

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

**Seventy-Eighth Session
February 12, 2015**

The Committee on Government Affairs was called to order by Chairman John Ellison at 8:02 a.m. on Thursday, February 12, 2015, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, 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: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman John Ellison, Chairman
Assemblyman John Moore, Vice Chairman
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblywoman Shelly M. Shelton
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblyman Glenn E. Trowbridge
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Eileen O'Grady, Committee Counsel
Jordan Neubauer, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Demar Dahl, Chair, Board of Commissioners, Elko County
Robert K. Stokes, County Manager, Elko County
Curtis Calder, City Manager, City of Elko
Doug N. Johnson, Chairman, Board of County Commissioners, Douglas County
James R. Nichols, P.E., County Manager, Douglas County
Dave Prather, Deputy Administrator, Division of Forestry, Department of Conservation and Natural Resources
Bob Roper, State Forester Firewarden, Division of Forestry, Department of Conservation and Natural Resources
Charlie Donohue, Administrator and State Land Registrar, State Land Use Planning Agency, Division of State Lands, Department of Conservation and Natural Resources
Christopher Smith, Chief, Division of Emergency Management/Office of Homeland Security, Department of Public Safety
Kelli Baratti, Chief of Operations, Division of Emergency Management/Office of Homeland Security, Department of Public Safety
Craig M. Stevens, representing Clark County School District
Michael D. Brown, Fire Chief, North Lake Tahoe Fire Protection District, representing the Nevada Fire Chiefs Association
Aaron Kenneston, Certified Emergency Manager, Washoe County
Jeff L. Whitesides, Manager, Public Health Preparedness, Health District, Washoe County
John Fudenberg, Assistant Coroner, Office of the Coroner/Medical Examiner, Clark County
Regina Marotto, Emergency Management and Homeland Security Director, Nevada Inter-Tribal Emergency Response Commission
Dave Fogerson, Deputy Fire Chief, East Fork Fire and Paramedic Districts, Douglas County
John Gillenwater, Fire Chief, Central Lyon County Fire District
Brian McAnallen, representing the City of Las Vegas
Tim Spencer, Division Chief, Reno Fire Department, City of Reno
Jim Reagan, representing the State Emergency Response Commission

Joe Curtis, Emergency Management Director, Storey County
Mary Walker, representing Carson City, Douglas County, Lyon County,
and Storey County
Dagny Stapleton, Deputy Director, Nevada Association of Counties

Chairman Ellison:

[Roll was called. Committee rules and protocol were explained.] We have three presentations and two bills we will be hearing today. We have presentations from Elko County, the City of Elko, and Douglas County. We will get started with the presentation from Elko County.

Demar Dahl, Chair, Board of Commissioners, Elko County:

Chairman Ellison, you are aware of this, but the members of your Committee who have not been to Elko County need to know that once you have been to Elko County, you cannot truly be happy any place else in the world. We have a PowerPoint presentation ([Exhibit C](#)). I do not know if you have had a chance to look it over, but it gives a little bit of history about Elko County. The PowerPoint explains when Elko County was created and the cities and towns that are within the county. It is the fourth largest county in the continental United States and has a population of about 53,000. The main industries are mining, ranching, and recreation. The University of Nevada, Reno (UNR) started in Elko.

One of the projects we like to talk about is the Northeastern Nevada Regional Railport. This county economic development project has been up and going for about six years and has had an economic impact to the county of about \$111 million. It has provided 180 jobs.

The intergovernmental coordination activities include emergency response and law enforcement. We coordinate the transit services for Elko, Spring Creek, and I believe Carlin, which is not included on the PowerPoint ([Exhibit C](#)). Transit services have plans for expanding into other areas.

One thing that we have done recently is put law enforcement into the schools, and this has been a cooperative plan with the county, cities, and schools. It is working very well. I know this is being implemented in many places, but if there are areas where this is not occurring, we have done some things that might be interesting for you to look at. I think our model is a template that can be used in other places. The idea is to make the schools safe, but also blend law enforcement into the schools and create a good relationship between the students, teachers, and law enforcement so those students can carry on a good relationship between law enforcement and the public later on in life. It is a good program; we have had a lot of good reports about how it is working now.

We have challenges; some are a result of the responsibilities required of us by the Legislature, for instance, health and human services transfer to the county. Let me talk about unfunded mandates for a minute. Before 2011, we did not pay for the presentence investigation reports and now we pay 70 percent. We are supporting the bill that will reverse the percentages, so the state will pay 70 percent and the county will pay 30 percent. We are required by the Legislature to provide longevity pay, and we are supporting the bill that will change that. At times when our budgets are tight, we will have the choice whether to pay it or not. Indigent defense is a burden for us and other counties, and we would like to bring it back to the Legislature. Elko County is taking over the firefighting responsibilities of the Division of Forestry, so the county is going to be the firefighters in Elko County. We have taken on a big responsibility. We actually did not need to take it on until the 1st of July, but we started in January so we will be ready when the time comes.

We have economic diversity challenges. Most people in Elko County work at the mines. Resource availability and market values are the two challenges for mining. There is not anything we can do about market values, but resource availability is a challenge because we are 74 percent federally owned. The possible listing of the sage grouse on the endangered species list is one of the biggest challenges that not only Elko County is faced with, but also northern Nevada, western Nevada, and the western states. There is the possibility of having considerable damage done to the economies if the sage grouse is listed. Every place I go, whether it is Montana, Wyoming, Idaho, or Colorado, they are all talking about problems that they will have to face with their public lands and the threat to their economies if the sage grouse is listed. In some ways, because of the way it is being managed now, it is almost as damaging to us and as much of a challenge as if it were actually listed.

We have water and drought issues. We have droughts, and we have always had them, but we know how to live with it now. The challenge that we have is the United States Department of the Interior Bureau of Land Management (BLM) manages most of our land with a national monitoring plan. The map shows that a certain area is in a drought, so they manage the large area even when it often includes smaller areas which are not affected by the drought. This is a serious problem for the ranching industry in Nevada.

Travel management has been a problem for us with recreation, livestock, and mining. It has decreased access. At one time it was happening quickly; we were losing a lot of access to our public lands, and we pushed back. Because of that, we got a congressional hearing of the House Committee on Natural Resources to come to Elko and hold a meeting. It slowed the process down, but we are still losing a lot of access to our public lands. Elko County is

supporting the transfer of public lands from the federal government to the state government because of these problems.

We were strong supporters of Assembly Bill No. 227 of the 77th Session, which created the Nevada Land Management Task Force. The task force is made up of one member from each county, 17 members. They are to determine what the implications are of the transfer of the public lands from the federal government to the state government. We found that when the task force met in June 2013, there was a lot of difference between when people really learned about the issue compared to what they thought about the issue before they actually learned about it. When we started the meeting, we took a vote to see how many people thought it would be a good idea to transfer the public land from the federal government to the state government, and about half thought it was either not a good idea or they were not sure. After that, we got a lot of information from people and we had an economic analysis to show if we would be able to afford the transfer of public lands and how much money it would take for the state to manage their own public lands. We heard from stakeholders, the Sierra Club, the Nevada Farm Bureau, and everyone in between, and by the time we got to March of 2014, we took another vote on it and everyone was in favor of the transfer of public lands. In the end, every county supported the report of the Nevada Land Management Task Force. Elko County strongly supported the thinking that the only solution big enough for the problems we have on the public land is the transfer from the federal government to the state government.

Chairman Ellison:

How many other states are following the same process now, and can you name them?

Demar Dahl:

Ten states have legislation or are working on it. For instance, Colorado just passed a bill that copied Assembly Bill No. 227 of the 77th Session and are in the process of going through what we did as a task force.

We have possibilities on the horizon. We have found oil in Elko County. We have known for quite a long time that it was there, but Noble Energy came in and started drilling and then shut down because the oil is not worth very much. They say they are going to come back and take up where they left off. In fact, we are in the process of planning a new railport in the city of Wells, which is 50 miles to the east of our railport in Elko. The railport in Wells will be for transporting the oil. We have some new mines coming to Elko County, Long Canyon Mine in particular, which we think is going to be a really big deal. We are talking about test sites for drones. We are trying to get our air service going

again from Elko to Reno. We do have flights to Salt Lake City, Utah, but we want to get back where we used to be. We have housing projects going on in Elko and Spring Creek. We have a new cancer center out at our Northeastern Nevada Regional Hospital.

Everything is going as well as to be expected in Elko County. Thank you very much for the opportunity to report to you.

Chairman Ellison:

When the study came out, I do not think many people realized how many of the schools in Clark County were under the BLM's control. Many of the schools are actually built on public lands and leased back to the county. Is that correct?

Demar Dahl:

Yes, it is called the Recreation and Public Purposes Act. I think there are 30,000 acres in the Las Vegas Valley. This came out of the task force, and I think it is important; one of the things that many people are worried about is if the land is transferred from the federal government to the state government, what is going to happen next? Is the state going to sell it? If they sell it, will there be a bunch of no trespassing signs so you will no longer be able to do the things that you did before? The only land that the task force recommended be sold was the land that had already been designated for disposal by the federal agencies—for instance, Las Vegas land that is built on and the land in the railroad corridor, which is a mess that has needed to be straightened out for a long time. Our position was that anything we can do on public lands now we should be able to still do after it is transferred except when we think it will be better managed and we will be more assured of our access. Of course, we did not have a say; this was just a recommendation, but it is in the resolution.

Chairman Ellison:

That is correct. Clark County had a proposal for years trying to get a soccer field. I believe Mr. Collins testified that for ten years they have been trying to get the soccer field and to this day, they still have not got it. If that would have been a state issue, Clark County could have come here to the Legislature and proposed to have the land open to build that soccer field ten years ago, is that correct?

Demar Dahl:

Yes. I believe the government is best when it is closer to home. If we can come to the legislature and solve our problems instead of going to Washington, D.C., I think it would be a great benefit to the people of Nevada.

Chairman Ellison:

I agree.

Assemblyman Stewart:

My wife and I had the opportunity to go to Elko County this summer. We went to Carlin and Elko. We also went to Lamoille Canyon. You need to advertise Lamoille Canyon more. I encourage the members of this Committee to visit the beautiful county of Elko. With the firefighting issue, is this going to be a big burden on the county? Do you think you are going to be able to handle it? I know in the past that we have had some years of many fires at a great expense.

Demar Dahl:

We think we have it figured out, and we will be able to handle it. I thought you were leading to another firefighting issue that if the public lands are transferred to the state government, will the state be prepared and able to fight the fires that are now fought primarily by the federal government. A task force commissioned an economic analysis and contracted with Intertek. In their report, the Nevada Land Management Task Force Report, part of the analysis talks about Nevada fighting the fires if they have the public land. You might want to look at it; it is interesting. It is on the Nevada Association of Counties (NACO) web site. Yes, we have been working hard. Gary Zunino is the Elko County Fire Protection District Fire Administrator. He does a great job. We think we are ready to fight our fires.

Assemblywoman Neal:

I know last session you said one of your challenges was a lack of medical care providers who took Medicare and Medicaid and also a lack of mental health services and providers. Is that still a challenge?

Robert K. Stokes, County Manager, Elko County:

It is still a challenge; however, we are doing a few things to fill the gaps. We are working closely with Nevada Health Centers, which is a federally approved Medicare clinic, and they have four clinics that operate in Elko County. Also, we are working with the UNR School of Medicine to bring over a couple of residents. The county, the Nevada Health Centers, and the Northeastern Nevada Regional Hospital joined together to bring over a couple of residents, not only for their training, but also so we could open up slots for Medicare and Medicaid patients.

Assemblywoman Neal:

I remember last session that your assessor's office said that you bill for various services, and one of the assessments is the oil and gas leases associated with

the federal government. I know you said that someone was starting an exploration of oil, but where are your gas leases, and what is your income derived from those if any?

Robert Stokes:

I cannot speak eloquently on this issue; it is fairly limited at this point and as the exploration activities continue, we hope that it becomes more in the future.

Assemblywoman Neal:

If you have any information that would be great. I am also curious about the poverty rate in your county.

Robert Stokes:

I would be happy to get that for you.

Assemblywoman Dooling:

Do you have a time frame for the air service coming into Elko?

Demar Dahl:

We do not have a time frame now. We just started working on trying to get it put together. We do have a proposal.

Robert Stokes:

I do not want to steal the City of Elko's thunder. I assume the city manager is going to discuss this. There is some proposed legislation. It is a long-range attempt that has been going on for over a decade. The proposal would allow, not only for people to travel back and forth between Elko and Reno, but it would open up some other areas into California and Idaho too. I think the next presentation will cover it fully.

Chairman Ellison:

Are there any other questions? [There were none.] One thing you hit on was the sage grouse. The amount of sage grouse is not the problem; they are trying to blame the ecosystem, is that correct?

Demar Dahl:

We all agree there are a lot of sage grouse. The habitat is the concern because if you just deal with the amount of sage grouse, they would not be able to list it on the endangered species list. Nevada has been very active in putting a plan together as have all of the other states who have sage grouse. We call them sage hen and Congressman Mark Amodei calls them sage chicken. The idea that they might be listed is going to be devastating to the economy in our state and other western states.

Assemblyman Stewart:

For those of you who have not seen a sage grouse, I invite you to go to Assemblyman Hansen's office; he has some stuffed sage grouse. Also, can you comment on the California Trail Interpretive Center. Has it been a tourist enhancement for your county?

Demar Dahl:

The center tells a lot about the trail and who was on it. It has a lot of different stories. It has been a considerable draw for tourists. It is interesting; if any of you come to Elko County, you should have a look at it. It is worth going to see for sure.

Robert Stokes:

I just want to make a couple of comments for the edification of the Committee. For ten wonderful years, we had the privilege of working with Chairman Ellison as an Elko County Commissioner. We had a very good ten years while he was on the commission. I realize that this will be considered kissing up, but I want to express my appreciation for your work, as legislators. I know you are not into this for the salary and that you do put in a tremendous amount of your time and it affects not only you, but also your families and careers. I appreciate what you do, even though we may not agree on all issues.

Chairman Ellison:

Thank you. Are you going to stick around for the first bill hearing?

Robert Stokes:

Yes.

Chairman Ellison:

The City of Elko is going to give their presentation now. Apparently, Councilman John Rice is sick.

Curtis Calder, City Manager, City of Elko:

That is correct. He really wanted to be here but could not get well enough to travel.

The City of Elko is a full-service city. Incorporated in 1917, it is the county seat and the largest city in Elko County. We are quickly approaching our one hundredth anniversary. We have a population of 21,000; however, we service a regional population closer to 40,000. Spring Creek is a very large unincorporated area; it is about 10,000 to 15,000 in population. There are also large areas surrounding the city. We are geographically isolated and as such, we require self-sufficiency, especially in the public safety arena. When we talk

about the fire departments and police departments, they are full-service departments as you would see in any other larger city in Nevada. We are also home to various state and federal offices, as well as Great Basin College, which has a presence throughout the state.

Services we offer, as mentioned, start with public safety, which includes police, fire, and animal control. We run our utility systems; we have a water system, sewer system, and a water reclamation system. Our public works include our streets, landfill, facilities maintenance, and fleet maintenance departments. We own and operate the Elko Regional Airport, which is both a commercial and general aviation facility, with daily scheduled air service into Salt Lake City, Utah through SkyWest Airlines. We have a robust community development department, which includes planning, engineering, development, building, and environmental. Our parks and recreations program includes our parks, cemetery, recreation programs, latchkey programs, swimming pool, and the golf course.

We are a charter city. We have a council-manager form of government like most cities in Nevada. We have a fairly new redevelopment agency. It was established in 2007 and is now getting legs under it, and we are seeing some improvements in the downtown area. We have an appointed planning commission, and we have several other appointed officials at the city including myself, police chief, fire chief, city clerk, city attorney, municipal judge, and city sexton. We have a lot of citizen advisory boards, an airport advisory board, a redevelopment advisory board, an arts and culture advisory board, a parks and recreation advisory board, the golf course advisory board, and the California Trail Interpretive Center advisory board. We do this with 170 full-time employees.

On the PowerPoint ([Exhibit D](#)) on page 6, you can see the structure of the appointed officials which is common for charter cities. On page 7, you can see how it breaks down below the appointed officials to the various departments.

We spent a lot of time developing the mission statement about two years ago. We had a lofty mission statement prior to that and it was not realistic given the economic circumstances facing Nevada. We spent months on this and our city council adopted it. We utilize this mission statement in almost every decision we make at the council. The mission of the City of Elko is to provide its citizens with a clean and safe community through a responsive, transparent, and financially sound municipal government. The city will balance its resources and responsibilities to provide quality municipal services, maintain public infrastructure, enable economic development, encourage community involvement, and manage future growth.

Page 9 ([Exhibit D](#)) tells a picture and certainly is not unique to the City of Elko. As other cities give presentations, you will see similar pie charts. The consolidated sales taxes make up the bulk of general funds. In our case, for the current fiscal year, consolidated sales tax composes 63 percent of the general fund budget. Property tax only makes up 16 percent, and the other 20 percent or so is made up of various fees, small fuel taxes, and that sort of thing.

The pie chart on page 10 ([Exhibit D](#)) is probably very similar to other cities. Public safety makes up more than half of the budget. Public works makes up about 25 percent of the budget, and various other services make up the balance.

Like Elko County, our challenges include economic diversification. Elko is a natural resource-based economy with its mining, oil exploration, agriculture, and recreation. The recreation does create tourism opportunities. Unlike other parts of the state, we have seen a growing population over the last six or seven years. We have had an increased demand on public safety services and also utility and transportation infrastructure. We have had increased homelessness. It has been a real problem for the City of Elko, and we have been struggling with it for the last couple of years now. We are considered the regional economic hub in the northeast part of the state. We provide a lot of regional services with a limited municipal tax base, which is unique for cities. A lot of cities are not in the regional commercial airport business, the solid waste landfill business, the animal shelter business. Because of our isolation, we have a lot of mutual aid and interlocal agreements with other governmental entities to provide these services. One of our biggest challenges is the reliance upon the consolidated sales tax. It is a very volatile tax, especially on the mining economy; it can go up or down extremely quickly. There is a statewide misperception that the City of Elko is a mining hub and we receive a lot of net proceeds of minerals taxes; nothing can be further from the truth. The City of Elko receives little, if any net proceeds of minerals taxes. It is a tax that primarily goes to counties and the state, and cities do not receive distribution from it.

Chairman Ellison:

Most of the big mines are in Eureka County, so the net proceeds of minerals taxes go to Eureka County, which is the next county over, even though the infrastructure problem in Elko is streets, police, and those kinds of services, is that correct?

Curtis Calder:

That is absolutely correct. Despite those challenges, the City of Elko has flourished, and a lot of it is due to having a conservative fiscal policy. We are

currently 15 cents below the ad valorem tax cap. We established a revenue stabilization account back in 1998, and that fund is now fully funded to the statutory maximum. Any budget surplus we get through consolidated sales tax, we reinvest in infrastructure, and we try not to add additional staff because we are very concerned about the volatility of our mining economy. We have also done some unique things with nonprofit foundations. We have teamed up with the local animal support organization to create an on-site spay and neuter clinic at the regional animal shelter. Because of that partnership, all dogs and cats are spayed or neutered before they are ever adopted. It is a unique program for a city to be involved with. We have a Johnny Appleseed Foundation, which is a park support organization that helps with parks. In 2007, a redevelopment agency was established, and the improvements within that district have created a tax increment that has been reinvested in those areas. That has been used to help improve some blighted areas without putting a drain on the general fund.

On page 13 ([Exhibit D](#)) are some of the partnerships that the City of Elko has always been involved with. Most notably the City of Elko was a \$5 million investor in the state of Nevada's construction of the South Fork Dam, which is a pretty large recreational amenity in Elko County. We also participated with the BLM, state of Nevada, and Elko County in the construction of the California Trail Interpretive Center and we invested \$2 million in it. We also partnered with Elko County in the construction of the senior citizens center and the Central Nevada Interagency Dispatch Center, which was also in combination with the BLM and the state of Nevada. We partner with the county, City of Carlin, and the Nevada National Guard in the continuation of the water service that was extended out to what was formally the UNR Fire Science Academy and as mentioned by both Elko County and myself with regards to the interlocal agreements, one of the largest agreements is the Central Nevada Interagency Dispatch Center. We centralize our dispatch services for the entire county, and it is done through an interlocal agreement.

Page 14 ([Exhibit D](#)) has some photos of the California Trail Interpretive Center. If you have not had a chance to go there, it truly is a world-class amenity. Currently, I think it has around 20,000 visitors a year. There are also pictures of the South Fork Dam and the Elko Regional Airport. At the beginning of this year, we had jet service introduced by SkyWest Airlines, so we now enjoy jet service.

We have consolidated some of our functions. The Municipal Court is consolidated with the Elko Justice Court through a contract with the county. Our solid waste collection has been privatized for quite some time. The city attorney service is privatized. Our golf course concessions and professional services are privatized too.

That concludes our presentation, and we welcome you to visit if you get the chance.

Assemblyman Stewart:

When one of our most distinguished legislators, John Carpenter, retired, you had the wisdom to name your justice center after him. I have a suggestion with our Chairman; when he retires you can name the airport after him, and maybe you can put on display a model of each of the planes that he has crashed. I was a little surprised that you did not bring up the National Cowboy Poetry Gathering. Can you tell us a little bit about that, how it has grown, and what a tourist attraction it is?

Curtis Calder:

The National Cowboy Poetry Gathering was held last month. It is an annual event. It had its thirtieth anniversary a year ago and was one of the first cowboy poetry festivals in the nation. It is considered a national gathering, and we literally have thousands of visitors each year attend. It has quite an impact to our economy in the hotel and food businesses. It is a low impact event; it does not require a lot of public safety services. We wish we could have a lot of events like this throughout the year because it really does bolster the economy during a relatively slow time in the winter months.

Assemblyman Stewart:

When I retire, maybe you can put me on the publicity board of that event please.

Curtis Calder:

We will see what we can do.

Chairman Ellison:

If the City of Elko could please inform Assemblyman Stewart that there is a difference between a crash and an incident.

Curtis Calder:

Duly noted, and it is an interesting point that Mr. Stokes pointed out that Chairman Ellison served on the Elko County Commission. He also served for the Elko City Council for many years and was actually involved in the construction of the airport terminal.

Chairman Ellison:

You are also getting ready to build a brand new jail; do you want to talk about that?

Curtis Calder:

The City of Elko does not operate the jail; the county does. However, for years we have been in need of a new police station. Our current police station is housed in an old church that dates back to the early '50s and is in need of replacement. We are pleased to report that we are able to fund the project, and the bids actually open later this afternoon in Elko. We are excited to see that project get underway and it will be a good project for Elko and will serve the community for many years.

Chairman Ellison:

One of the things that is good about getting a new police station, it is going to open up a whole new corridor going around Elko on Silver Street. It was a great idea the way they did that. It will expand down by 11th Street and by Gallagher Ford and up. It could open up many areas of the city.

Assemblyman Trowbridge:

What is the city sexton?

Curtis Calder:

The person coordinates the cemetery plots. They keep the records of the cemetery plots. It is an old term, and it dates back to our original incorporation. We get that question all the time.

Assemblywoman Neal:

I have two questions. For the redevelopment agency, what developments have you started and have there been any challenges with that designation in your city? You said you have a significant homelessness problem, so I am assuming there is a housing problem and money flow problem, correct?

Curtis Calder:

As with a lot of redevelopment districts in the early stages, we are just trying to build up our tax increment funding. We do a lot of studies to try to find out what projects make sense and which ones do not. We are nearing the completion of three very key studies that will basically provide the road map for the infrastructure improvements in our central business district, but what it has really done is we have had some beautification projects that have really been the impetus for some private investment. We have seen a lot of private development that is completely unrelated to the redevelopment district where people have invested in their own properties. We are getting a lot more bang for our buck.

Noting the homelessness problem, it certainly is not unique to Elko, but because we have a river corridor that runs through the middle of the city as well as

a railroad corridor, that is where those people tend to congregate. Many people would say that Elko is cold in the winter and ask why the homeless are not moving out. With the mild winters over the last couple of years, people have been homeless year round. They tend to be transient people who are coming in on the railroads or by other means, thinking there might be work. There is a significant portion of these people who have mental health issues as well, and as noted earlier, the mental health services are in short supply in the Elko region. We do have Social Security Administration offices, and probably about half of those people are on some sort of a disability benefit, but the city has really struggled with it because a lot of these issues become law enforcement issues or fire department issues with medical first response. We are trying to consolidate an area where the homeless can freely camp on some city property and at least consolidate their location so it is easier for those resources to get to them. Right now, they are down in the willows along the riverbank. It is very difficult to get down there when we have public safety issues.

Assemblywoman Neal:

My question goes back to when you were talking about the net proceeds of mineral taxes, I want to get more information about it. Are they leased or are they owned? I am just thinking that maybe there is a leasing or subleasing situation. I am trying to get an understanding of why you do not get anything from it and what solutions have you discussed in terms of changes? I know NACO has the prepayment bill, so I wanted to get more discussion around that.

Curtis Calder:

I am certainly not an expert on mining, but in our case, it is a geographic issue, as noted by the Chairman. A lot of our mines are located in Eureka County and Lander County; however, a lot of the people who work at the mines and the support industries for those mines are based in Elko. When you look at the map of Nevada, you will see that Elko is almost on the border of Elko County. It is a short commute by bus and the workers are bussed out to the mines site to get to work and back. What ends up taking place is there are a lot of cars, homes, and infrastructure that are required in the City of Elko and Elko County to provide various services. The net proceeds of the minerals tax goes to Eureka County, Lander County, or Humboldt County and that is one of the problems that Elko County as a whole has. The Long Canyon Mine project is hoping to break ground this spring. It is in Elko County, so they will start to see the net proceeds of minerals tax; however, even though Elko County will be receiving the net proceeds, the distribution formula does not envision cities to receive anything. It is more of a county, state, and school district tax, not so much a city tax. It is a formula issue in that case.

Assemblyman Munford:

I just wanted to ask about your schools. How many schools are there in Elko?

Curtis Calder:

We have one high school in Elko and we have one high school in Spring Creek, so in our little area we have two big high schools. There are also high schools in Wells, Wendover, and I am not sure if Carlin has a high school. It is a combined school, and I am not sure if it includes a high school or if it is just a middle school. We have several elementary schools in Elko as well as Spring Creek, and we have two large middle schools as well.

Assemblyman Munford:

Do you have any information on how the schools are performing academically, and so forth?

Curtis Calder:

I do not. I am not familiar with their statistics. I would imagine they are comparable to other schools. I know we have a fairly well regarded school district in Elko County, but like a lot of school districts, their resources are a little thinner than they might like.

Assemblyman Munford:

Does the high school compete at the large school level? In sports, who do they schedule with? Do they play the Reno high schools?

Curtis Calder:

Back several years ago they were a 4A school and competed with Reno/Sparks high schools, and then there was a change in the structure, so now they are a 3A school. [Now classified as Division I-A.] The typical competition for Elko High School or Spring Creek High School would be Fernley High School, Douglas High School, and those types of school districts.

Chairman Ellison:

One of the things in Elko County that is unique is they have a pay-as-you-go approach and this is how the schools are built. It is good because when the schools are ready to be built, the money is already there. I feel that our college system is one of the best community colleges in the United States.

Assemblyman Munford:

Is that Great Basin College?

Chairman Ellison:

Yes. It is one of the most amazing colleges, and the results are unbelievable. Not only are they training young people with a two-year degree, but also they are starting to work at high salaries. It is a great program. They have done a great job up there at the community college and our school system. For the cuts they have had, it is amazing what they have accomplished.

Assemblyman Munford:

It is impressive.

Assemblywoman Neal:

In your presentation you talked about the extension of water services, which is the cooperative agreement. I just wanted to know how that is going. I know in the county, part of your assessor structure is water rights, and there is a budget line item. Can you talk to me a little bit more about it?

Curtis Calder:

That particular project was undertaken when the UNR Fire Science Academy had environmental issues. They had actually contaminated their aquifer with the oils they used. The UNR Fire Science Academy was shut down for probably about two years, which was a big burden to UNR, the state, and the surrounding area. The only way the UNR Fire Science Academy could reopen was to actually extend the municipal waterline to the facility, so it was determined that the water would come from the City of Carlin. It was a fairly lengthy waterline extension, and Carlin did not have the resources to do it. They combined debt between the county, City of Carlin, and City of Elko, and the waterline was installed, and the UNR Fire Science Academy was reopened. It was a very lengthy bond; I believe it was a 30-year bond. When the UNR Fire Science Academy was transitioned to the Nevada National Guard, they inherited the waterline, and that is one of the reasons why they were able to utilize the facility.

Assemblyman Moore:

Is the animal shelter a no-kill shelter?

Curtis Calder:

No, it is not. One of the interesting things that has come about with having the on-site spay and neuter clinic is that we used to have an average of 3,000 animals come through the shelter a year, which is a huge number. In the three or four years since the spay and neuter clinic has been active, we have dropped the intake number to 2,000. Consequently, we have seen a reduction in euthanasias; however, we have a very aggressive animal rescue component to our shelter, and we work with both in-state and out-of-state animal rescue

groups. Our euthanasias used to be well over 1,000 a year when we were getting 3,000 animals into the shelter; now they are in the low 100s and 200s. We have really made an impact and a difference. It is a great model, and we hope other people would follow it.

Chairman Ellison:

They did do a great job.

Curtis Calder:

Just one comment. I know there was a question in the Elko County presentation regarding the air service development bill. This particular bill is being sponsored by the City of Elko. It is Senate Bill 125, and I am sure you will be seeing it down the road. It is similar to legislation that was approved back in 2007 that provided a revenue subsidy program for startup intrastate airline service. Although that bill was funded in 2007, the recession came about, and the funds were pulled back, so we were never able to implement it. Now, with the growth of Elko, there is a large market demand for flights to and from Reno and Elko. At its peak, we were transporting 17,000 passengers a year when SkyWest Airlines was operating that route, but due to a change in their business model, they have no desire to operate that segment of the route. We are looking for another airline that can come in and start up service and provide the service between Reno and Elko. There is one airline that has shown interest in it, and we are working with the Reno-Tahoe International Airport as well on an airline that would base an aircraft in Oakland, California and provide Bay Area service in Reno as well as air service to Boise, Idaho. It would be a package deal working in combination with the airline, Legislature, and the Reno-Tahoe International Airport.

Chairman Ellison:

Many people do not realize how bad that service is needed. If you fly out of Elko right now, you have to fly to Salt Lake City, Utah and then catch a plane in Salt Lake City to Reno. I can beat the airplane driving from Elko to Las Vegas or Elko to Reno. The flight is eight to nine hours including the layover. Before you leave, I would like to get with you. I had a call for a meeting with the railroad in Elko County. They would like to meet next Saturday. I know it is a weekend, but they would like to meet with you. Also, I would like to talk to you about the closure of the airport this summer. The next presentation is Douglas County.

Doug N. Johnson, Chairman, Board of County Commissioners, Douglas County:

I appreciate the opportunity to show you a little bit about Douglas County. I am going to show you the PowerPoint ([Exhibit E](#)) while Mr. Nichols talks to you about it.

James R. Nichols, P.E., County Manager, Douglas County:

We appreciate the chance to highlight some of the great things about Douglas County. I have been with the county just shy of five months and in that time, I have found myself to be in one of the greatest communities in the state, if not the nation.

Douglas County has just over 750 square miles, which includes a portion of the Lake Tahoe shoreline. We have almost 50,000 residents, including the towns of Gardnerville, Minden, and Genoa. A five-member board governs us. This past year we had 530 full-time employees and a budget of about \$127 million.

Some of the services we offer include planning, social services, parks and recreation, legal services, public safety, our clerk/treasurer, and last but not least, the great Minden-Tahoe Airport.

The board recently held a two-day strategic plan workshop. During the workshop, they evaluated and reevaluated their strategic goals, including the addition of a new one. Their goals include: economic vitality; financial stability; a safe community; well-maintained infrastructure; preservation of natural environment, quality of life, and cultural heritage; and organizational sustainability. This is where we are going to address the current retention, recruitment, and wellness for county staff.

Through the strategic planning process, a number of initiatives came forward that I would like to review with you. One of them was countywide connectivity. This is where we are looking to leverage local funds for some significant transportation projects throughout the county. Those include some trail plans, revitalization of U.S. Route 50 by Lake Tahoe, and development of a U.S. Route 395 bypass to reduce truck traffic through the downtowns of Gardnerville and Minden.

Another initiative is storm water management planning. This past summer we had four floods that did an estimated damage of almost a million dollars to our public infrastructure. That does not include the millions of dollars of damage done to private property. Douglas County did make an assistance request to the United States Army Corps of Engineers that was rejected as well as a request for a disaster declaration through the Federal Emergency Management Agency that was also denied. Flood risk mitigation, prevention, and management continue to be high priorities for the county as a result of these issues.

Chairman Ellison:

Was that covered under the Division of Emergency Management with the state at all?

James R. Nichols:

Yes sir.

Another initiative that we are working on is the Douglas County Conservation Act of 2015, and I am happy to say that it is being introduced at the federal level in the Senate—today in fact. It is going to provide for sensible economic development throughout the county. It will protect working ranches through conservation easements. It will convey federally owned land to Douglas County for some of our infrastructure needs. It will improve recreational opportunities on U.S. Forest Service land and it will convey cultural sites to the Washoe Tribe of Nevada and California.

Another initiative is private investment and partnerships throughout the county. Recently and currently underway are approximately \$400 million of private investments throughout Douglas County. That includes the new Hard Rock Hotel and Casino, Sharkey's Casino, the Bently Heritage, the C.O.D. Casino, and there are a number of others. We also have a new community center that I will talk more about in a minute, but as part of that, there were over \$2 million of donations from private and nonprofit entities. We also have economic vitality champions in the county. These private partners work with the county on various economic elements that are important to the county. They serve as our advocates, and they work to ensure the community remains engaged and that private partners are found for these various economic projects.

Financial stability remains the foundation of our initiatives, and in Douglas County, we do it through priority-based budgeting (PBB). Priority-based budgeting evaluates the importance of individual programs and services rather than looking at services from a departmental level. We look at our past spending patterns and reprioritize money based on how our past spending patterns show we should, and it provides transparency to our community. One of the ways we have been transparent is through a program we call "Manage the County's Checkbook." This was the third year we have had this program, it is an online program where our citizens get to tell us how they would like us to spend our money. This year we had 46 percent new participants and a 75 percent satisfaction rate. From our citizens we were told that infrastructure remains the highest rated priority, for the third year in a row, with the greatest focus being on the maintenance of streets, sidewalks, and trails.

What has PBB done for Douglas County? We were the first county to implement it, and that led to national recognition. We shifted over \$2 million existing revenues to our roads; we funded new budget requests by reallocating some of our existing funds; we eliminated some lower priority programs; our bond rating was upgraded from A plus to AA; and we were awarded the 2014 Cashman Good Government Award which allowed us to engage in the community through Manage the County's Checkbook program.

One of our greatest successes to date is the completion of our new Community and Senior Center. There are not many county managers who can be on the job for three weeks and serve as the emcee for the grand opening of a brand new facility that is going to serve all generations of the community. Rather than try to describe it to you, we are going to show you a short video about the center itself. [Video shown through the hyperlink <http://vimeo.com/117001478>, page 11 ([Exhibit E](#)).]

As you can tell, it is a facility we are abundantly proud of. Included in the center is a gymnasium and fitness facility, a community center facility, and a recreational and senior center. In this center, we are serving all generations of Douglas County, and we will be for generations to come.

The successes I have described do not come without sacrifice. Over the past few years, we have had to reduce our personnel expenses by \$1 million; we have eliminated 65 full-time positions in the county; we have had to reduce some employees' salaries and benefits; and we have negotiated three-year contracts to provide us with some level of stability as far as finances go. That has led to high turnover throughout the county, difficulty in attracting high quality applicants, and difficulty maintaining morale. However, despite those challenges, I would have to say that I work with one of the greatest staffs I have ever had the pleasure of working with in my career. I am very proud of all the people in Douglas County. That is the conclusion of our presentation, and we are happy to answer any questions you may have.

Chairman Ellison:

What a beautiful facility and community. I had the honor of working with Mr. Johnson for many years. You have done a great job. Are there any questions from the Committee? [There were none.] I will open the hearing on Assembly Bill 34.

Assembly Bill 34: Repeals provisions governing certain fire protection districts and fire safety. (BDR 42-369)

Dave Prather, Deputy Administrator, Division of Forestry, Department of Conservation and Natural Resources:

Good morning, Chairman Ellison and members of the Committee. For the record my name is Dave Prather, and I serve as the Deputy Administrator for the Division of Forestry. I am here this morning to introduce and testify in support of Assembly Bill 34. [Continued to read from prepared text ([Exhibit F](#)).]

Chairman Ellison:

Is section 2 through section 5 already in a different part of the *Nevada Revised Statutes* (NRS)? Are you just amending it into A.B. 34, or is this new language?

Dave Prather:

It is existing language in NRS Chapter 473, but because those duties are significant to the State Forester Firewarden, instead of eliminating the entire chapter, we are asking that those sections be moved into NRS Chapter 472.

Chairman Ellison:

Prior to this bill's passage, I would like to go over sections 2 through 5. I think it is a little restrictive. I want to make sure I am clear on this.

Dave Prather:

Absolutely, just let us know.

Bob Roper, State Forester Firewarden, Division of Forestry, Department of Conservation and Natural Resources:

We will contact your office to meet with you.

Assemblyman Moore:

I like the idea of transferring the fire control to local entities. Is the state funding the firefighting responsibilities, or is it an unfunded mandate?

Dave Prather:

The counties were already funding this program; it was just administered through the state. There is no additional cost to the county with moving the responsibilities. They have previously been responsible for the funding.

Assemblyman Moore:

By chance, do you have any idea of what the net saving to the state would be?

Dave Prather:

I would have to get that number for you, but there has been a significant reduction to the state in terms of employees. The firefighters who work on the all-risk districts that are moving to the county are already funded by the county. The savings to the state have been in administrative personnel and other overhead that we have been able to reduce as a result of having fewer people on staff overall.

Assemblyman Stewart:

The United States Department of the Interior Bureau of Land Management (BLM), the United States Forest Service lands, and the national parks within the county would still be controlled by the federal firefighters, correct?

Dave Prather:

Yes sir, that is correct.

Assemblywoman Neal:

I need clarification on section 3, lines 41 and 42. I was reading the existing law under NRS 527.126, and it seems like you are changing how liability is transferred. It says, "any person, firm, association, or agency which, personally or through another, willfully, negligently or in violation of the law:" The statute you are adjusting spoke to gross negligence, that any person, if found grossly negligent, would be liable. Why the switch? The way I read it, we are reducing the standard of negligence. *Nevada Revised Statutes* (NRS) 527.126 includes simple negligence and gross negligence.

Dave Prather:

That is a matter for the attorney to look at. I am not familiar with NRS 527.126, but in terms of the Division of Forestry, these sections have been in existence in NRS Chapter 473. We have not adjusted anything; we are just moving it. It is not our intent to adjust the negligence. If there is something that needs to be addressed, we will seek legal counsel on that, and we will get back to you.

Assemblywoman Neal:

Yes, NRS 527.126, section 4 looks like it mimics that language, so that is the clarification I need.

Chairman Ellison:

Do you want to go through sections 11, 12, and 13? They are about the transfer between the different counties.

Dave Prather:

Is there a specific question you have regarding those sections?

Chairman Ellison:

No. Section 11, subsection 1 says that the State Land Registrar may transfer to the Elko County Fire Protection District, but then section 13 says that the real property may be transferred. What is the cost on the counties that occurs with this? I was not involved with the counties' negotiations on this. One of the questions from Clark County was whether any of the equipment in the existing facilities now would stay with the county or does the equipment go to the state?

Dave Prather:

I will address the equipment transfer. Some of the equipment currently in Las Vegas that the Division of Forestry uses for the entire region is housed up on Mt. Charleston for us to use regionally. The protection district is all-risk, so every piece of all-risk equipment, the attachments, hoses, ladders, engines, all that will remain with Clark County. We are in the process of negotiating with them on the wildland equipment: what will be retained by the state and what will be left to the county. Our primary goal is to make sure the county has everything they need to be able to provide the services as they currently exist. There is equipment that is in addition to their need. We are in the process of making sure the brush engines, water tenders, et cetera, that we have a common agreement, which might be shared going down the road. We will leave it up on the mountain and if we need it, we will take it for the time that we need it and then give it back.

Chairman Ellison:

Is the facility on Mt. Charleston a big fire station? I have never seen it.

Dave Prather:

If you have never seen it, it is very, very small. The facility was constructed in 1957. The type one engine that is housed in the facility barely fits in the door. You do not have the ability to open the door and get in and out. You have to shimmy in. That is just the nature of the equipment. It has gotten a little bit bigger through the years. The facility is old, and it is landlocked. There is no room to expand because it is on a very small piece of land on the mountain.

Chairman Ellison:

Section 11, lines 8 and 9, says the "Elko County Fire Protection District shall pay the costs relating to the transfer of the real property." Is that a cost on the infrastructure?

Charlie Donohue, Administrator and State Land Registrar, State Land Use Planning Agency, Division of State Lands, Department of Conservation and Natural Resources:

To give you perspective on the Mt. Charleston site, it is 0.25 acres. The property in Elko County is 1.25 acres, the property in Washoe County is 1.87 acres, and the property in Storey County is 1 acre. The state owns a fee title at the Clark County facility and the Storey County facility. The state would quit-claim the properties to the local jurisdiction. The Elko County facility and the Washoe County facility are under the Recreation and Public Purposes Act. That is how the state secured them. We have a patent on those lands, so there is a restriction for use. We would need to follow up with the BLM and receive the proper authority in terms of transferring the land. I do not anticipate any of it being a problem. I am sure we could get their support. It would just be another step in terms of the transfer to the local jurisdiction. With your question on section 11 regarding the Elko County Fire Protection District paying the costs relating to the transfer of the real property, I cannot imagine that there would be a cost. I am trying to think of what the cost would be because with a quit-claim coming from the state, there should be no cost associated with it in terms of the actual transfer. I would have to go back and look at the records to see what the costs might be to answer your question fully. I do not want to put something on the record that is not accurate. We have done this previously with Washoe County for a number of their stations.

Chairman Ellison:

The costs relating to the transfer might be titles, deeds, and things like that. I do not think it is a cost where they have to go out and purchase something. If it is a quit-claim, it is probably just paperwork.

Charlie Donohue:

The intent would be for the staff of the Division of State Lands to generate the documents and the state would work with the local county to record it. That is why I am struggling with the language.

Chairman Ellison:

It is actually in sections 11, 12, and 13.

Charlie Donohue:

I see that.

Chairman Ellison:

Are there any more questions from the Committee? [There were none.] Is anyone in favor of the bill? [There was no one.] Is anyone in opposition of the bill? [There was no one.] Is anyone neutral on the bill? [There was no one.]

I am going to close the hearing on A.B. 34. I will now open the hearing on Assembly Bill 90.

**Assembly Bill 90: Establishes the Nevada Intrastate Mutual Aid System.
(BDR 36-391)**

Christopher Smith, Chief, Division of Emergency Management/Office of Homeland Security, Department of Public Safety:

With me today is Kelli Baratti, Manager of the Operations Section, and Justin Luna, Administrative Services Officer. We are honored to be here today to introduce Assembly Bill 90 and to answer any questions you may have for us. We also have a PowerPoint ([Exhibit G](#)).

The Division of Emergency Management is the state's preparedness and coordination agency. One of our charges is to ensure that there are adequate resources to address the myriad of threats and hazards that are present in the state of Nevada. This legislation will enable local and tribal jurisdictions in the state to participate in a mutual aid system that will provide resources in times of significant need. Interestingly enough, Ms. Baratti leads the Statewide Duty Officer Program in addition to all of her other assigned duties. The duty officers are a 24/7, 365-days-a-year, ready-to-assist force that provides assistance to local jurisdictions. This legislation will help them do their job. Right now, Ms. Baratti will provide you a summary of how we have arrived at the point we are today.

Kelli Baratti, Chief of Operations, Division of Emergency Management/Office of Homeland Security, Department of Public Safety:

The necessity for a coordinated emergency response system was brought to the attention of the Legislature in the early 1980s. Following the Pacific Engineering and Production Company of Nevada (PEPCON) explosion in Henderson in 1988 and the Pioneer Chlor-Alkali Company, Incorporated chlorine release in 1991, the Legislature adopted Assembly Concurrent Resolution No. 79 of the 66th Session, which ultimately resulted in a number of legislative proposals.

At the same time, the Nevada Fire Chiefs Association was developing a statewide fire mutual aid agreement. Governor Miller signed this agreement in 1994. The agreement is specific to the fire service and a fire department must opt in to participate. Also during this time, on the national level, Congress adopted the Emergency Management Assistance Compact (EMAC). It allows states to share resources across borders. At that time states were encouraged to develop intrastate mutual aid compacts. In 2005, the Nevada Emergency

Management Assistance Compact (NEMAC) was completed, and it was adopted by all 17 counties and several incorporated cities.

Many of you are from Clark County. The NEMAC was used most recently in 2011 when we moved medical examiners and other staff from Clark County to support Washoe County during the Reno Air Races crash. The Nevada Fire Service and Rescue Emergency Mutual Aid Plan is utilized multiple times every year by local jurisdictions primarily in response to wildfires, both regionally and statewide. We coordinate both of these agreements on their behalf.

Events begin and end at the local level. When a local jurisdiction does not have enough of its own resources to handle an emergency, they turn to their agreements with neighboring jurisdictions for more help. The graphic on page 3 ([Exhibit G](#)) depicts the ability of a local jurisdiction, based on their agreements, to request and receive resources all the way up to and including from the state and the nation. For example, during the Washoe Drive Fire in January 2012, first-end fire officers quickly realized that they did not have enough resources to fight the fire on their own. They reached out to their neighbors who they had agreements with. When they exhausted those resources, they came to the Division of Emergency Management and utilizing our mutual aid agreement, we moved regional fire department resources to assist them. When that was not enough, the Division of Emergency Management reached out to the California Governor's Office of Emergency Services to request additional strike teams of fire engines.

Regional and statewide mutual aid assistance in Nevada remains a patchwork of relationships and agreements. Most requests for assistance are handled by local officials using their neighbors and with support from the Division of Emergency Management duty officers. As is done today, coordination of regional and statewide responses is done on their behalf by the Division of Emergency Management.

In January 2014, a group of local and state government representatives met to discuss the future of these two local government agreements and how they would like to see them evolve in the future. This legislation proposes to incorporate the very best parts of the state mutual aid agreement and the NEMAC and establish a true comprehensive statewide mutual aid system.

Today there remains significant gaps in mutual aid coverage for local jurisdictions because either local agreements have not been developed or the agreements that are in place do not contain the mechanisms that would allow special districts or our tribal nations to participate. This legislation provides for mutual aid on a day-to-day basis, where no other agreement exists, as well as

during a formally declared emergency or disaster. Where agreements currently exist, this legislation does not affect their standing.

As is done currently, this legislation continues to provide for the identification of resources available for use in a mutual aid response at the local, regional, and state level.

This legislation also clarifies and strengthens tort liability or immunity coverage for responders. For example, the regional hazardous materials response to the City of Fallon's hydrochloric acid spill in 2010 brought to light potential weaknesses in the current mutual aid agreement. We had to use that agreement because the fire districts that were critical to the response were not signatory to the NEMAC. This legislation solves that issue by providing coverage for all public agencies. It also provides for the recognition of professional licenses, certificates, and permits across jurisdictional boundaries.

It is important to note that this legislation does not adversely affect or impact other agreements. Where jurisdictions have entered into agreements, it is important those agreements remain.

It is also important to recognize that many jurisdictions may not have the ability to share their resources on a regional or statewide level. This legislation does not require a participant to provide mutual aid if it would negatively impact their ability to take care of their own community.

This legislation codifies the Division of Emergency Management's role as a coordinating agency for state and local resources as we are requested to do. This legislation calls for the creation of an Intrastate Mutual Aid Committee, which will provide continuity and consistency in development of the system. It will be responsible for guiding the implementation of the Nevada Intrastate Mutual Aid System uniformly across the state. This legislation also provides the mechanism by which Nevada's local government resources may be deployed to an incident of regional or national significance such as Hurricane Sandy in October 2012. Presently when a request for assistance comes from another state, only state-owned agency personnel and equipment may be deployed. When implemented, this legislation will provide Nevada communities with the ability to deploy timely and coordinated resources to respond to and recover from emergencies and disasters. Thank you for your time.

Christopher Smith:

I would like to read into the record a few friendly amendments that have been brought forth by local and state agencies that would improve and clarify the bill.

Chairman Ellison:

Please do.

Christopher Smith:

The first amendment is in section 7, line 19. We want to add to the end of the sentence, "and has been deemed so by the participant." The intent of the change is to ensure that the participating agency clarifies and deems who is appropriate to serve as an emergency responder on their behalf.

Another proposed amendment is in section 14. We want to clarify that volunteer, for the purposes of this statute, means an unpaid emergency responder who provides services on behalf of a participant "and is considered to be an employee for all applicable benefits."

Chairman Ellison:

Have you submitted these amendments to the Committee staff?

Christopher Smith:

We have not submitted them yet, but we are prepared to do it.

Chairman Ellison:

Please submit them. Please continue.

Christopher Smith:

Section 17, subsection 4, paragraph (b) currently reads: "provide training to each emergency responder and each member of the staff of the participant on procedures related to their respective roles within the System;" The Clark County School District approached us and made a friendly amendment, which we accept fully. It is not appropriate for anybody to train each member of the staff. All teachers and principals probably do not need to know how to engage the mutual aid assistance compact; therefore, we want to eliminate the wording, "and each member of the staff of the participant." We want to solely address the training towards the emergency responders who will be participating.

Section 19, lines 41 and 42, read, "the assisting participant in response to the request have workers' compensation coverage;" We want to add at the end of the sentence, "and all applicable benefits."

A friendly amendment was brought forth by the Division of Forestry. In section 20, subsection 2, clarification would be made to change the 30-calendar-day notation to 60 days, given that it is rather cumbersome and at

times after a disaster or certainly a significant wildland fire to gather all of the potential billing in the 30-day period.

In section 20, we would like to add a subsection 3, which would make the existing subsection 3, subsection 4. The new subsection 3 would read, "in the event that an assisting participant requires additional time to submit the documentation required in subsections 1 and 2, the requesting participant would seek written approval for those extensions from the assisting participant." This is legislation to assist the locals in the local-to-local agreements. We feel it is most appropriate that if the locals need time, they can report the agreements out between each other without interference from the state.

That concludes my amendments. I can answer any questions about this legislation.

Chairman Ellison:

I am happy because one of the questions I had was regarding the workers' compensation issue. The last two sessions this has come up. I am glad you addressed it in this bill. It will help the volunteers. Are there any questions from the Committee?

Assemblywoman Neal:

Page 6, section 19, subsection 2, says "An emergency responder provided by an assisting participant remains under the command and . . . control of . . . the participant with which or for which he or she is employed or volunteers, but is under the operational control of the requesting participant." Can you provide me a real life example of what this means?

Kelli Baratti:

For example, during the Washoe Drive Fire, the local jurisdiction was taking care of the fire using their management and resources. They called their neighbors and additional resources were sent. The additional resources that come to help fall under the control of the incident management of the specific incident. The incident commander, the divisions' chiefs, those kinds of people, assign the additional resources to the jobs that they filled on the fire or in the disaster. At the same time, it does not remove them from their home jurisdiction. If the home jurisdiction needed any individuals back, they could call the jurisdiction and request they come back. All of the benefits and pay remain with the home jurisdiction. They are just helping fight the fire.

Assemblywoman Neal:

Is the reason why you have the operational control language in the bill also for the purposes of adding all applicable benefits to the workers' compensation

language? Is the operational control important in order for the benefits to derive or connect to the individuals who were functioning in another jurisdiction so the jurisdiction has control over who was doing what and who is responsible to pay?

Christopher Smith:

Yes, to a point. I want to clarify operational control versus the control under command. Another example is that when the firefighters moved out to go support the Washoe Drive Fire, they became under the operational control of the incident management team to drive their tactics out in the field to fight the fire. The firemen and firewomen who came to the aid of the fire do not have to call their home jurisdiction to let them know that the incident commander is asking them to do specific things. The operational control is passed to the incident commander in the field, so they can determine tactics and the most expeditious way of putting out the fire, versus a cumbersome way of taking on staff and having to ask permission from their home jurisdiction to conduct certain operations. Certainly, that may happen if they are working outside of their scope. They would tell their bosses at home that they are not trained to do what they are being asked to do. To add to your workers' compensation question, in the realm of wildland fire, firefighters are deployed based on their skill sets and what capabilities they have. They are only going to be put into a position where they are trained, certified, and covered to take on the actions. Therefore, that responsibility lies on their home agency. They are doing the job that they are trained to do, that they would do at their home jurisdiction anyway, so the home agency would still be responsible for their compensation.

Assemblywoman Neal:

I was worried about the lines of liability and who is liable for what and when. You have language in the back of the bill that says that the person who participates is an agent of the state. What is the increased liability in that relationship? To me that brings in agency law. When someone is delegated to perform under the authority of a person, what then is the extension of the liability? Does the liability change?

Christopher Smith:

That is a great question, and this is one of the major reasons for this legislation. We want to allow for and deem local response agencies as agents of the state to send them out of state. We are not changing the liability responsibilities, as I tried to clearly articulate with the previous example. We are making sure the home agencies are still responsible for the actions and the workers' compensation coverage for the responders who are being deployed out of state. In order for us, as a state, to comply with the Emergency Management Assistance Compact, which has been ratified by all 50 states and territories.

It allows us to move first responders at a local level out of state should there be a need or request, and those then become the agents of the state, but the workers' compensation, benefits, and liability still fall under the local jurisdiction that is sending the forces out.

Chairman Ellison:

The incident command can jump over the local jurisdiction and call in extra people they need, but that is only if they cannot contact the command unit, correct?

Christopher Smith:

I need more clarification.

Chairman Ellison:

I am talking about the incident command in the field. If they needed to draw in additional people from different jurisdictions, they can do so, but they could not contact them directly. They would have to contact the jurisdiction, is that true?

Christopher Smith:

In the event of incident commanders in the field who need additional resources, they would first exhaust the agreements they have with the local jurisdictions. After that, they would make a call to the state and the state would then gather up the appropriate resources that the incident commander needed and deploy the resources for him. Yes, the incident commander can grab resources at the local level and can coordinate with the state for additional resources as needed.

Assemblyman Stewart:

After the major disaster is over, how is the expense determined? Will it be on the local jurisdiction's budget or the state budget? Major disasters can go beyond what they had budgeted.

Christopher Smith:

That gets into the recovery side of an operation. As state and local jurisdictions have budgets for disasters or potential funding streams that are subsequently used up, there are processes in place that can assist the reimbursement process. For example, in the event of a wildland fire, which is a major disaster and germane to our state, if it is eligible for a Fire Management Assistance Grant, and if the Federal Emergency Management Agency designates this as a wildland fire, they are going to cover the expenses. They will cover the expenses up to 75 percent of the response and suppression cost. That means that the local jurisdictions would be reimbursed for 75 percent of their outlay as would the state, but they would be on the hook for 25 percent of the cost. With a major disaster, 25 percent could still be significant. The state Disaster

Relief Account, which the legislature manages and the Division of Emergency Management administers, can also help make up the difference for local jurisdictions. Our attempt is to always try to make them as whole as possible. In reality, sometimes that is not possible due to the size of the incident and size of the account. That is typically how we would do things in a major disaster. The biggest step is the federal government deeming the disaster to reach a threshold where they will come in. There has to be enough damage, impact on our citizens, and impact on our infrastructure.

Assemblyman Stewart:

Have we ever had a situation where federal funds were denied and all the other funds were used up? What do we do then?

Christopher Smith:

I am not aware of a situation where we have had something to that degree, where we have expended all of the local funds and the federal government has not come in to assist us.

Chairman Ellison:

I believe there is a bill in the Assembly Committee on Natural Resources, Agriculture, and Mining that has a problem with interlocal agreements because in the last couple of years local agencies have not been paid. We had a hearing on it the other day, and we are trying to settle the disagreement on funding. Are you aware of this?

Christopher Smith:

I am not aware of the bill that is going through right now. I can only speak to the current agreements that we have been working under, the Nevada Fire Chiefs Association agreement and the NEMAC. We have not experienced any issues with agencies not supporting each other and paying the bill or forgiving a bill in their response to natural disasters.

Assemblyman Moore:

I am seeing that there is not a fiscal note on this bill, but it says that there is an effect on the state and may have an effect on the local government. Can you explain that to me?

Christopher Smith:

I did review the local fiscal notes that were submitted, and I saw on the bill that it does have an effect on the state. The Division of Emergency Management does not feel that it will have an impact on the state. We are already performing this mission. This is not going to have an additional fiscal impact on the division. Upon my review of the local impacts, I believe many of the

impacts were mitigated by the clarification in the amendments regarding the training requirements for the emergency responders.

Assemblyman Moore:

If we are already doing this, it seems like it could possibly be creating an additional bureaucracy.

Christopher Smith:

We feel like it is not creating an additional bureaucracy because we are currently performing these tasks, but we are only performing the tasks with the firefighting agencies currently involved in the Nevada Fire Chiefs Association agreement as well as those counties who have signed onto the NEMAC. There are cities, towns, special districts, and tribal reservations that are not part of this, and we feel it would be valuable to make them a part of the agreement. The only way to do it effectively is to create legislation where the individuals who do not want to be part of it can opt out.

Assemblyman Moore:

Do you anticipate coming back to the Legislature for additional funding in the future?

Christopher Smith:

At this point, I do not foresee any additional expenditures that the division must maintain. Honestly, much of the staff is grant funded through the federal government. Should those grants diminish in any way, shape, or form, that would be the only reason why we would need to come back to ask for additional support to maintain the program.

Chairman Ellison:

Have you met with the Clark County School District on their fiscal note?

Christopher Smith:

I have met with them, and they are here today to speak.

Chairman Ellison:

Are there any other questions? [There were none.] If anyone is in favor of A.B. 90, please come forward.

Craig M. Stevens, representing Clark County School District:

We just wanted to thank the Division of Emergency Management for working with us to eliminate our fiscal note. We believe with the amendments read into the record that we can eliminate our fiscal note, and we fully support the bill.

**Michael D. Brown, Fire Chief, North Lake Tahoe Fire Protection District,
representing the Nevada Fire Chiefs Association:**

We are in support of this bill. I was very pleased to hear the questions that were asked of the Division of Emergency Management. There were several questions that we asked over the last several months. We appreciate having the opportunity to work closely with the division and the other agencies who will be utilizing this. We have had many agreements for many years and we feel that this is a good direction to go. It gives us the ability for not only response to wildland fires, but mitigation of any types of emergency incidents. We think of wildfires being one of the major contributors in our state, but we have many incidents that are going to require responses from several different agencies. It helps to get the process into motion.

Chairman Ellison:

Are there any questions?

Assemblyman Stewart:

I just want to make sure all of the various agencies are now able to communicate with each other with their radios without any problems. I think we solved the problem in the past, but I want to be sure.

Michael D. Brown:

Communications is always a process and a problem with many incidents. We are fortunate that the state of Nevada has worked on statewide communications with the 800 megahertz, 700 megahertz, and 600 megahertz, but we still have federal partners and state partners that are on communications processes. In turn, we are finding other ways to communicate through different trunked systems. My agency carries three different sets of radios in all agency vehicles: 800 megahertz, ultra high frequency, and very high frequency so we can communicate with our federal, state, and neighboring agencies. It is going to continue to be in question, but I do want to say that the state of Nevada has stepped up with a very good committee that was appointed by the Governor to look at the communication issues and make sure that in the future we are working towards a solution.

Assemblyman Stewart:

Does it look like we are going to have a solution in the near future so you do not have to carry three radios?

Michael D. Brown:

As technology changes, we are hopeful that it will happen. I have been in the service for more than 30 years, and I am hoping before I retire we make it happen.

Assemblyman Stewart:

With the various trunked lines you use to communicate, is it not a problem that cannot be overcome when an emergency occurs, correct?

Michael D. Brown:

Pre-planning with the different agencies helps us get around the communication issue to ensure that when an incident takes place throughout the state of Nevada, we know what radios we will need to communicate, so we are working towards it.

Chairman Ellison:

Those were some of the questions we had with the 400 megahertz and 800 megahertz systems, if you operate on both.

Aaron Kenneston, Certified Emergency Manager, Washoe County:

I would like to give the support of Washoe County to this legislation. We feel that it will improve the ability to share resources during a disaster. It makes our current system more efficient, and it makes it easier for us to save lives and protect property.

Jeff L. Whitesides, Manager, Public Health Preparedness, Health District, Washoe County:

We want to express our support for this bill. It streamlines requests for resources that we may need in public health during an emergency.

John Fudenberg, Assistant Coroner, Office of the Coroner/Medical Examiner, Clark County:

We support this bill and have been working very closely with the Division of Emergency Management to clarify concerns we had. Our concerns have all been taken care of. This is very important. It impacts the mass fatality preparedness effort that is going on in our state. For example, at the Reno Air Races crash, we were able to deploy quite a few resources from the Office of the Coroner/Medical Examiner of Clark County to the Office of the Coroner/Medical Examiner of Washoe County to aid them in identifying the decedents and handling the mass fatality effort. We had some problems with liability issues and some agreements were prevented from taking place, and we believe this bill would clarify all of those issues and would help us share resources throughout the state. Currently, the Office of the Coroner/Medical Examiner of Washoe County and the Office of the Coroner/Medical Examiner of Clark County are the only two that have significant resources for decedent management, and we have some statewide plans that allow us to deploy anywhere in the state to aid any of the other 16 counties in handling a mass fatality incident.

In addition, if we had a major mass fatality incident, something along the lines of Hurricane Katrina or the September 11 World Trade Center Attack where we had hundreds if not thousands of deaths, we would be calling on resources from adjoining states and everywhere in the country. At the same time, we offer our support to other states. Right now, we cannot send anyone without having people go on their own because the liability is not there. This bill would also enable us to be covered if we were going to deploy resources outside of our state, which is important to us because we depend greatly on resources from California, Arizona, and Utah to help us.

**Regina Marotto, Emergency Management and Homeland Security Director,
Nevada Inter-Tribal Emergency Response Commission:**

We work with all 27 tribal nations in the state. I just wanted to say from my perspective, this is very standard language from mutual aid agreements and I think it will clarify and streamline the process for working with tribes and mobilizing tribal resources and resources to the reservations as well. I specifically want to thank Ms. Baratti for reaching out to the tribes to gather our input on the language and for actually taking our considerations and including them in the language.

**Dave Fogerson, Deputy Fire Chief, East Fork Fire and Paramedic Districts,
Douglas County:**

Chair Ellison and members of the Committee, my name is David Fogerson, and I am the Operations Chief for East Fork Fire District and the Deputy Emergency Manager for Douglas County. I am here today to speak in favor of A.B. 90 from the local government perspective. [Continued to read from prepared text ([Exhibit H](#)).]

Chairman Ellison:

Are there any questions? [There were none.]

John Gillenwater, Fire Chief, Central Lyon County Fire District:

My jurisdiction covers U.S. Route 50. We protect about half of the citizens of Lyon County. Assembly Bill 90 gives us the structure we need to move resources. When we look at Nevada's structure of the counties, we have urban, rural, and frontier, so none of us are resource rich when we look at the different types of equipment we have. The fire service in general is not the fire service anymore; it is emergency services. We provide everything except law enforcement. We are the go-to people. Having the structure above us to move resources quickly is critical to effective and efficient disaster management and mitigation. We are in total support of this bill. We have worked on this for so long it was interesting looking at the signatories. The first fire chief I worked for 35 years ago was one of the original signatures on the first fire mutual aid

plan. Watching it come to this level now is really important to us, and it is the structure we need to work within the state and outside of the state.

Brian McAnallen, representing the City of Las Vegas:

We are in support of this legislation. We want to thank the Division of Emergency Management for the collaborative nature of this. It has taken a while to get to this point, and we appreciate the hard work.

Tim Spencer, Division Chief, Reno Fire Department, City of Reno:

I would like to express support for this bill. In 2011, I was the incident commander of the Reno Air Races crash. If we would have had an agreement like this in place at that time, it would have streamlined the mutual aid process for getting resources to the event.

Chairman Ellison:

Are there any questions? [There were none.]

Jim Reagan, representing the State Emergency Response Commission:

Chief Smith brought us the bill draft request regarding this legislation and immediately all of the members of the commission agreed and understood what kind of value this would bring. Our responsibility is to provide federal and state grant funding to improve hazardous materials emergency planning and also response and equipment. One of the things we frequently see in the plans is the ability for an agency to get equipment and response capabilities from outside their own jurisdiction. As was mentioned, there are a lot of rural and frontier communities that do not have the infrastructure, equipment, and technical expertise to respond. Their ability to get mutual aid now, whether it is through a tribal community, small frontier community, or general improvement district, is greatly enhanced with this bill. All of the members of the commission are in support of this bill.

Chairman Ellison:

Are there any questions? [There were none.]

Joe Curtis, Emergency Management Director, Storey County:

We are one of the smallest communities and counties in the state, and as you are well aware, we have been in an explosive nature in terms of our economic development within the county. Over many years, we have utilized the NEMAC for assistance primarily in wildland fires and some flood matters. This bill is important to us. We work very closely with the Division of Emergency Management, and they are the ones that provide us with the opportunity to get the additional resources that we need. There are times when we have to have additional assistance, and we find that it is imperative that we go forward with

this particular legislation. We hope that you will be able to find the necessity within your thoughts to move the bill forward.

Chairman Ellison:

I know there was a large impact on the small counties without this bill.

Joe Curtis:

Yes there was.

Chairman Ellison:

Are there any questions? [There were none.]

Mary Walker, representing Carson City, Douglas County, Lyon County, and Storey County:

We rise in support of A.B. 90. We also would like to put on the record that we very much appreciate the Division of Emergency Management and how long and hard they have worked with everybody to make sure the local jurisdictions' concerns were addressed.

Dagny Stapleton, Deputy Director, Nevada Association of Counties:

We are in support of this bill. As you have heard, this bill creates a coordinating mechanism for local governments, including counties, to provide more efficient and effective emergency response and to better share their resources with each other in times of emergency. We believe this benefits not only individual counties and jurisdictions, but also citizens throughout the state and even potentially citizens outside of our state. We urge your support of this bill.

Chairman Ellison:

Are there any questions? [There were none.] Is anyone else in favor of the bill? [There was no one.] Is anyone in opposition? [There was no one.] Is anyone neutral? [There was no one.] For many years, I have had the privilege to work with the Division of Emergency Management, and it has been great for the resources we have had to pull from when we needed them. I am going to close the hearing on A.B. 90. Is there anyone here for public comment? Today is President Abraham Lincoln's birthday, and he would be 206 today. We are adjourned [at 10:23 a.m.].

[([Exhibit I](#)) was presented but not discussed and is included as an exhibit for the meeting.]

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblyman John Ellison, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: February 12, 2015

Time of Meeting: 8:02 a.m.

Bill	Exhibit	Witness	Description
	A		Agenda
	B		Attendance Roster
	C	Demar Dahl	PowerPoint
	D	Curtis Calder	PowerPoint
	E	Doug N. Johnson	PowerPoint
A.B. 34	F	Dave Prather	Prepared Text
A.B. 90	G	Christopher Smith	PowerPoint
A.B. 90	H	Dave Fogerson	Prepared Text
	I	Doug N. Johnson	Douglas County Community and Senior Center Information Sheet