

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-fifth Session
March 2, 2009**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 1:38 p.m. on Monday, March 2, 2009, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator John J. Lee, Chair
Senator Terry Care, Vice Chair
Senator Steven A. Horsford
Senator Shirley A. Breeden
Senator William J. Raggio
Senator Randolph Townsend
Senator Mike McGinness

STAFF MEMBERS PRESENT:

Michael Stewart, Committee Policy Analyst
Cynthia Ross, Committee Secretary

OTHERS PRESENT:

John Slaughter, Washoe County
Rick Bareuther, Manager, Information Technology, City of Sparks
Richard K. Vandenberg, Director, Communications and Technology, City of Reno
Randy J. Brown, Director, Regulatory and Legislative Affairs, AT&T Nevada
Mary C. Walker, Carson City; Douglas County; Lyon County; Storey County
Randy Robison, City of Mesquite
Jesse Wadhams, Overton Power District

CHAIR LEE:

We will open the meeting with Senate Bill (S.B.) 59.

SENATE BILL 59: Revises provisions governing telephone systems used for reporting emergencies in certain larger counties. (BDR 20-471)

JOHN SLAUGHTER (Washoe County):

I am also a member of Washoe County's Emergency Response Advisory Committee. The purpose of S.B. 59 is to prepare Washoe County's 911 system for what is called Next Generation 9-1-1 (NG 9-1-1). The bill has three components.

First, there is a requirement we continue our annual review of planning for improvements to our system. Second, the bill will broaden the scope on how funds are used, specifically, to accommodate the Next Generation 9-1-1 technology, the next level of communication to a 911 answering center. Third, the bill creates increases to the ending fund balance for the 911 surcharge in Washoe County. This will provide multiyear planning for projects. It will accumulate the funds needed to replace aging existing equipment and prepare for the new equipment capable of dealing with Next Generation 9-1-1. The bill does not authorize or increase any new or current fee. It also does not allow money to be used for radios or similar communication devices.

We have provided a summary concerning 911 legislation, dating back to 1995 ([Exhibit C](#)). In 1995, we were authorized to charge up to 25 cents per month on telephone service for Enhanced 911 (E911) service. We were trying to implement a system where we would know who callers were and their location, regardless if they were on a landline or wireless phone. The Advisory Committee, with this surcharge funding, has worked to get these changes made. On a wireless call in Washoe County, 911 centers now know where a caller is located.

This surcharge fund also allowed for a master street address guide, necessary to know where callers are located. We installed intelligent workstations, now aged, able to receive 911 calls. This moved us to the automatic location indicator system. We have funded digital recording systems for the 911 centers and in 2007, all wireless vendors became compliant with the automatic location indicator system for E911. Note, this is a milestone for our 911 system, as many areas do not yet have the capabilities in their system.

We have ongoing commitments for which we also use the funds. One is a \$650,000 annual cost for the phone lines. Phone lines to 911 have a price, and the fund helps to pay these charges.

The current 911 system is outdated. The best example is text messaging. Texting is the latest and a popular form of communication; however, our 911 centers cannot accept this type of communication. The Next Generation 9-1-1 will provide for text messages.

Changes in the Next Generation 9-1-1 will also include the types of calls received and the ability to transfer received calls from 911 centers not inside our area. Calls from outside our area create confusion. Often, we do not know who the caller is or where they are located. The Next Generation 9-1-1 will accept additional information designed to facilitate first responders in the field, such as providing technology to allow pictures and video to also be sent to 911 centers.

The Next Generation 9-1-1 is in the development stages and implementation should not occur sooner than 2011, but we need to prepare. In addition to video and pictures, this new technology will directly accept text messages, instant messages, information from personal medical devices and telematics, which are the emergency communication devices built into vehicles. The Next Generation 9-1-1 will also improve the routing of calls based on location, further assisting in the status of a 911 call. If a center becomes overloaded, the system will automatically route calls to other centers in Washoe County. The NG 9-1-1 system will isolate calls from a single event and queue calls from that event, freeing lines for other emergencies and their calls. For example, if an accident occurs on a highway, everyone with a cell phone begins to call in the accident. The Next Generation 9-1-1 will decipher these calls from a specific location and queue them differently than other emergency calls, ensuring lines do not become clogged.

This bill is designed to allow for the Next Generation 9-1-1. Plans to migrate to the new system are hindered by the existing fund balance cap of \$500,000. Senate Bill 59 will increase the balance of the existing fund cap to \$1 million. This is necessary to maintain the existing system while accumulating funds to pay for the NG 9-1-1 system. Preliminary quotes to move into Next Generation 9-1-1 are well over \$600,000. This is in addition to any ongoing costs to maintain the E911 system we have today, which will stay in place while we transition. To increase the ending fund balance will provide the ability of multiyear project planning and allow for funding to replace the existing system.

The AT&T has a concept for an amendment, which we support. We look to work with them on final language.

SENATOR RAGGIO:

I understand this bill only applies to Washoe County. Section 2, subsection 3 says funds are "only to enhance the telephone system for reporting an emergency in the county." Why is the distinction made only for Washoe County? Other counties are allowed to utilize the monies for other purposes as pointed out in section 2, subsection 3, paragraph (b), subparagraph (1), sub-subparagraphs (I), (II), (III) and (IV). These include paying recurring and nonrecurring charges for necessary telecommunication services, paying costs for personnel and training associated with the routine maintenance and updating of the database for the system, and purchasing, leasing or renting the equipment and software necessary. Why cannot Washoe County use the funds for the same purposes as in other counties?

MR. SLAUGHTER:

When we presented our bill draft to the Legislative Counsel Bureau, we asked the same question. They explained language in section 2, subsection 3, paragraph (a) provides Washoe County a broader use of the funds.

SENATOR RAGGIO:

The use of funds is broader than everything under section 2, subsection 3, paragraph (b)?

MR. SLAUGHTER:

This is what we were told by the Legislative Counsel Bureau.

SENATOR RAGGIO:

I do not read it that way. It says "only to enhance the telephone system for reporting an emergency." I would like clarification.

MR. SLAUGHTER:

We welcome the Legal Division to look into this for clarification.

SENATOR TOWNSEND:

Perhaps it is a function of statutory construction where the bill states, "enhance the system" to include everything, whereas section 2, subsection 3, paragraph (b), sub-subparagraphs (I), (II), (III) and (IV) might narrow it. My question is the

issue of wireless calls and how they are taken. You only charge those who have a Washoe County prefix. Is this area code-only or prefix-only in Washoe County in how charges are made? Also, we have more than our share of dead zones in Washoe County. Have you worked with phone companies to enhance tower capability? I ask this because when addressing a 911 system, a landline's connection is almost 100 percent-guaranteed, whereas cell phone calls are not. This gap in the system needs to be addressed. I commend you for getting ahead on this potential additional revenue to acquire the Next Generation 9-1-1, but the process is diluted by cell phone users and their inability to make consistent connections due to lack of signal. Is this issue of dead zones getting addressed, especially as people are becoming more mobile and landline use for residential services is decreasing? We do not want to have the world's greatest 911 system if half the population cannot use it due to lack of signal. Are you addressing this with the three main wireless carriers?

RICK BAREUTHER (Manager, Information Technology, City of Sparks):

I am the chair of the Washoe County Emergency Response Advisory Committee. In regard to billing, wireless companies are required to collect the surcharge from those with a Washoe County billing address. With landlines, we know the physical address, so it is straightforward. To address dead zones, over the past 14 years, our public safety answering points or dispatch centers have an ongoing communication with the carriers regarding difficult areas with cell phone use. We have had interesting situations such as one at Lake Tahoe where we had a location indicated as Incline Village, but in actuality, the call was from South Lake Tahoe. The dispatch centers do communicate with carriers over wireless challenges and problems, but we have no mechanism to enforce improvements to their overall systems. It would be inherent in each of the wireless carriers to want to minimize dead zones. They all utilize coverage as an incentive in their competitive bid to acquire customers for use of their service. The carriers are not required to provide certain coverage, but we communicate with them regularly, identifying shortcomings.

RICHARD K. VANDENBERG (Director, Communications and Technology, City of Reno):

I am responsible for 911 services for the City of Reno. When we identify dead zones or zones where connections are not well received in our 911 operation, we do pass this information on to our wireless carriers. The problem is we are not tracking this on a regular basis. It is a function of the wireless providers. We also have the same issue as it relates to radio telephones and our extreme

northern locations in Washoe County. Individuals located there who use radio are difficult to find, and their information to track will always be a challenge for us. The wireless providers have continued to engineer their wireless coverage both from a profit standpoint and from a standpoint to provide better reception for their customers.

CHAIR LEE:

Why is the ending fund balance \$500,000?

MR. SLAUGHTER:

The ending fund balance they have is in statute. I believe it was changed last Session. It was put in place to mirror what was in existence previously, when they brought legislation in last Session.

CHAIR LEE:

Can one use a computer to direct 911 to a location?

MR. SLAUGHTER:

Not at this point.

MICHAEL STEWART (Committee Policy Analyst):

I will address a few questions. Regarding the \$500,000 fund, this bill leaves the \$500,000 cap for rural counties with populations less than 100,000 people. This bill increases Washoe County, with a population between 100,000 to 400,000, to an ending fund balance of \$1 million. Regarding the flexibility of enhancement versus what the rural counties can do, the rural counties are limited by those things listed in section 2, subsection 3, paragraph (b), sub-subsections (I), (II), (III) and (IV). The new language would give Washoe County more flexibility with enhancements.

RANDY J. BROWN (Director, Regulatory and Legislative Affairs, AT&T Nevada):

Senate Bill 59 proposes to make two material changes to the *Nevada Revised Statutes* (NRS) governing the 911 surcharge in counties with populations between 100,000 and 400,000. The first change, which we do not oppose, increases the threshold amount for requiring a decrease in the end-user surcharge from \$500,000 to \$1 million. In essence, this is the maximum balance permitted in the individual county funds before the adjustment to the surcharge is mandated. The second change does cause us concern, and we are pleased to work with the bill's sponsor and other interested parties to develop

acceptable language. Our concern is this bill broadens the use of the funds. We certainly support broadening language to include Next Generation 9-1-1, but we want to provide language more closely describing this intent.

CHAIR LEE:

Can you further explain your purpose for a change in language?

MR. BROWN:

Our concern is this bill broadens language so much that if there is any colorable connection to 911, the surcharge can be used to fund a number of things associated with 911. Will this fund begin to pay for ambulances? Will it begin to pay for radios and police cars? Supporters of this bill say the funds will not; however, we want to ensure this tightening language. In other words, we want language that will clarify the bill's intent.

MARY WALKER (Carson City; Douglas County; Lyon County; and Storey County): We have spoken with the sponsors of S.B. 59 and we would like the rural counties to also be able to accumulate funds up to \$1 million. If we had the flexibility up to \$1 million we would not have to bond. Instead, we could follow a pay-as-you-go policy to accumulate the funds and buy equipment, rather than be forced to do bonding or interim financing. We would save money if we had the same flexibility.

CHAIR LEE:

We will now close the hearing on S.B. 59 and open S.B. 124.

[SENATE BILL 124](#): Authorizes the expansion of the number of members of the boards of trustees of certain general improvement districts. (BDR 25-196)

RANDY ROBISON (City of Mesquite):

Senate Bill 124 was originally submitted by the Senate Committee on Government Affairs under the direction of the past chair, Senator Warren B. Hardy II. It results from a bill, A.B. No. 513 of the 74th Session, in which the City of Mesquite sought the authority to expand the number of members of the Board of Trustees of the Overton Power District (OPD) from five members to seven. The OPD currently serves five communities in northeastern Clark County: Mesquite, Bunkerville, Logandale, Overton and Moapa Valley.

Discussion on this issue dates back over a decade as Mesquite continues to grow. We represent 67 percent of the population of the OPD service area, and we represent approximately 58 percent of registered voters of the District. We have had discussions with the OPD over the past few years about how to gain a more equitable representation on the Power Board for the residents of the City of Mesquite. Assembly Bill No. 513 of the 74th Session sought to also expand the Board from five members to seven members and have them apportioned under a method of proportional representation. The bill passed through the Assembly and was loaded with amendments unrelated to the issue of Board members. The bill did not pass the Senate Committee on Government Affairs because the Committee chair, Senator Hardy, represented all or portions of each of the five communities in the OPS service area. He asked the City of Mesquite to meet with the OPD to come up with an agreement that would be mutually satisfying to both sides about how to expand the board.

We met last summer and an agreement was reached. A second meeting validated the agreement of the first meeting, and we submitted the bill. The draft did not reflect the agreement we reached. We proposed an amendment ([Exhibit D](#)). The amendment addresses our agreement. We want to expand the Board of Trustees from the current five members to seven members. One additional member would be elected within the election area that exists in the City of Mesquite. The additional member would be elected at-large from within the boundaries of the District service area. The five election areas would remain as constituted, and the two trustees would be elected at the next biennial general election, which will occur in 2010.

Both the City of Mesquite and the OPD have met several times over the past couple of weeks to reaffirm their agreement.

SENATOR CARE:

The existing five Board members, are they equivalent to population?

MR. ROBISON:

No. Mesquite has 20,000 residents and one seat. Bunkerville also has one seat, and it has approximately 1,200 residents.

Senate Committee on Government Affairs
March 2, 2009
Page 9

SENATOR CARE:

You have five election areas. There is no requirement, constitutionally or statutorily, that they must be composed of equal numbers of people. Is this accurate?

MR. ROBISON:

This is our understanding.

SENATOR CARE:

If we were to do this, the one additional member would be elected from the election area comprising the City of Mesquite. How many people would that be?

MR. ROBISON:

Under the scenario, the City of Mesquite would have two elected representatives.

SENATOR CARE:

What is the population of Mesquite?

MR. ROBISON:

Just under 20,000.

SENATOR CARE:

And one additional member would be elected at-large from within the boundaries of the District service area. How many people would that be?

MR. ROBISON:

The balance of the population in the District would be almost 9,000 people.

SENATOR CARE:

Does this include any of Mesquite?

MR. ROBISON:

The intent would be that it could include Mesquite.

SENATOR CARE:

Both of these numbers could be from Mesquite?

Senate Committee on Government Affairs
March 2, 2009
Page 10

MR. ROBISON:
Correct.

CHAIR LEE:
Mr. Wadhams, I have asked you here, as this was a contentious issue which has finally been resolved.

JESSE WADHAMS (Overton Power District):
Yes, this was a contentious issue. After much discussion, the Overton Power District and the City of Mesquite have signed off on this bill with the amendment.

SENATOR CARE:
This contention goes back over a decade. Does it have anything to do with unhappiness with the City of Mesquite and litigation involving the OPD and a utility in Idaho?

MR. ROBISON:
This is one of several flash points. I cannot speak for OPD. I am not sure anyone in the District was pleased the way that particular issue unfolded. Mesquite bears the burden just like every other ratepayer in the District.

SENATOR MCGINNESS:
For a person who represents a large portion of Mesquite, I want to confirm that everyone has signed off of this amendment.

MR. ROBISON:
Yes.

MR. WADHAMS:
Yes.

SENATOR RAGGIO:
I need to make a disclosure that Mr. Wadhams is a member of the law firm of Jones Vargas, in which I am a shareholder. On the advice of the Legislative Counsel, since Mr. Wadhams has appeared on this measure, I will abstain from any vote.

Senate Committee on Government Affairs
March 2, 2009
Page 11

CHAIR LEE:

There is no further business. This meeting of the Committee on Senate Government affairs is adjourned at 2:12 p.m.

RESPECTFULLY SUBMITTED:

Cynthia Ross,
Committee Secretary

APPROVED BY:

Senator John J. Lee, Chair

DATE: _____