is not necessarily appropriate to have two federal officials voting on a state commission, especially if one has to deal with the Homeland Security representative and Homeland Security Department funds. Rather than have these two people removed from the Commission, we opted to have them changed to nonvoting members and ex-officio status. This way we continue to get their advice and input and enable them to stay on the Commission, but we also open up two positions that the Governor can appoint to represent some of the other organizations around the State.

While this bill was in the Senate, the City of Las Vegas introduced an amendment with which we do not have a problem. It would enable the cities of the two largest counties to have employees on the Commission. The original language in the Assembly bill restricted our committees to commissioners only. This handicaps us, for example, in the area of interoperable communications. While we have a lot of experienced commissioners, none of them are experts in the field of communications. Another example is if we wanted to create a committee that dealt with mining or agriculture, none of our commissioners are resident experts on those topics. By allowing the Chairman to appoint experts we can get a better feel for what is going on in the field.

We would also like to convert a task force on rural county affairs into a regular committee. That way we can get input directly from the rural counties on what their concerns are.

Chair Kirkpatrick:

We heard Senate Bill 106 (2nd Reprint) not long ago. We specified the definition of employee because our interpretation was that an employee could be the janitor. Can you talk about that?

Larry Casey:

The intent from the Chair of the Commission on Homeland Security, Dr. Dale Carrison, is that when he talks with the Governor about the appointments for the members of the Commission, it will be to get people who make decisions at the various levels of their current positions. This is unlike some of the language in Section 1, where it states, "(b) The chief of the county fire department in each county whose populations is 100,000 or more" or the sheriff; those are specific people. The intent from the City of Las Vegas is that this will give it the ability to coordinate with the Governor on whom they want to have appointed. We would prefer to have someone who has some clout so they can speak for these cities.

We would like to keep people on the Commission who have the ability to make decisions and give good advice.

Assemblyman Goicoechea:

The two federal officers, the FBI agent and the officer from the DHS, are on the Commission and are being moved to nonvoting members, which would allow for two more voting members. Is that correct?

Larry Casey:

That is correct. It will free up two positions that the Governor can appoint; those would be at-large positions.

Ted Olivas, representing the City of Las Vegas:

There is a City of Las Vegas component here. Mr. Casey did a good job of summarizing what this bill does. We want to add a little more as to why the City of Las Vegas feels that we need to be on that Commission.

The Governor has been kind enough to have a member of the City of Las Vegas on the Commission as a nonvoting member. During the interim, we felt, because homeland security is such a high priority for the City, a concern that someday we might not be appointed to the Commission in a voting or nonvoting position. One could argue that area with the highest probability of a terrorist incident would be the Las Vegas Strip. We would be working hand-in-hand with the Clark County fire department and others on the incident; therefore, we would need information from the departments involved. We worked closely with Senator Nolan, Assemblyman Ocegüera, and Dr. Carrison during the

interim. This bill came about over the course of a couple of years and we had a separate bill during this session to add a member to the Commission. We worked with Senator Nolan to combine the bills so that this Body would see one bill that represents all of the changes to the composition of the Commission on Homeland Security. The number of voting members does not change. With this version of the bill there are six members that are directed to be appointed and that would leave eight additional members that the Governor would appoint. Two of the nonvoting members are appointed by the Senate Majority Leader as well as the Speaker of the Assembly.

We want to make sure that we have the right person within a jurisdiction to sit on this Commission. This is one of our top priorities. Within various organizations, the police or fire chief, while he may do his jobs well, he might not be the person who has the ground-level knowledge and expertise in homeland security. We need to make those tough decisions as to who is our best representative. We need that flexibility.

Assemblywoman Parnell:

I am concerned that it is all counties of 100,000 or more and 400,000 or more. While recognizing that Las Vegas is the most vulnerable city, Carson City is the Capital. This is where the Governor spends most of his time and where the legislators are for four months every other year. I would be unhappy to not see that addressed in this bill. With a Commission of 14 voting members, we could find a spot for a sheriff of a county with a population of less than 100,000. It is naïve to assume that the capital city is not vulnerable.

Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County:

I have an amendment that is about eight months in the making ([Exhibit C](#)). I bring it before you to consider the idea. I would like to explain the problem that Clark County ran into.

Clark County has what is called an urban area administrator. There are certain areas within the United States that are defined by the DHS as tier 1 or tier 2 threats. The Las Vegas urban area is one of those tier 2 areas. The federal government directs each state to define those areas and Nevada has defined Clark County as a threat area. The person who administers that area is a person within the Clark County government. He runs the local emergency planning committee, as well. While not in statute, the person responsible for this function used to be on the Nevada Commission on Homeland Security, it was one of the at-large positions. When that person resigned from Clark County to go to employment elsewhere, it was our understanding that the replacement would have the same position, which ended up not being the case.

While Clark County has its fire chief on the Commission, we do not have the representation from the urban area administrator.

We brought this to the attention of the Governor's Office and Senator Nolan. Senator Nolan referred us to Dr. Carrison who referred us back to the Governor's Office. I know there are some concerns about not expanding the Commission any further, so the amendment before you redefines the employee of each county whose population is 100,000 or more as being a person who is in charge of either fire or emergency management. That would be at the discretion of county management.

This is not to say that a representative from the fire department is not essential on this Commission, but there are concerns about expanding the membership. This amendment would allow us flexibility in choosing between the fire chief and emergency management person.

Assemblywoman Pierce:

Did you offer this amendment in the Senate?

Sabra Smith-Newby:

I did not. I was under the impression, when we had talked with the Chair of the Commission on Homeland Security, that there were going to be no changes to the Commission makeup. We wanted to respect that and still try and get a place on the Commission. When there were changes, we offered the amendment and got the okay of the sponsor to do so. That is why we are bringing the amendment to the Assembly.

Assemblywoman Pierce:

So the sponsor has agreed to this amendment?

Sabra Smith-Newby:

I talked with Senator Nolan and he said he was okay with us offering it. It is up to the Committee to accept it or not.

Assemblyman Christensen:

Right now in counties with a population of 100,000 or more, the chief of their county fire department is a member of the Nevada Commission on Homeland Security. Your interest is to change that so the governing board of a county could choose a different person such as this administrator that you mentioned earlier.

Sabra Smith-Newby:

Yes, exactly.

Assemblyman Christensen:

[To Mr. Casey.] Have you gone through this and discussed it with Dr. Carrison and other members? Has this amendment come before the Commission?

Larry Casey:

No, we have not had a chance to talk with Clark County about this particular amendment. We are of the opinion that the membership of the Commission, as it is in law, is something that the Legislature and the Governor need to have flexibility with and we are agreeable to how you all need to have it configured. The fire chiefs are usually picked because they normally run a fair amount of the emergency management and response for any particular county. In this particular case, it is pretty much the same individual.

The Commission's opinion right now is that we want to be able to have the flexibility to appoint non-Commission members to committees and we would like to free up the two votes.

Assemblyman Goicoechea:

There are actually only six appointments that are set and then the other eight would be selected at-large. Is that correct?

Larry Casey:

That is correct at this time. The Governor is directed to appoint six members because of the legislation and that would free eight for the Governor to appoint at-large.

Assemblyman Goicoechea:

I think eight members is quite enough flexibility.

Chair Kirkpatrick:

In Senate Bill 106 (2nd Reprint), we allowed the emergency management person to be notified in the event of an emergency. If we put that person on the Commission, I would think they would lose a voice. Am I misunderstanding?

Larry Casey:

They would not necessarily lose a voice, because S.B. 106 (R2) deals with confidential documentation and S.B. 90 (R2) deals with day-to-day operations and membership of the Commission. It gives a little bit of added flexibility for the urban area people to have a direct voice on the Commission. It is kind of an apples and oranges situation.

Chair Kirkpatrick:

Do the members of that Commission not get information first and then disperse the documents?

Larry Casey:

That is correct.

Chair Kirkpatrick:

Then maybe next session we can take the emergency management person out of S.B. 106 (R2) because they will already have access to those documents.

Larry Casey:

Senate Bill 106 (2nd Reprint) addressed a variety of emergency managers; for example, the City of Henderson has an emergency manager. All of the counties in the State have emergency managers. Clark County's amendment only covers one emergency manager. If we remove that language in the next session, we would be cutting out a large number of emergency managers.

Assemblyman Christensen:

We are freeing up the two seats, the FBI representative and the DHS representative. The FBI sends a field office representative, but does the DHS have a Nevada or Las Vegas representative?

Larry Casey:

Specifically, for the FBI, it is the senior agent in charge, whose office is in Las Vegas. The DHS has a critical infrastructure and key resource expert and representative who is directly tasked to work with the State of Nevada and his office is also in Las Vegas. We work closely with both of these people because they are the people who have a lot of the information from the federal government that will help us develop and look at plans. These are two distinct people who work out of Las Vegas under the federal government.

Chair Kirkpatrick:

Is there anyone who would like to speak on S.B. 90 (R2)? [There were none.] I am going to close the hearing on S.B. 90 (R2). We will open the hearing on Senate Concurrent Resolution 17 (1st Reprint).

Senate Concurrent Resolution 17 (1st Reprint): Urges the Governor to dedicate the new Department of Motor Vehicles building in North Las Vegas in honor of former Speaker of the Assembly Paul W. May, Jr. (BDR R-181)

Senator John Lee, Clark County Senatorial District No. 1:

This is a bill I brought forth that would honor one of the good legislators who have come from North Las Vegas. A couple of key items about Paul May, Jr., are that he served 18 years in the State Assembly, 6 of which he was Chairman of the Committee on Taxation; he became known for putting the towel over the clock so the legislators would not get an extra day of per diem until the session could be closed.

When he resigned from the Assembly, the Clark County Commission appointed him until the next election. He then served the term. Then North Las Vegas had the same issue and chose Mr. May because of his expertise, knowledge, and good sense. Then he came back to the Assembly to make a total of 20 years in the Assembly.

He became the "Father of Bullfrog County." At one time we were going to create a whole new county for the Yucca Mountain Project. It was an incredible thing that he devised.

What prompted this bill is in North Las Vegas, we do not have any buildings to really honor any of our great legislators. Any building that we might be able to do something like that pertains to a prison. Recently, a new Department of Motor Vehicles (DMV) building opened on Decatur Boulevard. So I thought it would be great opportunity to put the name of a North Las Vegas legislator, someone from within our community on that building. We are going to dedicate the building to Paul May, Jr. We are not going to change the name of the Motor Vehicle Department, it will still be the Decatur Boulevard location, but the building will have something like "in honor of Paul W. May, Jr." or "in memory of Paul W. May, Jr." and a plaque. It will be something that people can read and understand that we have had some great legislators in North Las Vegas. The interesting thing is that his son is now the Director of that DMV.

I am asking that North Las Vegas be able to utilize that building to honor Paul W. May, Jr., and let us have a place where we can put the name of one of our former legislators on a building.

Assemblyman Christensen:

I do not know a whole lot about Assemblyman May, so how long ago did he finish his service in the Assembly?

Senator Lee:

In 1984, he ran again. That enabled him to have 20 years in the Assembly.

Assemblyman Christensen:

Is he still with us?

Senator Lee:

No, he passed away about eight years ago.

Assemblyman Christensen:

So this would be called the Paul W. May, Jr. building, or something like that?

Senator Lee:

The location would be the Decatur office, but the building would have his name on it.

Assemblyman Claborn:

I knew Paul W. May, Jr., for almost 50 years. He was a member of our Elks Lodge. He was an active member. He was a great guy.

ASSEMBLYMAN BEERS MOVED TO ADOPT
SENATE CONCURRENT RESOLUTION 17 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD,
SETTELMAYER, AND WOMACK WERE ABSENT FOR THE VOTE.)

Senator Lee:

Thank you and you all will receive an invitation when the time comes.

Chair Kirkpatrick:

Mr. Claborn, it is always nicer to have someone who actually knows a person do the floor statement.

We are going to have a couple more meetings. There is a potential for a behind-the-bar work session on the two bills we heard today. There are some questions that still need to be answered.

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Is there anything from the public? [There was nothing.] We are adjourned.
[10:16 a.m.]

RESPECTFULLY SUBMITTED:

Mary Kay Doherty
Committee Secretary

Emilie Reafs
Transcribing Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 29, 2007

Time of Meeting: 9:02 a.m.

| Bill | Exhibit | Witness / Agency | Description |
|--------------------|----------------|---------------------------------|--------------------|
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 90 (R2) | C | Sabra Smith-Newby, Clark County | Proposed Amendment |