

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

**Eightieth Session
April 17, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:06 a.m. on Wednesday, April 17, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblyman William McCurdy II, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Melissa Hardy
Assemblyman Glen Leavitt
Assemblywoman Susie Martinez
Assemblywoman Connie Munk
Assemblyman Greg Smith

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Scott Hammond, Senate District No. 18
Senator David R. Parks, Senate District No. 7



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Asher Killian, Committee Counsel
Kirsten Oleson, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Brian McAnallen, representing Nevada Broadcasters Association
Ashley Jonkey, representing Nevada Broadcasters Association
John Fudenberg, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County

Chair Flores:

[Roll was taken. Committee rules and procedures were explained.] We have two items on the agenda. We will take them in the order they appear. We will begin with Senate Bill 113.

Senate Bill 113: Revises provisions relating to the membership of the Nevada Commission on Homeland Security. (BDR 19-577)

Senator Scott Hammond, Senate District No. 18:

I am here to present Senate Bill 113 for your consideration. I will quickly go through some of my remarks and hand it off to Mr. McAnallen, who has a few remarks on behalf of the Nevada Broadcasters Association. If need be, we also have one other person who can help with questions. That will be the extent of the presentation that I have for you this morning.

Senate Bill 113 removes the requirement for the Governor to appoint a representative of the broadcaster community and, instead, requires the Governor to appoint the president and chief executive officer (CEO) of the Nevada Broadcasters Association or his or her designee as an ex officio member of the Nevada Commission on Homeland Security. The bill does not change the number of members or the voting rights of any members. To clarify for the audience, ex officio is defined by *Black's Law Dictionary* as being by virtue or because of an office, by virtue of the authority implied by the office. For example, Mitch Fox, who is not able to be with us today, is currently the president and CEO of the Nevada Broadcasters Association. Mr. Fox or his designee would be appointed to the commission because of his position; however, if Mr. Fox were to leave that position, the new president and CEO or his or her designee would then be appointed to the commission.

For a little bit of background, following the attacks that occurred on September 11, 2001, the 2003 Legislature passed comprehensive legislation to ensure the security of the state of Nevada and its residents with respect to acts of terrorism and related emergencies. That 2003 legislation created the Nevada Commission on Homeland Security and a new chapter in the *Nevada Revised Statutes*—Chapter 239C Homeland Security. The bill set forth the membership duties and staff support of the commission. The 2003 legislation required the

Governor to appoint an unspecified number of members who must include at least one member who is a representative of a Nevada law enforcement agency and one member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement. There were only three other members specified in the bill, and those were one member each from the Assembly and the Senate to be appointed by the houses' respective leaders and to serve as nonvoting members. Former Senator Aaron Ford and Assemblyman McCurdy most recently served on the commission. Finally, the Governor or his designee would serve as chair. The membership of the commission was changed in the 2005, 2009, 2011, and 2017 Legislative Sessions. I actually have, and previously put on the Nevada Electronic Legislative Information System, an exhibit table ([Exhibit C](#)) that would indicate exactly how the commission is set up. The table makes it very clear how the membership has changed over the last 16 years. Highlighted within the table is when the representative of the broadcaster community was added to the membership in 2011. Also in the exhibit, you will see the statutory definition of broadcaster that I have included. This member could come from a radio broadcasting station, cable operator, other video service provider, or television broadcaster station. The Nevada Broadcasters Association represents all types of broadcasters, so it makes sense that the member appointed to represent broadcaster would truly represent the entire community of broadcasters. As I mentioned earlier, the representative for the broadcasters is currently the president and CEO of the Nevada Broadcasters Association. This will not change the current membership; however, it will ensure that this member continues to be a representative of the entire community of broadcasters. This concludes my presentation. I urge your support of S.B. 113.

Brian McAnallen, representing Nevada Broadcasters Association:

I am here representing the Nevada Broadcasters Association. With me is Ashley Jonkey from our office. Mitch Fox asked me to make sure that you all knew how much we appreciated this bill coming forward. We would like to thank Senator Hammond for understanding the importance of this. This bill ensures continuity with membership in the broadcaster community on the Homeland Security Commission by ensuring that the president and CEO who represents the association of all radio, television, network affiliates, and small mom-and-pop television and radio stations in Nevada serves on the commission to be that liaison to everyone in the community. The situation we are trying to avoid is a person appointed representing broadly the broadcaster community—as it is spelled out in the current statute—and the person could retire or no longer serve in the television and radio world and still be on the commission. You lose continuity of communications, which is why the position was added to the Homeland Security Commission. It is to ensure that a voice is heard for communication continuity in an emergency crisis situation and also to make recommendations—as this commission does—to the Governor and the department for planning purposes and preparedness for any future disasters or situations.

Chair Flores:

Members, are there any questions?

Assemblyman Leavitt:

As the representative of the broadcaster community is switched over to the president and CEO of the Nevada Broadcasters Association or his designee, the person who currently serves could be a designee for that position, correct? So it might not change anything if the president of the Nevada Broadcasters Association decided to designate the person who currently holds the position. Is that possible?

Senator Hammond:

Yes.

Assemblyman Ellison:

Why is it set at 100,000 population instead of members throughout the whole state? Does Homeland Security not represent the whole state?

Senator Hammond:

That is part of the original bill. The population cap was there, but it is not part of what we are trying to do right now. I cannot speak specifically for that. I believe it was for the fire department for each county and the sheriff as well. That is not what we are doing right now. This is just talking about the continuity of the representation for the Nevada Broadcasters Association, making sure that whoever is CEO and president of the association continues to be on the board, or at least represented on that board by a representative.

Assemblyman Ellison:

I agree. When I read the bill it said broadcaster. To me, it seemed like the makeup of Homeland Security should be the whole state, not just two parts of the state. Maybe we need to look at that next session. There is such a difference in how the state is demographically and it seems like we need to look at this in the future.

Assemblyman Carrillo:

In section 1 it talks about the commission going from 16 to 15 voting numbers. Where did we lose one? We basically struck one out and then the president and CEO. What is the number 15? Maybe I am miscalculating here.

Ashley Jonkey, representing Nevada Broadcasters Association:

I am representing the Nevada Broadcasters Association. I, too, noticed that yesterday. I am confused about that number. We might have to go back to legal because we would still retain a vote on the commission.

Asher Killian, Committee Counsel:

The phrasing where we change 16 to 15 in this bill speaks about the members whom the Governor determines to be appropriate and appoints to the commission to serve at the Governor's pleasure. Since this person is no longer a person being selected by the Governor, but is instead serving ex officio, we reduced the number by one to account for that.

Assemblyman Leavitt:

An ex officio member cannot vote, right? So this new transferred position is no longer a voting member? Is that correct?

Asher Killian:

Ex officio does not mean a member cannot vote. If we intended for this member not to vote, it would state that they were ex officio and nonvoting. Since we do not state that the member is nonvoting, the mere fact that the member is ex officio does not mean that they cannot vote. This member would still be a voting member.

Senator Hammond:

That came up several times before we presented this bill in the Senate, which is why we included in our remarks the *Black's Law Dictionary* definition of ex officio so there would not be any misunderstanding. It clarifies that the position that they hold is ex officio. As Mr. Killian has also stated, if the member was nonvoting, we would have to put that in there. We wanted to make sure that it is clear that this person was a voting member.

Chair Flores:

With no additional questions, is there anyone wishing to speak in support of Senate Bill 113? Seeing no one, is there anyone in opposition? Seeing no one, is there anyone in the neutral position? [There was no one.]

[Mitch Fox's testimony was submitted as ([Exhibit D](#)).]

I will now close the hearing for Senate Bill 113 and open up the hearing for Senate Bill 127.

Senate Bill 127: Increases the number of members on the board of county commissioners in certain counties. (BDR 20-855)

Senator David R. Parks, Senate District No. 7:

I am here to present Senate Bill 127. This bill provides for the increase in the number of members on the board of county commissioners in counties with a population in excess of 700,000. Currently, only Clark County falls under the provisions of *Nevada Revised Statutes* (NRS) 244.016 which Senate Bill 127 seeks to amend. In 1977 Clark County had five county commissioners. The population of Clark County in 1977 was 389,965 residents—that is roughly 390,000—that equates to slightly fewer than 78,000 constituents per county commissioner. In 1977 under Senate Bill 37 of the 59th Session, your Committee voted to increase the number of county commissioners from five to seven. The number of constituents per commissioner dropped to roughly 55,000 residents. That number of commissioners has remained unchanged for 42 years—from 1977 until now. Today Clark County has a population approaching 2.25 million residents, with roughly 321,000 constituents per commissioner—321,000 constituents is more than the population of the City of Henderson. Over the last 42 years, the population of Clark County has increased nearly sixfold. In 2022, three years from now when Senate Bill 127 takes effect, Clark County will have an estimated population exceeding 2.4 million—some estimate that it will be as much

as 2.5 million people. By increasing the number of commissioners to nine members, the average commissioner will represent approximately 266,000 constituents, which is still more residents per commissioner than the population of the City of North Las Vegas. By comparison, the City of Las Vegas has a mayor and six council members. It also has a population of approximately 650,000 residents, which equates to roughly 108,000 constituents per council member.

You may be wondering why Senate Bill 127 does not become effective until 2022—three years from now. The year 2022 is important because it is the first year for a general election following the decennial census. It is that time, once every ten years, when elected districts are redrawn and their constituency is equalized. While your Committee is a policy committee, I believe that the fiscal note accompanying the bill should be addressed since it has been presented for your consideration. The fiscal note reflects an expense of \$3,837,250 over the next two years. As I said, this bill does not go into effect for more than three years. I fail to understand the reasoning for such a large sum, other than to say it is presented in an attempt to poison S.B. 127. Hopefully Clark County can give you an explanation. I would like to make one final comment. We all know that Clark County is the largest county in the state of Nevada—populationwise—but did you know that Clark County also has the largest city in the state of Nevada? The unincorporated urban Las Vegas Valley has a population of over 900,000 residents—and that does not include the rural areas of Clark County. Clark County commissioners are not just county commissioners, they are also de facto city council members. With that, I would be happy to answer any questions. Thank you for hearing Senate Bill 127.

Chair Flores:

We have a couple of questions.

Assemblyman Leavitt:

When we look at the largest county by population in the nation, what is the number of county commissioners on that board?

Senator Parks:

It is tough to say how many commissioners there are in any of the largest counties. It ranges widely. As far as any specific ratio, I do not think there is a specific pattern. I know that in New York City—which also includes the county government—they have well in excess of 20 members and then each of the boroughs has its own council. They vary extensively and I do not know if there is one single pattern or there is any single specific government that might be a good model to use.

Assemblyman Carrillo:

One of the things that we know about the districts we hold, with redistricting and the census we have a certain number of appointed positions per district to better serve our constituents. I feel that Clark County has gotten to the point where they have plenty of staff to assist that process, but they definitely fall short on it. This bill is something that is much needed. I look forward to working on this in the future.

Assemblyman Assefa:

I am just trying to understand how you arrived at the number nine for county commissioners. Why not 10 or 12?

Senator Parks:

I think that any body that convenes and votes on issues should probably have an odd number so that you do not have a tie. Unfortunately, the Nevada Assembly has a tie. In the 1995 Session it learned what it was like to have a 21-21 makeup of the Assembly. It created significant challenges. I think odd numbers are certainly preferable. Given the growth of Clark County, increasing to nine members would certainly be a good start. I have read numerous articles that said that you reach a challenging point when you go above a certain number. That number generally seems to be around 13-15. I certainly would not propose going as high as that. I think the two additional county commissioners would be a reasonable compromise.

Assemblyman McCurdy:

To answer my colleague from Assembly District No. 23's question as it relates to the population, I did a quick search and it seems to be that Cook County [Illinois] is one of the largest counties after California and Los Angeles County, with about 5.2 million residents. It seems to me that they have 17 county commissioners representing about 300,000 people to one commissioner. It seems appropriate that we are going with nine. I believe that representation matters, so we have to make sure that we have representatives able to serve the people.

Assemblywoman Hardy:

I think that you said Clark County has not had an increase in commissioners in 42 years. I was wondering why it has been so long.

Senator Parks:

I think there is one other factor that may play into this. We have recently seen a number of county commissioners term out as a result of term limits. I think that we have lost a lot of institutional knowledge. I think that this is an appropriate time, given the fact that term limits are now in effect. If you cannot have longer terms and greater institutional knowledge, you probably need to have a greater number of members in representation.

Chair Flores:

I would like to invite those wishing to speak in support of Senate Bill 127 to come forward. Seeing no one, is there anyone in opposition?

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

Clark County opposes S.B. 127 primarily because of the significant fiscal impact that Clark County will face. As you know, we did not oppose this in the Senate, and I feel as though the Committee deserves an explanation. The Board of Commissioners met on April 2. During that meeting they took a unanimous position that they would oppose S.B. 127. By

then, S.B. 127 had already made it through the Senate—obviously that was too late for us to go to the table during the Senate hearings. As you know, with open meeting laws which the Board of County Commissioners has to follow, it is very difficult to follow the time line and deadlines of the legislative sessions. All of this happened after the hearings, so here we are in opposition. We did not enter this fiscal note to poison the bill; it is a real fiscal note. We would have to build out two additional offices—which as you can imagine is very expensive for government agencies to do. That represents the \$3.184 million, the build-out of two offices in the fiscal year. We have it listed in fiscal year 2019/20, but that might be fiscal year 2020/21 depending on the timing. The \$3.1 million represents not only building out the offices for two additional commissioners and four total staff members for each of those commissioners, but it also represents \$653,000 in staff costs that would be recurring every fiscal year thereafter. I am available to answer any questions.

Assemblyman Ellison:

I look at this as a budget issue. Right now you are getting several district judges who are going to be instated—which will be a cost to the county as well. The judges themselves will probably be picked up by the Nevada Supreme Court, but not the staff and helpers. You are going to have that burden on the county. You are just getting back on your feet from the recession. Now you are talking about hiring eight new district judges, county commissioners, as well as unfunded mandates. I can understand where you are coming from.

John Fudenberg:

The courts alone will be a very significant fiscal impact of upwards of millions of dollars. This additional impact would certainly hurt Clark County. Although most people think that Clark County is where the money is at, we fight for supplemental positions every year at the department level, and I can tell you there is not a lot of leftover money after we fund public safety and all the other family and child protective services that we are responsible for. You are correct, that will have a significant fiscal impact on Clark County, and this would add to that impact.

Assemblyman Ellison:

By doing so, based on the budget, the only thing you could go after would be ad valorem taxes—I do not know where you are at with your ad valorem taxes and whether you are maxed out on them. Some other counties ought to look at this; they are at the max. I do not know where you guys are, but you will have to address that eventually, being able to raise the property tax. How are you going to come up with more revenues?

John Fudenberg:

I do not know if there was a question in that statement, but you are correct. As far as the taxes and how we have addressed that, it is, unfortunately, above my pay grade, but I can get those answers for you.

Assemblyman Ellison:

I think it is at \$3.64, but I think it would be nice if you let us know.

Chair Flores:

I want to walk you through this time line and then you can help me understand how we got to this position where you switched from neutral to opposition. January 31, 2019, this bill was prefiled; February 4, 2019, the language drops; March 21, 2019, the bill moves out of committee. On January 31 this conversation happened. I do not think that Senator Parks kept this a secret. From January to April there was a shift in terms of how you want to address this through the commission's lens. I have known you to always be straightforward, but it seems odd that you would, from January, wait three months to make a determination and say that you disagree with this. Something seems off. It is difficult for me to believe that it would take three months of deliberations and conversations about whether you need additional seats. I respect the commission's perspective that they think that they are adequately now serving the constituents. I understand the fiscal impact—building out two additional offices—but logically it does not follow. I get that sometimes bills slip through the cracks, but a bill that is this obvious, this clean, there are no inconsistencies in it. It is not difficult to read. You do not even have to read the bill; the Legislative Counsel's Digest makes it abundantly clear. Something seems off. Could you walk us through it?

John Fudenberg:

Understandably so. I do not have a good explanation other than I can tell you how the Clark County lobby team handles bills and where we get our direction from. We were aware of this bill early on. There is no hiding that. It is a very clean bill, and it is clear what the bill intends to do. Clark County staff takes a position; we took a position of neutral on this bill until the commission met on April 2 and voted. It was not a formal vote, but it was unanimous. I do not know what you officially call it, so I do not want to represent what that vote was. The meeting is online so you can view it to understand exactly how it went, but basically, it was a unanimous position of opposition for this bill. That is when the position changed to opposition from our perspective. We always had a concern about the fiscal impact—we spoke to that a bit at the Senate hearing—but we did not oppose it. I understand why that is an odd position. Frankly, I have never changed position from one house to the other, so I understand the concern and why that may look odd. The reason is that the commission took the position of opposition unanimously at the April 2 meeting, so here we are in opposition. Unfortunately, I do not have any other explanation.

Chair Flores:

I appreciate that. Again, I enjoy working with you. I do not know if the problem is with the way you handled it, but the whole thing is just odd.

Assemblyman Smith:

What is your annual budget?

John Fudenberg:

I do not know off the top of my head. It is in the billions, but I can certainly get the exact numbers for you.

Chair Flores:

Members, do you have any additional questions? [There were none.] Is there anyone else wishing to speak in opposition? Seeing no one, is there anyone wishing to speak in the neutral position? Seeing no one, Senator Parks, do you have any closing remarks?

Senator Parks:

I would like to conclude by thanking you for hearing this bill this morning.

Assemblyman McCurdy:

I think that it is very important to put on the record the need for representation in Clark County. I have been a resident of Clark County for my entire life—as of yesterday, 31 years. I believe that it is really important that we have representation. Right now the current makeup of the commission does not represent, in my opinion, the residents of Clark County. As we move through this process, it is imperative that we keep all communities in mind as it relates to the representation factor of the current makeup of the commission. I really thank the Senator for bringing this forward. I would like to request that we have what the current budget is of Clark County submitted to the Committee in a timely fashion. It would also provide us with a road map with how feasible or not this will be.

Assemblyman Hafen:

I want to echo some of the comments made by my colleague that portions of Clark County are underrepresented—specifically the rural areas in my district which have been very underrepresented over the last few years. Hopefully, if the fiscal portion of the bill could be addressed, it would ensure that there is adequate representation in Clark County.

Chair Flores:

With that, I would like to close out the hearing on Senate Bill 127. Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 9:47 a.m.].

RESPECTFULLY SUBMITTED:

Kirsten Oleson
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a table titled "Membership History of the Nevada Commission on Homeland Security," submitted by Senator Scott Hammond, Senate District No. 18.

[Exhibit D](#) is written testimony, dated April 17, 2019, submitted by Mitch Fox, President and Chief Executive Officer, Nevada Broadcasters Association, regarding Senate Bill 113.