

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

**Eightieth Session
April 26, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 8:36 a.m. on Friday, April 26, 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
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:

Assemblyman John Ellison (excused)

GUEST LEGISLATORS PRESENT:

Senator Dallas Harris, Senate District No. 11



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Asher Killian, Committee Counsel
Mark Peckham, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Caleb S. Cage, Chief, Division of Emergency Management, Homeland Security
Advisor, Department of Public Safety
Marla McDade Williams, representing Reno-Sparks Indian Colony
Drake Ridge, representing Pyramid Lake Paiute Tribe
Andrew LePeilbet, representing Military Order of the Purple Heart, Department of
Nevada; and Disabled American Veterans-Nevada
Mitchell Roach, representing American Legion; and United Veterans Legislative
Council

Chair Flores:

[Roll was called. Committee rules were explained.] We have three items on the agenda this morning. We are going to take them in the order they appear. We are going to open the hearing on Senate Bill 66 (1st Reprint).

**Senate Bill 66 (1st Reprint): Revises provisions relating to emergency management.
(BDR 36-356)**

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

Thank you for the opportunity to present here today, and thank you for hearing this bill. As you all know, the Division of Emergency Management of the Department of Public Safety has presented a number of times in front of this Committee and provided the background on how we got to the place of pursuing a total of eight bills this legislative session. I would just like to go through and hit the high points on that and talk about how Senate Bill 66 (1st Reprint) fits into that overall structure, specifically with respect to lessons learned from the tragedy on 1 October, 2017, in Las Vegas. As I have stated before, 2017 was in general a year of unprecedented emergencies and disasters for us—from two floods in January and February, to a near-record fire season, and of course the mass shooting incident in Las Vegas in October of that year. That really tested our emergency management systems and structures, and we identified ways that we might be able to improve those going forward.

One of the key lessons learned from the 1 October event was the difficulty that was identified with sharing information under current federal Health Insurance Portability and Accountability Act (HIPAA) provisions, in compliance with HIPAA guidelines on the federal level during a mass casualty event when you have a large number of victims from an event and how different agencies—whether they are hospitals, law enforcement, or public

safety agencies—can share information in order to identify the victims, notify their family members, and reunite them with their family members. This was a significant challenge identified by Clark County in several of the after-action reports. We have been working with statewide partners in the private sector and in the public sector since then in order to identify a way that we can better coordinate this information during a mass casualty event in order to ensure that we are able to share information while also remaining compliant with federal HIPAA laws. Senate Bill 66 (1st Reprint) is the vehicle to make that change, and it provides the structure for us to share that information while remaining compliant with federal HIPAA laws.

Currently, *Nevada Revised Statutes* Chapter 414 establishes the State Disaster Identification Team as a team within the Division of Emergency Management. This is a team that we are required by statute to maintain. It is to be a team of forensic specialists who are able to deploy around the state at the request of a local or tribal jurisdiction in order to assist a medical examiner or coroner in identifying victims in the event of a mass casualty event, an emergency, or a disaster. We currently do not have funding to keep these specialists on staff, and we have met this obligation within statute through the Emergency Management Assistance Compact, which is a national compact that allows us to bring in public sector specialists from out of state into Nevada at the request of a local jurisdiction. This has met the needs of the local coroners and medical examiners in the state. In fact, the coroners and medical examiners that we have spoken to have stated that this team that is required in law really duplicates their role and the role of the Emergency Management Assistance Compact.

We have requested changing the nature of the State Disaster Identification Team from a team of deployable forensic scientists and specialists that can go to an emergency at the request of a local jurisdiction to what the Legislative Counsel Bureau (LCB) Legal Division has renamed the State Disaster Identification Coordinating Committee. There are really two roles for this committee. One role is a day-to-day, what we would call a blue-sky situation where there is no emergency or disaster underway, and then the other is their role within an emergency or disaster.

As you can see from the bill, this establishes a team within the Division of Emergency Management that is to meet monthly. During those monthly meetings they will work on developing a plan for performing duties during an emergency or disaster, review that plan, provide for exercising that plan, and provide an annual report on ways to improve that plan or improve the activity of this committee going forward. During an emergency this team could be activated at the request of a local or tribal jurisdiction. That is very important to us; it is very important to our partners that this team would only be activated by the request of a local emergency manager or local government. The roles and responsibilities would be, essentially, providing for information-sharing and what we call "patient tracking" during an emergency or disaster.

There are several other provisions in here. One provision, which has already passed out of the Senate, is in section 4 which allows the Division of Emergency Management to adopt regulations, where the current statute requires the Department of Public Safety to adopt those

regulations. We have been requested by our headquarters to keep that—to request an amendment keeping it at the Department of Public Safety. My apologies for requesting that amendment after it has already passed through one house and we have had an opportunity to do so, but that was a late-breaking request. If this Committee sees fit to pass this through, that would be an amendment that we would request to have added.

Mr. Chair, members of the Committee, that concludes my remarks, and I am happy to answer any questions that you have.

Assemblywoman Bilbray-Axelrod:

Thank you for bringing this bill. I think we are in a unique situation here in Nevada, in that we had a mass casualty event where we had people from all over the country, and possibly the world, who were victims. Unfortunately, when you think of a school, you know the student body who is there, which is terrible that I have to use that as an example. I am trying to think if there has been any other state that has had to deal with this, and best practices. You brought up HIPAA laws and working with the coroner. Forgive my ignorance, but do HIPAA laws still apply after someone's death?

Caleb Cage:

Two questions there: What other states have had situations like this as regards the complexity, in particular, of involving many people from different countries and different states? And then the second is, Do HIPAA laws still apply after someone is deceased?

I will answer the second one first. I have learned my lesson when trying to interpret HIPAA. It is one of the more challenging applications. What I can tell you is that it was a factor in information-sharing in the Las Vegas incident, even for the deceased victims. I would have to defer to a legal mind better than mine to talk about the broader application. I am happy to track down that information for you.

Regarding what other states have had mass casualty situations, I think you really hit it right on the head. There were over 20,000 people there and 90 percent of them were not from Nevada. We had victims from all over the country. We had victims from all over the world. I do not know of a mass casualty incident in the United States that had that layer of complexity to it. That is something that we argue often in front of our Department of Homeland Security counterparts at the federal level. Nevada is a unique place. We have 42 to 48 million visitors a year, just in Clark County. That adds a layer of complexity to our security situation that other areas, even other tourist areas, do not have. I will continue to think about that and if I think about a comparable situation, I will let you know, but thinking of the major ones, they have not had that layer of complexity.

Assemblywoman Bilbray-Axelrod:

The reason I was asking that is because I am wondering how this falls in line with other states and whether they have anything similar. An idea that came to my head was New York. I am sure Times Square on New Year's Eve would be a place where they at least have these considerations, right? I was just wondering if you had looked at laws to see if we are in line,

because it is complex when you are dealing with HIPAA laws and lives and sensitivity to families and things like that. I was just curious if you had looked at what other states do.

Assemblyman Assefa:

One quick question: The bill talks about the State Disaster Coordination Team to meet monthly and provide an annual report—is there enough activity for them to meet every month? I hope and pray that we do not have disasters and declarations of emergency that often, but in a normal scenario will, there be enough activity for them to meet and discuss? Is that frequency necessary? Why not quarterly or another frequency?

Caleb Cage:

You have identified, I think, the biggest question or concern or challenge that has been brought up as we have presented this bill and discussed this bill and developed this bill over the last year and a half. It is an absolutely fair concern. The thought process that went into monthly was, from a preparedness perspective, that if we are not constantly beating the drum on this then it becomes something that falls out of focus over time, and it is such a critical need that we need to make sure that we are constantly looking at it and addressing it. I would say that if there was interest from this Committee to make an amendment, I think that something like "at least quarterly" would give us the ability to meet more often but would require a quarterly meeting. That might be a balance so we are not meeting for the sake of meeting because it is in the law, but would allow us to meet otherwise. That would be something we would be more than happy to address with staff if there was interest.

Chair Flores:

Before we move on to the next question, we do have an answer to Assemblywoman Bilbray-Axelrod's question regarding HIPAA.

Asher Killian, Committee Counsel:

Title 45 of the Code of Federal Regulations, section 164.512, is one of the federal regulations implementing HIPAA, and it allows for a covered entity to disclose protected health information without the prior consent of the person in certain circumstances. Some of those circumstances include when it is required by law for the reporting of certain types of wounds or physical injuries, or by a public health authority for certain public health investigations or incidents. As long as it is required by state law for it to be recorded for a public mass casualty event like 1 October, that would be an exception from HIPAA's protection.

Assemblyman Carrillo:

Regarding the reporting part of it, I know it mentions the odd and even years and it is going to the Director of the Department of Public Safety and then the Office of the Governor. I was just wondering: When this stuff gets reported and it is just more of a tap—for instance, we do these studies and they are put forth and I am sure that all the studies that have been done over the years could probably fill this room twice—regarding this report that would be coming out every year, is there going to be somebody from the Office of the Governor who is going to be saying, This is what we covered? The way I see it, you give somebody a report,

and then you say, Okay what are they going to do with it? What kind of action is going to take place after that report is given to the Office of the Governor or LCB?

Caleb Cage:

Much like the meeting requirement we talked about, one of my interests in developing this bill is not to develop a plan that is merely going to sit on a shelf and gather dust. We have a lot of those—not that gather dust—but we manage over 800 emergency response plans for the state, and it is challenging to address all of those. I would say that this bill fits into the larger structure of the statewide resilience strategy in a way that is intended to prevent exactly what you just said. It is intended to prevent creating a report that just sits on a shelf or sits on a website. This committee would develop a report by January 31 of each year. That report would be included in the Nevada Resilience Advisory Committee. There is another bill, Senate Bill 35 I believe, that establishes the Resilience Advisory Committee, and that body is responsible for pulling together the multiple reports and putting them into a single report and making recommendations from all of those. The idea would not be to hand a report over to the Legislature and the Office of the Governor and say, Here is what we found, but to send it through a statewide cooperative, collaborative body that does an additional round of vetting, makes recommendations and then says, These are the legislative recommendations we have made from here, these are the policy recommendations we have made, and so on, in order to provide context for the upcoming legislative session or to change policy within the Division. It is part of a broader structure, and that report would be included within that process to ensure we are not doing what you just said.

Assemblyman Carrillo:

I understand this is an ongoing process. There are different tragic events that happen throughout the world that put us on attention to make sure that something like that does not happen here in Nevada. I just want to make sure this is not going to fall on deaf ears as just another report. Even though it is making great recommendations, but now it is going to sit on somebody's desk for six months to a year. Who is going to do the follow-up? Is it going to be the people on this committee who do the follow-up and make sure the recommendations are implemented? Somebody has got to make a final decision, and I assume that is what the report is going to say: These are the findings we had and this is what we want to see done. I want to make sure that if we are doing something like this, it is not just touched by many hands going from one desk to another desk. I want to make sure that this is going to be seen and not forgotten. Considering a study is not enough. This is something that is going to be ongoing and you are going to have many improvements as you progress, and I want to make sure it is implemented and not forgotten about.

Caleb Cage:

To answer your question as directly as I possibly can, that responsibility would be on me. That is my job, and I will state that plainly and gladly on the record. My job is to bring these different groups and perspectives and collaborative bodies together and work on a comprehensive vision for emergency management and homeland security in the state of Nevada and to identify ways we can improve that going forward. I think that what we have done for this legislative session by developing eight bills within the agency, developing a

strategy, showing how all of these pieces fit together shows our capability and shows our interest in making sure that we are not just creating reports for the sake of creating reports. It shows that we can deliver on those and make sure that there are policy changes, whether those are legislative or internal policies. Next is implementation. After this legislative session, we will look at all the statutory changes that have occurred and been implemented at that point. I will just say once again for the record: That is something I take very seriously as my responsibility, and this group and the Executive Branch can hold us accountable for that.

Chair Flores:

Members, are there any additional questions? [There were none.] Thank you for the presentation. Please sit back for those wishing to speak in support to come up.

Marla McDade Williams, representing Reno-Sparks Indian Colony:

I just want to go on record in support and recognition of tribal governments as part of one of these committees if one is needed. We appreciate Chief Cage's recognition of tribal governments in the state and their involvement.

Chair Flores:

Is there anyone else who wishes to speak in support? [There was no one.] Is there anyone wishing to speak in opposition to Senate Bill 66 (1st Reprint)? [There was no one.] Is there anyone wishing to speak in the neutral position? [There was no one.] I will now close the hearing on Senate Bill 66 (1st Reprint).

Next, I would like to open the hearing on Senate Bill 67 (1st Reprint).

Senate Bill 67 (1st Reprint): Revises provisions governing local emergency management. (BDR 36-355)

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

I have already been over all the background and out of respect for your time, I will move straight into the bill.

This bill establishes the Nevada Tribal Emergency Coordinating Council (NTECC) as an advisory body to the Division of Emergency Management of the Department of Public Safety, as well as revises provisions governing local organizations for emergency management as well. The most significant part of the bill is something we have been working on with tribal partners in the state of Nevada over the last year, significantly longer than that if you consider coordination and collaboration with the body that preceded the NTECC, called the Inter-Tribal Emergency Response Commission, which was created as a coordinating body as a nonprofit. This bill establishes the council as an advisory body to the state.

It is pretty straightforward, so I will just say the purpose of this is to ensure that all of the work that we are doing in all of the different areas of emergency management and homeland

security provides an opportunity for the tribal perspective with the various sovereign governments and sovereign tribal nations here in the state of Nevada. It is extremely important to us that we work on a government-to-government basis with them. We recognize the sovereignty for each tribal government and their interests, and we are incorporating their input and advice in every aspect of what we do. As I noted to Assemblyman Carrillo a moment ago, all of these pieces fit together and the Nevada Tribal Emergency Coordinating Council fits within the larger structure to make sure our entire grants and policy structures for the state meet the needs of our tribal partners as well.

I will conclude there, and I am happy to answer any questions you or the Committee may have.

Chair Flores:

Members, any questions? [There were none.] I would like to invite those forward wishing to speak in support of Senate Bill 67 (1st Reprint).

Marla McDade Williams, representing Reno-Sparks Indian Colony:

We would like to extend our sincere appreciation to the Chief of the Division of Emergency Management for continued cooperation and support of Nevada tribes. We are in support of this measure and available for any questions.

Drake Ridge, representing Pyramid Lake Paiute Tribe:

We would just like to urge the Committee to support S.B. 67 (R1).

Chair Flores:

Is there anyone else here to testify in support of Senate Bill 67 (1st Reprint)? [There was no one.] Is there anyone wishing to speak in opposition? [There was no one.] Is there anyone who wishes to speak in the neutral position? [There was no one.] Please make any closing remarks you have, Mr. Cage.

Caleb Cage:

I am grateful for all the support of this bill. There are no closing remarks beyond mentioning that I have identified two amendments to Senate Bill 66 (1st Reprint) that I will work on with your policy staff following this meeting. If this Committee desires to bring these bills forward in a work session, I look forward to discussing those amendments or continuing to work with you.

Chair Flores:

I am going to close the hearing on Senate Bill 67 (1st Reprint). Concerning those amendments for Senate Bill 66 (1st Reprint), I will ask that you meet with the members individually afterwards so we can follow up and have any questions addressed. We are going to be in recess for just a few minutes.

[The Committee recessed at 9:06 a.m.]

[The Committee reconvened at 9:11 a.m.]

Good morning, Senator Harris, we appreciate your bringing this bill forward, not only because it is important to honor the individuals but because you inspired the Committee to play some music. I would like to open the hearing on Senate Bill 336 (1st Reprint).

Senate Bill 336 (1st Reprint): Requires the Governor to annually proclaim July 28 as Buffalo Soldiers Day in the State of Nevada. (BDR 19-791)

Senator Dallas Harris, Senate District No. 11:

I would like to apologize for holding you up. I appreciate your waiting for me and not moving on. I am here to introduce Senate Bill 336 (1st Reprint). Very simply, this bill requires the Governor to annually proclaim July 28 as Buffalo Soldiers Day in the state of Nevada.

In 2011 the Legislature enacted Assembly Bill 174 of the 76th Session, which required the Governor to annually proclaim June 19 as Juneteenth Day to bring attention to the historical significance of the day when the last slaves in the United States were emancipated and the significant contributions of African Americans to the state. Senate Bill 336 (1st Reprint) builds on that history by requiring the Governor to annually proclaim July 28 to be Buffalo Soldiers Day in the state of Nevada, similarly, to bring attention to the important contributions that Buffalo Soldiers made to the state of Nevada and the United States.

Who are the Buffalo Soldiers? In the bill you will see various "WHEREAS" clauses about who the Buffalo Soldiers are, but you should also know that there are active chapters of the Buffalo Soldiers throughout the nation working to keep the memories of the sacrifices of these soldiers alive. When I presented the bill on the Senate side, I was fortunate enough to have the southern Nevada chapter of the Buffalo Soldiers present. They were unable to make it this morning. As the bill states:

WHEREAS, On July 28, 1886, after the end of the Civil War, Congress enacted legislation that allowed African-American men to serve in six segregated units in the United States Army during peacetime; and

WHEREAS, These new units, which consisted of former slaves and African-American soldiers that fought in the Civil War, were the 9th and 10th Cavalry, and the 38th, 39th, 40th and 41st Infantry, which were later reorganized as the 24th and 25th Infantry; and

WHEREAS, These soldiers were nicknamed Buffalo Soldiers by the Native Americans against whom they fought because of their reputation for toughness and bravery in battle and the buffalo fur coats that they wore in the winter; and

WHEREAS, Throughout the era of the Indian Wars, Buffalo Soldiers were posted from Montana in the Northwest to Texas, New Mexico and Arizona in the Southwest, making up approximately 20 percent of the United States Cavalry troops; and

WHEREAS, Besides their impressive military contributions, the Buffalo Soldiers also had a significant role in the expansion of the West by escorting settlers, cattle herds and railroad crews, exploring and mapping vast areas of the Southwest and stringing hundreds of miles of telegraph lines; and

WHEREAS, The Buffalo Soldiers were some of the first park rangers in the national parks of the Sierra Nevada, where they protected the parks from illegal grazing, poaching, timber thieves and forest fires and helped build roads and trails in the parks for the enjoyment of all Americans; and

WHEREAS, Buffalo Soldiers also served courageously during World War I and World War II; and

WHEREAS, African-Americans have fought with distinction in all of this country's military engagements and 23 Buffalo Soldiers received the Congressional Medal of Honor, which is the highest military distinction awarded in the name of Congress to members of the armed forces for bravery and service; and

WHEREAS, It is important to honor the dedication and sacrifices of the Buffalo Soldiers, recognize the contributions that they have made to the State of Nevada and to the United States and preserve their legacy.

Please let us do so today with this simple measure.

Thank you, Chair and Committee members. Unless there are any questions, I think we can call it a day.

Chair Flores:

We appreciate your making sure we are recognizing everybody. I appreciate that. Members, are there any questions?

Assemblywoman Bilbray-Axelrod:

It is just a quick comment. Thank you for bringing this bill. A number of years ago, I was watching a Ken Burns documentary on the national park system, and that is when I became aware of their role when it comes to national parks. There are just so many aspects of the Buffalo Soldiers that are so amazing. Thank you for bringing this and bringing that awareness to Nevada.

Assemblyman Carrillo:

Thank you, Senator, for bringing this bill forward. This is just great. I would ask if I could be added on as a sponsor?

Senator Harris:

I would be more than happy to have any additional cosponsors.

Chair Flores:

Members, for those of you who are interested in getting added on, please raise your hand and we will acknowledge it for the record. Every single member of the Committee on Government Affairs with the exception of Assemblyman Ellison would be honored. That is what he gets for not showing up. If he asks, tell him no.

Senator Harris:

Yes sir, Mr. Chair.

Chair Flores:

In addition to adding every member with the exception of Assemblyman Ellison, is there anybody else who wishes to ask a question?

Assemblyman Assefa:

I just wanted to commend my senator for bringing this bill. I appreciate it. Thank you. I just wanted to say that on the record.

Chair Flores:

Assemblyman Assefa, now you opened a can of worms: everybody has to talk about their senator and how good they are, and you know some of them do not mean it. Just kidding. Senator Harris, thank you for that. We appreciate your presentation. I am now going to invite those up who wish to speak in support of Senate Bill 336 1st Reprint).

Andrew LePeilbet, representing Military Order of the Purple Heart, Department of Nevada; and Disabled American Veterans-Nevada:

We endorse this bill as many of these Buffalo Soldiers were wounded in action, and many of them were disabled American veterans. We totally support this bill.

Mitchell Roach, representing American Legion; and United Veterans Legislative Council:

We, too, fully support this bill.

Chair Flores:

Thank you both for your service. Is there anyone else wishing to speak in support of Senate Bill 336 (1st Reprint)? [There was no one.] Is there anyone wishing to speak in opposition to S.B. 336 (R1)? [There was no one.] Is there anyone wishing to speak in the neutral position? [There was no one.] Senator Harris, do you have any closing remarks?

Senator Harris:

Thank you, Mr. Chair and members of the Committee. I just want to thank you all for your indulgence and for your embrace. I truly appreciate it. As my colleagues, there will be times when I may call on you to make tough choices and today is not one of those days.

Chair Flores:

With that, I am going to close the hearing on Senate Bill 336 (1st Reprint). Is there anyone here for public comment? [There was no one.] The meeting is adjourned [at 9:20 a.m.].

RESPECTFULLY SUBMITTED:

Mark Peckham
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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