

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

**Eightieth Session  
April 18, 2019**

The Committee on Government Affairs was called to order by Vice Chair William McCurdy II at 8:39 a.m. on Thursday, April 18, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://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  
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:**

Assemblywoman Bea Duran (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Asher Killian, Committee Counsel



Gina Hall, Committee Secretary  
Trinity Thom, Committee Assistant

**OTHERS PRESENT:**

Caleb S. Cage, Chief and Homeland Security Advisor, Office of Homeland Security,  
Division of Emergency Management, Department of Public Safety  
Brian McAnallen, representing Nevada Broadcasters Association; and City of North  
Las Vegas  
Mike Cathcart, Business Operations Manager, City of Henderson  
Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office

**Vice Chair McCurdy:**

[Roll was taken. Committee rules and protocol were explained.] We will open the hearing on Senate Bill 15.

**Senate Bill 15: Provides for the establishment of incident management assistance teams. (BDR 36-351)**

**Caleb S. Cage, Chief and Homeland Security Advisor, Office of Homeland Security,  
Division of Emergency Management, Department of Public Safety:**

Senate Bill 15 is one of the eight bills [Assembly Bill 71, Senate Bill 15, Senate Bill 34, Senate Bill 35, Senate Bill 66, Senate Bill 67, Senate Bill 68, and Senate Bill 69] developed as a response to the unprecedented year of emergencies and disasters in the state of Nevada in 2017, including floods, near-record fires, and the tragic mass shooting in Las Vegas on October 1, 2017. The Division of Emergency Management within the Department of Public Safety has developed a total of 72 policy recommendations, many of which are legislative recommendations and included in the bills. We are proposing financial changes, structural changes, and operational changes. Senate Bill 15 proposes operational changes.

The bill primarily accomplishes two things. First, it changes the designation of a "mobile support unit," as currently in statute, to an "incident management assistance team." Second, it authorizes the Division of Emergency Management to work with voluntary organizations, such as AmeriCorps, to develop incident management assistance teams or disaster assistance response teams in the state. This change came about from the lessons learned in 2017, was approved by the Nevada Commission on Homeland Security, and has the support of our stakeholders.

Although the changes are somewhat cosmetic, they update the terminology in statute to align with federal doctrine and allow us the ability to provide teams to local and tribal jurisdictions in the state upon their request, which provide support in emergencies and disasters that they may be faced with.

**Assemblyman Carrillo:**

In section 2, subsection 2, it specifically states that an incident management assistance team may consist of volunteers from "AmeriCorps, Nevada Volunteers and any other similar organization." Why does the bill specifically reference these two organizations by name?

**Caleb Cage:**

The federal program, AmeriCorps, and Nevada Volunteers, the state organization that administers federal AmeriCorps dollars, have an initiative to use federal grant fund dollars to develop disaster assistance response teams that are able to respond to emergencies and disasters. We have had challenges developing this relationship. The organizations either fund specific teams, or they can require specific grants to be administered to nonprofit organizations. We have been interested in pursuing this, and we believe that allowing for the statutory change and the authority to pursue this will give us the foundation for developing the relationship going forward.

**Assemblyman Carrillo:**

The wording "any other similar organization" concerns me. It seems strange to call out specific organizations in statute, versus an organization that does this type of work. Will they receive equal federal and state funding?

**Caleb Cage:**

We call them out in statute specifically because there are federal grant funds designated to developing teams. This language would allow us the opportunity to establish and build the relationship with the organizations. Our intent is to work with voluntary organizations, such as the American Red Cross, in much the same way as we do now, but there are no funds associated with these organizations. AmeriCorps specifically has federal grant dollars designated, which would allow us to pursue the relationship with them more readily.

**Assemblyman Ellison:**

Could you not change the name of the organization from "mobile support unit" to "incident management assistance team" administratively, as opposed to legislatively?

**Caleb Cage:**

The current doctrine defines mobile support units, but is language from previous iterations of the statute that were written prior to the establishment of the Federal Emergency Management Agency (FEMA). Incident management assistance teams, as defined, is recognized by FEMA, and would allow us to build toward the federal model. The revision is somewhat cosmetic in nature, but it will align with the federal doctrine.

**Assemblywoman Bilbray-Axelrod:**

I am also concerned by the reference of specific organizations in statute. I think there may be a desire for the Committee to make the language a bit broader. Can you provide us with some background as to how the bill came about?

**Caleb Cage:**

I am more than happy to consider an amendment that would broaden the language, as opposed to calling out relationships with AmeriCorps and Nevada Volunteers. Our emergency management partners at the county level, city level, and particularly at the tribal level have limited staffing. In many cases, they have one individual, and in a number of cases, they have one individual with multiple roles—for example, a deputy fire chief or a deputy sheriff who is also the emergency manager. This can be sufficient in a preparedness phase, but when we have to activate an emergency operations center, we may need dozens of staff to help. One person would not be able to work for 24 hours straight, let alone for 48 hours straight. Having multiple operational periods is a significant concern, which we consistently see in our after-action reports. During the January and February 2017 floods, the Division sent liaisons to many of the emergency operations centers throughout the state. One of the major concerns was that it was a four- or five-day activation period and we would need to backfill the people who were there for multiple operational periods, including at tribal areas that we were sending representatives to. During the October 1, 2017, shooting in Las Vegas, one of the first requests from the emergency manager was for more staff to backfill our emergency operations center to maintain emergency operations.

**Assemblywoman Gorelow:**

At what point do you ask the federal government for help, and how is that response coordinated?

**Caleb Cage:**

Officially, we request support from the federal government when we or our local or tribal counterparts identify the need for resources that we cannot provide. There is an official and doctrinal approach to how these requests are handled. However, we have a relationship with FEMA, which coordinates the federal resources. During the January and February 2017 floods, FEMA was at our emergency operations center in Carson City a few days ahead of time because we knew that the event would have a significant impact on the local community. The Division of Emergency Management requests resources through the regional administrator in Oakland, California, or at times directly through the FEMA administrator. We request resources and information via telephone within hours of an event. Having the liaisons at our emergency operations center allows us to dictate which federal resources we need. When certain damages are significant enough, the Governor can request a disaster declaration from the President, which was granted in January and February 2017. The disaster declaration can also include additional support.

**Vice Chair McCurdy:**

Are there any additional questions from the Committee? [There were none.] We will now hear testimony from those in support. [There was none.] We will now hear testimony from those in opposition. [There was none.] Is there anyone who wishes to provide neutral testimony? [There was no one.]

**Caleb Cage:**

I am happy to work with staff on an amendment to remove the language in section 2, subsection 2 that was in question. Thank you for the opportunity to present this bill today. This issue is a priority for the statewide coalition of partners and stakeholders which has put it together. I am looking forward to working with the Committee to see it through.

**Vice Chair McCurdy:**

We will close the hearing on Senate Bill 15 and open the hearing on Senate Bill 34.

**Senate Bill 34: Revises provisions related to emergency management. (BDR 36-353)**

**Caleb S. Cage, Chief and Homeland Security Advisor, Office of Homeland Security, Division of Emergency Management, Department of Public Safety:**

Senate Bill 34 addresses the financial management of emergencies and disasters in the state of Nevada, specifically in regard to the grants we administer to our local, tribal, and state emergency management partners on behalf of the federal government. The Division of Emergency Management within the Department of Public Safety coordinates grants from multiple federal organizations on behalf of state agencies, local agencies, and tribal governments, including grants from the United States Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA), the United States Department of Energy, and the United States Department of Commerce. All of the grants we administer include specific requirements provided by the federal government. We are responsible for administering, compliance, and ensuring that our local, tribal, and state partners are managing the funds appropriately. The State of Nevada is the audited entity in regard to administering the funds. However, we do not have much more than a basic agreement to dictate the administering of the funds within the federal guidelines.

The bill came about after reviewing after-action reports to determine how we can better ensure that the federal emergency management dollars for state, local, and tribal entities are used within compliance. There have not been any specific issues identified. We have the responsibility as a state agency to ensure compliance, but no mechanisms to do so. This bill would allow us to create regulations for all the grants that we subgrant to local, tribal, and state partners. It is not our intent to create extensive regulations for the grants that we administer, but rather to create basic regulations. The intent is to ensure our regulatory authority over the requirements that the state or federal government imposes. We want to make sure that the funding is used as effectively and efficiently as possible.

**Assemblyman Ellison:**

Is it correct that the state will audit tribal monies?

**Caleb Cage:**

No, the state receives dollars from the federal government, from FEMA, for example, for emergency performance management. We then administer it to 38 subgrantees in the state—primarily tribal governments, city governments, and county governments. The state's records are audited by the federal government. The state is responsible for the local, state, and tribal

partners' compliance, but the federal government is the reviewing authority and the state is the audited entity in this relationship.

**Assemblyman Ellison:**

If I am understanding you correctly, the state accepts money from FEMA for a project, and the state is responsible for auditing the use of the money. Is that correct?

**Caleb Cage:**

The federal government will audit the state and will audit the local and tribal entities' records that are administered by the state. The state conducts compliance reviews, which are not considered to be audits. Grant reviewers within the Division of Emergency Management review for compliance the projects that we have administered to tribal, county, and city partners. Because they are sovereign nations, when a tribal government is granted a presidential disaster declaration for tribal land, they can either work directly with the federal government or they can work with the State of Nevada to administer the funds. In recent years, the State of Nevada has had a great relationship with the tribal nations and has been administering the grants on their behalf. We conduct compliance reviews and ensure their projects are being carried out appropriately.

**Assemblyman Carrillo:**

Why is the word "perform" removed from page 3, lines 23 and 26, and added back to section 1, subsection 6, paragraphs (a) and (b)?

**Caleb Cage:**

The language has been revised to match the formatting of the new paragraphs (c) and (d) in section 1, subsection 6. These paragraphs begin with "Adopt" and "Submit" respectively, and were not previously written in *Nevada Revised Statutes* (NRS) Chapter 414. Paragraphs (a) and (b) have been revised for consistency.

**Asher Killian, Committee Counsel:**

There are two additional duties being imposed upon the Division. Since four duties will be imposed upon the Division when previously there were only two, we streamlined the language so that one subsection contains all four duties, as opposed to multiple subsections each containing a single duty.

**Assemblyman Carrillo:**

What duties is the Division currently performing, in regard to section 1, subsection 6, paragraph (c)?

**Caleb Cage:**

Currently, we have an agreement with the subgrantee which states that if they receive the emergency management grants, they need to have an emergency manager, emergency operations center, and an emergency response plan in place. Those requirements are derived from the National Incident Management System doctrine, and NRS Chapter 239C requires political subdivisions in the state to have emergency response plans in place. The agreement

is signed by the Division and the subgrantee. For the most part, the agreement is complied with, but if it is not, our only option is to take back the money from the political subdivision or tribe. The State of Nevada will not develop its emergency response preparedness and recovery capacity if we continue to take back money from our tribal, county, and city governments. We want to have a broader scope to dictate the terms of the agreement, and ensure there is understanding of what the Division, FEMA, and DHS expect. Our current process is good, but it is informal.

**Vice Chair McCurdy:**

We will now hear testimony from those in support. [There was none.] We will now hear testimony from those in opposition. [There was none.] Is there anyone who wishes to provide neutral testimony? [There was no one.]

We will close the hearing on Senate Bill 34 and open the hearing on Senate Bill 35.

**Senate Bill 35: Creates the Nevada Resilience Advisory Committee. (BDR 19-357)**

**Caleb S. Cage, Chief and Homeland Security Advisor, Office of Homeland Security, Division of Emergency Management, Department of Public Safety:**

Senate Bill 35 is an effort to restructure the way we handle emergency management and homeland security in the state of Nevada. The Division of Emergency Management within the Department of Public Safety administers a number of grants from a number of federal agencies to tribal, community, state, and local partners. In the past, each grant was coordinated by its own public body. The process was subject to the Open Meeting Law and the public meeting process, which ensured that we were administering the resources in the most transparent, collaborative, and accountable way. Over time, the Division of Emergency Management was administering 34 public bodies. There were 34 boards, commissions, working groups, and task forces that focused either on grants or policies.

The Division of Emergency Management currently has 34 employees. Our agency had as many public bodies as we did employees. Not only was this unsustainable from an administrative perspective, it also caused each grant to be administered within a silo. For example, when hazard mitigation grant dollars were administered to local and tribal governments, the money may not have been used to leverage homeland security or emergency management dollars, because each category had its own committee administering its funds. Procedurally the process was very effective; however, the process did not ensure that we were using our federal grant dollars as effectively as possible. The silo effect impacted the effectiveness of the boards as well. Policy that was developed to address earthquakes was not necessarily included in the discussions about general all-hazards emergency management.

As part of our resilience restructuring, we recommended that approximately 19 of the boards be streamlined into a single body. It is a large body of 34 members, by the name of the Nevada Resilience Advisory Committee, and would be responsible for developing an annual resilience goal and multiple resilience objectives so that all of the federal grants can pursue

the same ends. The committee would also streamline the policy process. Experts in hazard mitigation, earthquakes, wildfires, and otherwise will provide input and allow us to get a clear picture of all the hazards we face in the state of Nevada going forward.

We established this committee at the end of last year, based on input from the Nevada Commission on Homeland Security. It has been operating for the last few months. Senate Bill 35 requests that it be established in statute, so that we do not revert to the previous structure in which we had a large number of public and advisory bodies. We need one body that can collaborate and administer grants for all of our emergency management and homeland security initiatives.

[Assemblyman Flores assumed the Chair.]

**Assemblyman Carrillo:**

Section 2, subsection 4 states that a member's term will be two years. Can a member be appointed for subsequent terms, or do you anticipate changing members every two years?

**Caleb Cage:**

The intent is for the members to serve two-year terms and they could be reappointed. We would not want to lose the subject matter expertise that we had in the previous two years.

**Assemblyman Carrillo:**

The subsection does not specifically state that a member can serve subsequent terms, or if the member can only serve one term.

**Caleb Cage:**

There is additional language on membership in section 5, and if it is the will of the Committee, we can certainly offer an amendment to section 2 that states that members serving a two-year term are eligible for reappointment.

**Assemblyman Carrillo:**

Section 3, subsection 1 provides a requirement for the committee to meet not less than once per month. I am concerned about the difficulty in achieving a quorum with 34 voting members. How do you foresee managing this number of voting members?

**Caleb Cage:**

This is probably one of the largest concerns that has been voiced since we began this process and spoke with various stakeholders. I stated previously that we had administered 34 bodies throughout the year, each with multiple meetings. At least one of those bodies had over 35 members. Thirty-four people is a significant number; however, we have been consolidating the committees since October 2018 and have not had an issue establishing a quorum, nor do I foresee a time when we would have an issue doing so.

The meetings have much value. First, we are administering millions of dollars on behalf of the federal government. Our partners recognize that many of their programs are directly



affected by the grants that are administered by this body, and they have a vested interest in ensuring their voice is heard. Second, a great deal of policy discussion occurs at these meetings, and the same vested interest is present. Third, there is a great deal of information shared at these meetings. Many members have no knowledge of other programs that had previously been administered by public bodies that they were not involved with. We currently have 38 members on our ad hoc committee. There have been some concerns expressed about reducing the number of members; however, I believe that having 34 members is the right choice.

**Assemblywoman Bilbray-Axelrod:**

I assume that the members with expertise, as listed in section 2, subsection 2, are people in high-level positions. From personal experience, I know that people who have expertise in school safety usually have different schedules than those who have expertise in emergency management. I think you would need 18 or 19 members for a quorum. Where do the meetings take place?

**Caleb Cage:**

We have meeting venues in Elko, Las Vegas, and at the state emergency operations center in Carson City. The locations connect via videoconference.

**Assemblywoman Bilbray-Axelrod:**

How did you decide on 34 members? It does seem like a large number.

**Caleb Cage:**

After developing the statewide resilience strategy, we needed to consolidate our committees. We painstakingly examined each of the committees to determine the benefit of each committee. Policy oversight and grant oversight were the two main categories of committees, and we selected which of the members would provide the most expertise and value in a broader conversation. We wanted representatives from tribal areas, Clark County, and Washoe County, and ended up with 38 members. Having 34 members allowed us to bring in as much expertise as we could.

**Assemblyman Smith:**

Do you anticipate being able to accomplish the changes you have put forward financially? Do you foresee a need to increase your budget, or can you accomplish the changes with your existing budget?

**Caleb Cage:**

The Division of Emergency Management is about 90 percent grant-funded by the federal government, which is a challenge. First, by consolidating 19 committees into one, we are reducing our staff's administrative workload. All 19 committees were public bodies subject to the Open Meeting Law. By having only one committee, we can consolidate many of those efforts and have multiple staff members working on the committee together. This bill also limits the number of subcommittees that can be formed to two. The subcommittees are limited to a six-month life, unless the entire committee votes to continue its work, and must

have a specific objective upon establishment. This provision will prevent the committee from growing to its prior size. Second, we will be required to receive the funds for the changes and will not be able to move forward until we do. The bill intends to create efficiencies, as opposed to create additional work.

**Chair Flores:**

We will now hear testimony from those in support.

**Brian McAnallen, representing Nevada Broadcasters Association:**

I want to thank the Division of Emergency Management for everything they do to prepare our state for any unfortunate situations we may face in the future. We think that the eight bills brought forward are moving us in the right direction. The Nevada Resilience Advisory Committee is a good first step in continuing the discussion and the outreach into various communities, while all the stakeholders are present. We support what the Division does, and encourage you to support the bill.

**Mike Cathcart, Business Operations Manager, City of Henderson:**

I want to thank the Division for bringing S.B. 35 forward. We are supportive, and think the bill is a step in the right direction. It will be good for the state to have so much expertise in one group and be able to use the expertise as needed.

**Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office:**

We are here in support of S.B. 35. I want to thank Mr. Cage and his staff for the hard work they do on a daily basis to make the Nevada Resilience Advisory Committee a reality. Our stakeholder meetings are informative; and the regional collaboration is second to none. Having all the stakeholders on the same page is paramount, especially when tragedy strikes and we must respond quickly. We know what our assets are, what our responsibilities are, and what training we have. This committee seeks to do this as well. I encourage your support.

**Brian McAnallen, representing City of North Las Vegas:**

We appreciate the bill and the new direction that the Nevada Commission on Homeland Security will be moving in.

**Chair Flores:**

Is there anyone else who wishes to provide testimony in support? [There was no one.] Is there anyone who wishes to provide testimony in opposition? [There was no one.] Is there anyone who wishes to provide neutral testimony? [There was no one.]

**Caleb Cage:**

Thank you for the opportunity to present this bill, and thank you for your questions. I am happy to work with staff on an amendment regarding the reappointment of members after a two-year term, if that is the will of the Committee.

**Chair Flores:**

We will close the hearing on Senate Bill 35. Is there anyone who wishes to provide public comment? [There was no one.]

The meeting is adjourned [at 9:34 a.m.].

RESPECTFULLY SUBMITTED:

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Gina Hall  
Recording Secretary

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Katelyn Malone  
Transcribing Secretary

APPROVED BY:

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Assemblyman Edgar Flores, Chair

DATE: \_\_\_\_\_

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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