

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

**Eightieth Session
February 13, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 2:06 p.m. on Wednesday, February 13, 2019, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Melanie Scheible, Vice Chair
Senator Julia Ratti
Senator Ben Kieckhefer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator Scott Hammond, Senatorial District No. 18

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Committee Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Mitch Fox, President, CEO, Nevada Broadcasters Association
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities
Warren Hardy, Nevada League of Cities and Municipalities
Greg Reed, District Manager, Gardnerville Ranchos General Improvement District
Brittany Walker, Sun Valley General Improvement District
Aaron Katz
Kelly Crompton, City of Las Vegas
Keven McOskey, P.E., CBO, Director, Building and Safety, City of Las Vegas

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Robert Nolan, Deputy Fire Chief, Las Vegas Fire and Rescue
Javier Trujillo, City of Henderson
Brian McAnallen, City of North Las Vegas
David Dazlich, Las Vegas Metro Chamber of Commerce
John Fudenberg, Clark County
Greg Cassell, Chief, Clark County Fire Department
Todd Ingalsbee, Professional Fire Fighters of Nevada
Thomas Dunn, Professional Fire Fighters of Nevada
Bart Chambers, Chief, State Fire Marshal Division, Department of Public Safety
Rich Harvey, Chief, Central Lyon County Fire District; Northern Nevada Fire Chiefs Association
Terry Taylor, Fire Prevention Association of Nevada; State Arson Investigators Association

CHAIR PARKS:

I will open the hearing on Senate Bill (S.B.) 113.

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

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

Senate Bill 113 removes the requirement for the Governor to appoint a representative of the broadcaster community and instead, it requires the Governor to appoint the President and CEO of the Nevada Broadcasters Association (NVBA), or his or her designee, as an ex officio member on the Nevada Commission on Homeland Security.

This bill does not change the number of members nor the voting rights of any member. To clarify, ex officio is defined by Black's Law Dictionary as "by virtue or because of an office. By virtue of the authority implied by office." For example, Mitch Fox is the President and CEO of the NVBA. Therefore, he 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 be appointed to the Commission.

Following the attacks on September 11, 2001, the Seventy-second Session passed comprehensive legislation to ensure the security 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* (NRS) 239C.

That 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 1 member who is a representative of a Nevada law enforcement agency and 1 member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement. There are only three other members specified in the bill. They are one member each from the Senate and the Assembly to be appointed by the Houses' respective leaders and serve as nonvoting members. Former Senator Aaron Ford and Assemblyman William McCurdy recently served on the Commission. Finally, the Governor or his or her designee serve as chair of the Commission.

The membership of the Commission was changed by the 2005, 2009, 2011 and 2017 legislatures as indicated in the table ([Exhibit C](#)) I have provided. Hopefully, the table, [Exhibit C](#), makes clear how the membership has changed over the past 16 years. Highlighted in the table, page 2 of [Exhibit C](#), is when the representative of the broadcaster community was added to the membership in 2011.

As you will see in the statutory definition of broadcaster, included in the table, page 2 of [Exhibit C](#), this member could come from "a radio broadcasting station, cable operator or other video service provider or television broadcasting station." The NVBA represents all types of broadcasters. Therefore, it makes sense that the member appointed to represent broadcasters would truly represent the entire community of broadcasters.

As mentioned earlier, the representative for the broadcasters is the President and CEO of the NVBA. This bill will not change the membership of the Commission. However, it will ensure that this member continues to be a representative of the entire community of broadcasters.

Section 1, subsection 3 of the bill specifies that whoever is in the position of President and CEO of the NVBA, or that person's designee, is appointed to the Commission.

I urge your support of [S.B. 113](#).

MITCH FOX (President, CEO, Nevada Broadcasters Association):

The NVBA is the voice, eyes and ears of the broadcast industry in Nevada. I have submitted my written statement supporting S.B. 113 ([Exhibit D](#)).

The NVBA was involved in developing NRS 414.310, which is the first-response broadcaster program. This statute gives radio and TV station engineers and technical staff the ability to pass police and public safety cordons to access their transmitter facilities in case of a disaster. An example of that was the mass shootings in Las Vegas on October 1, 2017. We are proud of the coverage that Nevada TV and radio stations provided. A certain degree of misinformation appeared on the internet through various social media sites. However, our people were there providing up-to-date and accurate information to residents.

The people affected by Hurricane Irma and Hurricane Maria, with their battery-operated radios, depended on radio broadcasters to receive information about food and where to go for shelter. The broadcasters were involved literally in saving lives.

Another example is that the National Association of Broadcasters donated 10,000 battery-operated radios to the people in the Caribbean affected by the hurricanes. They were able to receive the broadcasts because of that donation.

You never know what is going to happen. You never know when a disaster is going to occur. We are proud of the fact that as a member of the Nevada Commission on Homeland Security, we can serve as the liaison to communicate to first responders and to receive information from the Commission. We can tell our members how to be better prepared and be better informants to all residents and visitors who pass through Nevada.

SENATOR GOICOECHEA:

I need to clarify that the President and CEO of the NVBA is a voting member of the Commission. Is it correct that not all of the Commission members are voting members?

SENATOR HAMMOND:

That is correct.

MR. FOX:

The President and CEO of the NVBA is a voting member on the Commission. In 2018, during my year-long tenure, I attended two or three meetings with then Governor Brian Sandoval. The bill would maintain that status.

SENATOR GOICOECHEA:

As I understand the bill, the representative from the Inter-Tribal Council is mentioned in section 1, subsection 2, paragraph (f). The President and CEO of the NVBA is designated in section 3.

MR. FOX:

That is in existing statute.

SENATOR GOICOECHEA:

Right, but the representative of the broadcaster community was actually in section 1, subsection 2, paragraph (e). Now the representative from the NVBA is in section 3 as a stand-alone. Correct?

CHAIR PARKS:

We can ask Committee Counsel.

HEIDI CHLARSON (Committee Counsel):

Senator Goicoechea, you are correct that the language allowing a representative of the broadcaster community to be a voting member of the Commission is in existing section 1, subsection 2, paragraph (e). That language was taken out and added back in section 1, subsection 3 to allow that member to be the President and CEO of NVBA. The language was moved from where it is in existing law to section 1, subsection 3 because this particular member is going to be an ex officio member. The other members listed under section 1, subsection 2, paragraphs (a) through (f) are not ex officio.

SENATOR GOICOECHEA:

Why is the President and CEO of the NVBA an ex officio member?

SENATOR HAMMOND:

The reason is that the predecessor to Mr. Fox, who was the President of the NVBA, stepped down from that position, still represented one of the areas of broadcasting but not the whole broadcaster community. The President and CEO position on the Commission has to represent everyone in those broadcaster

communities mentioned by Mr. Fox in his remarks—not just one or the other. We had to make this an official move to ensure that the President and CEO of the NVBA continues to maintain that position no matter who that person is or who is his or her designee. That is the explanation I was given.

SENATOR GOICOECHEA:

That is fine. I just wanted to get it clear in my mind. It is a strange way to draft the bill.

SENATOR SCHEIBLE:

I am not sure how long this Commission has been around or how long the Governor has been appointing people to it. Has there ever been anyone appointed under the previous language, the section 1, subsection 2, paragraph (e) representative, who was not the President and CEO of the NVBA?

MR. FOX:

No, not to my knowledge.

CHAIR PARKS:

Who has represented the broadcast community on the Commission?

SENATOR HAMMOND:

In 2011, someone from the Nevada Bar Association was on the Commission. The President and CEO of the NVBA has always been appointed to the Commission; however, the language in statute did not specify that. Someone could step down as President and CEO, as Mr. Fox's predecessor did, but stay on the Commission even though the person was not necessarily representing the entire community. It has always been the President and CEO, unless we want specific names.

CHAIR PARKS:

I was not aware of that and thought that some other person had been on the Commission.

SENATOR HAMMOND:

It has always been the President and CEO.

CHAIR PARKS:

We will close the hearing on S.B. 113, and we will take it up at a future work session.

We will now open the hearing on S.B. 10.

SENATE BILL 10: Revises provisions governing compensation of members of a board of trustees of a general improvement district. (BDR 25-432)

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):

Senate Bill 10 was brought forward to accomplish two things. One would be to increase the caps on the compensation received by a member of a board of trustees of a general improvement district (GID). The Nevada League of Cities and Municipalities (NLCM) Issue Brief ([Exhibit E](#)) shows the last time the compensation caps were raised. The first time was in 1977 when the amount of compensation was raised from \$1,800 per year to \$6,000 per year. In 2005, the Legislature added a second criteria. For GIDs authorized to provide garbage, water and sewer services, the maximum compensation was increased from \$6,000 per year to \$9,000 per year. The \$6,000 in 1977 translates to about \$24,000 in today's figures and the \$9,000 in 2005 translates to about \$11,800.

The second goal of this bill is to define compensation.

WARREN HARDY (Nevada League of Cities and Municipalities):

I want to bifurcate this bill because read together it may not be clear on the intent of the second part of the bill, which defines compensation.

Leadership of these boards of trustees have questioned what is included in compensation. Most of the board members are in the Public Employees Retirement System (PERS) because of the nature of the boards. They have to be part of PERS because of the manner in which they are compensated.

It was unclear to us and our membership if compensation included PERS contributions because compensation is not defined. We are not here to provide car allowances and other things that are outside of compensation. The purpose of this bill is to define compensation. We are leaving that to the discretion of the Legislature. We need to know what is included in compensation as specific

or as general as the Legislature would like to provide. That is our only motivation for the second part of this bill.

We want the Legislature to give us direction as to whether PERS contributions are part of the \$9,000 or \$12,000 should you choose to increase the compensation. We are trying to comply with the law, but we do not understand what the law is regarding compensation. We are looking for legislative direction.

Since we are opening the statute, and compensation has not been adjusted since 1977, this is a good opportunity to address the compensation issue.

SENATOR GOICOECHEA:

I am fine with it. The bill would increase \$6,000 to \$9,000 per year and \$9,000 to \$12,000 per year. The statute is clear in that it says "not more than." The GID sets the compensation. I am not sure how that works regarding PERS contributions.

MR. HARDY:

We will be happy to work with Committee Counsel and staff to determine if there is precedent on how to do this. We do not care one way or the other. If PERS contributions have to be included, we are happy with that. We just need to know so we are in compliance.

SENATOR KIECKHEFER:

I did not realize that GID board members got paid. Our school district trustees do not. I assume that no one is making a living off the \$6,000 to \$9,000 per year salary they receive. It is more a service opportunity for the communities in which the board members live. What is the impetus to increase it?

MR. HENDERSON:

The impetus to increase it is how long it has been since the compensation ceiling was increased. The board of trustees of the GID would have to vote on a compensation increase. Obviously, that would not come into effect during the current terms of the members on the board.

MR. HARDY:

I remember having this conversation about the compensation of these boards when I served in the Legislature. These boards often require some sort of

subject matter expertise; therefore, you want to provide compensation for an individual's time to participate.

I agree with you that Nevada statute is rather strange about who gets compensated and who does not. That was part of the discussion then and it is part of the impetus for the increase.

SENATOR KIECKHEFER:

The issue is that a board member's PERS contribution is calculated on the existing GID salary.

MR. HARDY:

It is my understanding that is the way it is calculated. Until recently, we understood that a PERS contribution for these individuals was voluntary by the board. We have subsequently been told by counsel for PERS that is not the case. Because of the compensation structure, we are required to contribute to PERS.

In many boards, and even in the Legislature, if you show up to an Interim committee you get daily compensation for it. If you do not show up, you do not get compensated. That is not the case with these boards. These are like city council or county commission seats where the individual gets paid an annual salary. That is what triggers the requirement to pay into PERS. We are fine with that. We just need to know if that \$6,000, \$9,000 or \$12,000 compensation needs to have the PERS contribution calculated.

SENATOR KIECKHEFER:

I assume that all of those numbers are split. Does the employee pay his or her half and the government pay half?

MR. HARDY:

I have some experts here who can answer that.

SENATOR KIECKHEFER:

It will probably vary by district. You are not talking about much in terms of deviation.

MR. HARDY:

That is correct. It is to ensure that we are following the law. Board members brought it up after reading this statute—should PERS contributions be included or not.

SENATOR SCHEIBLE:

The members serving on these boards receive PERS as part of their compensation. As I understand it, that is the confusion. I would imagine that some or many of them are also employed by the State and contribute to PERS outside of their service on these boards. Has that issue also been coming up?

MR. HARDY:

We do have situations where representatives who are in PERS are also on city councils and other things that are in PERS. This would be treated the same way, although I would be happy to defer to Committee Counsel.

SENATOR SCHEIBLE:

Is the bill written to exclude PERS contributions from the calculation of compensation?

MR. HARDY:

That is the way it is written.

SENATOR SCHEIBLE:

If PERS contributions were included in the definition of compensation, would you have to increase the cap?

MR. HARDY:

No, it is not a large enough number. I do not think there would be any objection to include the contribution in the cap. We would not be talking about \$9,000 plus PERS contributions. The total compensation would be \$9,000 or \$12,000, which includes the PERS contribution.

SENATOR SCHEIBLE:

For example, if the cap is \$9,000 and the member is paid a salary of \$7,200, adding a PERS contribution of \$800, the total would be \$8,000, which is below the cap. It would be incumbent on a county to calculate it in that manner.

MR. HARDY:

That is accurate.

SENATOR GOICOECHEA:

You have to understand that you cannot exceed the cap. Just because you are in a GID does not mean you can pay board members nothing or \$50 a meeting. You can pay them a stipend. That is determined by the board, not the county commissioners.

The thing that concerns me is that the board members are subject to term limits. We had a bill addressing that issue in the Seventy-ninth Session. For example, there is no one left in McDermitt who wants to or can serve on the water and sewer board. They have all termed out. They cannot run, but they can be appointed back to the board and the appointment does not count. I am concerned about that and the impact it could have on the GID and local government. If someone serves 12 years on the GID and 3 years on another board, suddenly that person is eligible for 15 years of PERS benefits at whatever their highest paid 3 years were, but they have not paid any PERS contributions. That can be a problem.

And the other thing is, and people have done it, if someone qualifies for a PERS benefit and serves on a board for \$100 a year, that is actually building service time if the person has a PERS retirement someplace. It must be treated carefully.

MR. HARDY:

We are not proposing any changes to PERS or how it functions regarding GIDs. We are simply looking for direction on whether the PERS contribution is included in the salary cap. The Legislature can give direction one way or the other. We can change the definition to say compensation means salary, wages and PERS contributions if the Committee is more comfortable with that.

This bill does not propose to change anything with relation to special improvement districts or GIDs and their relationships with PERS.

SENATOR RATTI:

This bill would answer the compensation question that you need answered. The \$6,000 to \$9,000 salary is a 50 percent increase and the \$9,000 to \$12,000 salary is a 33 percent increase. Both of those increases are appropriate

because there has not been a salary adjustment since 1977. In real dollars, I believe in fair compensation for fair service.

We know that in these local governments the amount of time the members put in is similar to a county commissioner or a city council seat who get compensation and a PERS contribution. Even though it is a 50 percent increase and a 33 percent increase, we would be eroding the increase if we included PERS contributions in it.

But probably even more importantly, I believe in keeping it simple. When it gets back to the interpretation, define compensation clearly. Otherwise, you are going to have to be doing that calculation all the time and bumping up against that issue. Every time there is an increase in salary there is an increase in the PERS contribution. At some point, the ability to pay for your compensation will diminish.

I do not want to hear this issue again in ten years. I would rather just get it done. Give them a sufficient bump in salary and do not include the PERS contribution because it is a percentage in addition to the salary. You get the clarity you need and it is fair compensation for fair service. I would advocate leaving the bill as is.

MR. HARDY:

We have just established a good record that can go into the Floor statement which will give us the clarification we need.

GREG REED (District Manager, Gardnerville Ranchos General Improvement District):

Our intent here is to obtain a definition of compensation. What does that mean? Does it include PERS contributions or not?

SENATOR GOICOECHEA:

Is a PERS contribution taken out of your check? Are you being compensated at this time?

MR. REED:

I am the district manager. The board members get paid \$500 a month, and there is a PERS contribution on top of that \$500.

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SENATOR GOICOECHEA:

So you are making a PERS contribution and exceeding the \$6,000 salary cap per year.

MR. REED:

That is the question. Does compensation include both or not?

SENATOR GOICOECHEA:

I assume that is how most salaries are structured. The salary is paid and the PERS contribution is on top of that. The calculation would not be included in the \$6,000 or \$9,000 or \$12,000 salary per year. It is probably the best place to put it.

MR. REED:

The PERS contribution is 29.25 percent. It is significant.

SENATOR RATTI:

I just want to make certain about what I just heard. You said that you are already paying at the \$6,000 cap. If the PERS contribution is included, if that is the definition we choose to go with, you would have to cut the pay of all of your board members.

MR. REED:

Potentially, if they were at that cap, that is correct.

BRITTANY WALKER (Sun Valley General Improvement District):

The Sun Valley General Improvement District supports S.B. 10.

AARON KATZ:

I am a full-time resident of Incline Village. Incline Village has the largest GID in the State by a large margin. I am also a property owner, and it is important for you to consider the way the Incline Village General Improvement District (IVGID) gets its funding. It is unlike any other GID in the State.

There are at least 84 GIDs in the State. There are only four that are members of the NLCM. I am opposed to this bill, specifically section 6, regarding additional compensation.

It is not just the PERS calculation. The IVGID is run like a series of commercial businesses. It has a ski area, two golf courses, a recreation center, beach access, a disc golf course, a mountain bike pump track and others. It runs a catering business and it has retail sales of clothing and other commercial items. It actually runs a retail facility out of the Lake Tahoe Hyatt Hotel. The District is not like any other local government in the State.

The District gives trustees free access to the recreational facilities. The District gives that to all full-time employees as well as the families of the full-time employees. A round of golf is \$180. Trustees are playing three or four rounds of golf a week, every week during the entire summer. That is more money than the amount of compensation. I could be wrong, but I believe that this bill has been prompted by IVGID because IVGID is a member of the NLCM.

I do not understand why IVGID is a member of NLCM. The IVGID has nothing to do with the city. It is not a municipality. The interests of a municipality are far different than IVGID. What I call IVGID is the equivalent of a mosquito district. It is a limited purpose special district. It is not here for all of these things. It has limited purposes, but IVGID exceeds those purposes.

By opening the door to defining compensation as merely salary and wages, you are going to let IVGID freely take all of these other benefits. By the way, it extends to food. We have restaurants that the trustees go to, buy lunch and get a 50 percent deduction on the cost. I do not get a 50 percent deduction. I have to pay for a round of golf or a lift ticket to go skiing. The trustees do not have to do that. You are ratifying retroactively the impermissible acts they have been doing for decades.

I ask you to eliminate section 6 or, if all you are concerned with is PERS, then add the PERS contribution into the amount of the compensation. Do not open the door to everything else.

I have an objection to the raise and the amount of compensation. Trustees of a GID should not be paid anything. There is no reason for it. In our district, there are many people who would be happy to serve on the board of trustees for no compensation at all. The mere fact that there has not been a raise in 13 years is irrelevant to the people of Incline Village.

You have to remember also how GIDs generate their revenue. They basically have few resources. They are entitled to assess an ad valorem tax, but it is a small percentage of assessed valuation. It is not nearly enough to fund all of this. What we have in our general fund is intentionally overspent. The IVGID budgets to overspend about \$1.3 million each year in the general fund. Where does the money come from for that? It has assessed what I call an invalid special tax against real property. It is the only local government in the State that I am aware of that has gotten away with this. I and others have gone to the Department of Taxation, and the answer we get is that it is not a tax because IGVID calls it a fee—as if using the word is sufficient.

I am going to have to pay more taxes to fund the increase in the salary that we are talking about here. That is not right. It is not right that the NLCM has come here with this bill because it has nothing to do with municipalities. I call it quid pro quo—the NLCM is giving a benefit back to the GID because the GID supported the League in its legitimate municipality efforts.

At the end of the day, I ask the question: what is the need for this? Maybe there is a need to firm up this PERS question. Other than that, I do not see any need at all. I would be happier if the Committee recommended eliminating all compensation. If you feel you need to get paid to serve on a board like this, my answer is go get a job. That is not what it is here for.

I have a written statement ([Exhibit F](#)). I would appreciate it if it could go into the record.

CHAIR PARKS:

We have your written statement. We will make sure it goes into the record.

SENATOR GOICOECHEA:

The problem is that we are talking about 84 GIDs across the State. They will all be impacted in the same manner with whatever the cap or the floor is on this salary. Douglas County has 28 GIDs. This would have significant impact because some of the GIDs overlap. If we raise salaries for all them, perhaps we should hear from some of the other GIDs. Salaries are funded by the GID. Local government does not pay the salaries of the GID board members. We need to do more research before I vote on this bill.

CHAIR PARKS:

I feel the same way given the fact that there are so many GIDs and they vary significantly.

MR. HENDERSON:

We are willing and ready to work on proper language with the Committee so that the members who serve on the boards of trustees of our various GIDs get fair compensation for their time. A salary of \$9,000 or \$12,000 a year is not going to make anyone rich.

CHAIR PARKS:

There is more that we need to do to get a good handle on this since there are 84 GIDs statewide.

I will close the hearing on S.B. 10 and open the hearing on S.B. 11.

SENATE BILL 11: Revises the requirements to qualify for and maintain an exemption from certain regulations concerning building codes. (BDR 42-460)

KELLY CROMPTON (City of Las Vegas):

Senate Bill 11 was vetted and settled upon by the Las Vegas City Council.

KEVEN MCOSKER, P.E., CBO (Director, Building and Safety, City of Las Vegas):

Senate Bill 11 proposes to modify NRS 477.030, section 1, subsection 12, paragraph (a). As you know, statute allows a county whose population in 700,000 or more to be exempt from any regulations of the State Fire Marshal concerning matters relating to building codes.

The most current editions of the *International Building Code* (IBC) and the *International Fire Code* (IFC) must be adopted within one year of publication. The intent of S.B. 11 is to clarify that a city within a county with a population greater than 700,000 can also be exempt from certain building code regulations and, most importantly, to provide a longer time period between the publication of the code and its adoption.

There are no other changes to the statute. This would not change any technical or safety provisions within the building or fire codes. The real intent of S.B. 11

as drafted is to provide more time between the publication of the building and fire codes and the adoption of those codes.

In a county of 700,000 or more, we adopt building and fire codes regionally. The local building code adoption occurs with our jurisdictional partners and our industry stakeholders. Technical committees review the construction codes, propose amendments, and work collaboratively and collectively to develop a regional set of amendments.

In addition to the technical committees, a steering committee reviews the proposed amendments for accuracy, appropriateness and consistency with other codes. Then the code officials review the amendments as a group and consider which modifications are appropriate for regional adoption. The final step is to take the amendments to the individual elected bodies for ratification as adopted codes. The adoption of the 2018 international codes took 50 weeks this cycle, nearly 1 year. We pushed the committees hard to complete the task in one year.

This proposal would provide us more time between the publication and the adoption of codes for the committees to work collectively on local amendments, possibly address any controversial issues in more detail or allow stakeholders to address issues late in the adoption process. The one year limit does not provide the flexibility that may be needed.

We selected three years for this bill to match the code development cycle of the International Code Council, the promulgating body of the IBC and the IFC. In addition, cities within the counties were added for clarity purposes. This puts cities in parity with the county to self-regulate their building and fire codes.

MS. CROMPTON:

We met with Government Affairs Committee members and stakeholders within the community. Some provisions are being discussed with the State Fire Marshal and other jurisdictions. We are collaboratively working with those individuals.

ROBERT NOLAN (Deputy Fire Chief, Las Vegas Fire and Rescue):

I am the Fire Marshal for the City of Las Vegas. Las Vegas Fire and Rescue supports S.B. 11.

I served on the steering committee during the last code adoption cycle overseeing the fire code and the fire life safety committees, which consisted of 50 people or more, plus a number of people involved in sub work groups. We pushed them hard and we are proud of their contributions. It was a tight schedule. Some relief from the 12-month requirement would be appreciated by all of those people.

The amount of time put in by over 150 people on 10 committees during this period caused an impact to the delivery of our services to our communities. We are not pleased about that. It took much time and effort and diminished our ability to issue permits, check plans, and all of the other metrics and services we provide to the development community. The relief would be welcome.

JAVIER TRUJILLO (City of Henderson):

The City of Henderson supports this bill because of the parity for each city within Clark County to have the same exemptions that the County enjoys; also, the increased time frame provides additional flexibility to ensure that all stakeholder groups participate and that there is an informed decision at the end of the day.

MR. HARDY:

The NLCM supports this bill because of the parity issue. This is a theme you are going to hear from the NLCM going forward. Cities should be brought on parity as equal branches of government on these issues. I have always had a strong philosophy that the problems of government are best solved at the level of government closest to the people. We will be back many times on this issue to ensure that cities have the same abilities as the counties. We strongly support this legislation.

BRIAN MCANALLEN (City of North Las Vegas):

I just echo the comments of our fellow cities talking about the parity issue between cities and counties. Moving from one year to three years provides flexibility and opportunities to be able to go through the code adoption process and be as inclusive as possible.

The 2012 code was the last code we adopted before the 2018 code. We missed one full code adoption cycle. The opportunity to have three years to work on adopting the code would help a great deal. We would not have had a

six-year gap between adopting one code and then missing an opportunity to adopt a later code.

We appreciate the support and ask the Committee to help cities.

DAVID DAZLICH (Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce supports this bill. The extended time frame will allow all stakeholders full participation. I would like to echo the comments made by Mr. McAnallen that not missing code cycles will provide certainty and better outcomes for all those involved.

We strongly encourage support of this bill.

JOHN FUDENBERG (Clark County):

We are opposed to the bill as written; however, we support the amendment that will be offered by the State Fire Marshal. We do not yet have that amendment completed.

GREG CASSELL (Chief, Clark County Fire Department):

There is a significant risk to outlying cities such as Mesquite and Boulder City. These cities do not have a formidable fire response in their areas to successfully and safely handle fires in large buildings. As the county fire department, we would have assets rolling into those areas. It impacts the Clark County Fire Department somewhat even though it does not provide primary coverage for Mesquite or Boulder City fires. We are concerned about their ability to control fires. Allowing cities to pull back from some of the expanded fire codes that are held within the State Fire Marshal's office would increase that concern.

CHAIR PARKS:

Since we do not have the proposed text of the amendment, I would like to concentrate initially on the wording of the bill. I appreciate the comments the Chief has made regarding the outlying communities of Mesquite and Boulder City.

Have there been discussions with those two cities by the proponents of the bill?

MR. FUDENBERG:

There have been discussions. We have not yet come to an agreement. We look forward to working with the bill's sponsor and coming to some agreement.

SENATOR RATTI:

Your concern is how this bill relates to smaller communities. The intent of this law, even before this bill was put forward, is that the county has a population of 700,000 or more. It makes sense for the Clark County urban environment. Does it make sense if your only focus is on the urban environment? Would you be okay with the bill as written? Is it the rural or semirural environment within Clark County that concerns you?

MR. FUDENBERG:

We are okay with it in the urban areas. I would like Chief Cassell to confirm that. There are a few other minor issues with the bill. The gist of it is the outlying areas of Clark County regarding fire response.

SENATOR RATTI:

The other 16 counties do not have the benefit of this. Those two areas would be similar to the other 16 counties in terms of fire service.

MR. FUDENBERG:

Yes, I believe so.

CHIEF CASSELL:

Our fire resources in the Las Vegas Valley and our ability to respond and put a large force on any large structure fire in the Las Vegas Valley is good. Our men and women do an excellent job in executing their tactics in handling fires.

That does not exist in those smaller cities and that is our concern. The Clark County Fire Department or other fire departments, even Henderson, might have to go into Boulder City as backup if its fire department, which does not have much staff, has a fire in a building of significant size. It exposes our people to extra danger and risk. That is our concern with those outlying cities.

SENATOR GOICOECHEA:

It sounds like you are still negotiating. You really do not have an amendment worked out. Is that correct?

JOHN FUDENBERG:

There is an amendment written by the State Fire Marshal with which the City of Las Vegas is not in agreement. It obviously has not been submitted to you.

SENATOR GOICOECHEA:

No, we have not seen it yet. He can propose the amendment; however, no agreement makes it more difficult.

I was just looking at the bill and the statute. There is a 100,000 or more population cap for counties that the State Fire Marshal investigates. Neither Mesquite nor Boulder City have populations over 100,000. Is that some place we need to break? Henderson, Las Vegas or North Las Vegas are beyond that population cap and have the capability to fight these fires. Maybe the break at the 100,000 population would gel the bill. I am just speculating. I do not know to what you are willing to agree.

CHAIR PARKS:

Our Committee has not yet received an amendment. Discussion on that amendment is fine, but be aware that until we get an actual amendment we cannot take action on that part of it. You are certainly welcome to continue the discussion.

TODD INGALSBEE (Professional Fire Fighters of Nevada):

We oppose this bill because it puts the lives of our members and the lives of our thousands of residents and visitors who occupy these structures in danger.

We are open to working with all parties to come up with a safe agreement for everyone involved as requested in the Seventy-ninth Session. However, we will not put a dollar amount on our members' lives or the lives of the residents we are sworn to protect, especially when the cost savings to remove the safety features is literally pennies on the dollar.

Adopting the IBC, which is what the bill proposes, would reduce the safety requirements passed by the Legislature in the early 1980s.

SENATOR SCHEIBLE:

If this bill went into effect, would the whole State be under the IBC or would certain jurisdictions still be exempt?

MR. INGALSBEE:

As written, the bill would adopt the IBC which reduces the safety requirements in the code now.

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CHAIR PARKS:

Does unincorporated Clark County have a different set of codes under which it functions?

MR. INGALSBEE:

This would be specific to Clark County.

CHIEF CASSELL:

In the last code cycle, we did not change our definition of a high-rise to 75 feet. We remained at 55 feet because in Clark County's unincorporated areas, that is the safety margin we wish to have for our visitors and fire fighters.

THOMAS DUNN (Professional Fire Fighters of Nevada):

We worked with your staff yesterday and today to submit some documents that were similar to those submitted on S.B. No. 67 of the 79th Session. They are my written testimony in opposition to S.B. 11 ([Exhibit G](#)); "Lessons from the Past," <<http://www.firehouse.com/home/article/10465858/lessons-from-the-past>> ([Exhibit H](#)); "Fire Sprinkler Facts," National Fire Sprinkler Association Inc. ([Exhibit I](#)); "History of Fire and Fire Codes" ([Exhibit J](#)), Original is available upon request of the Research Library); "Fire Investigations," National Fire Protection Association, on the Las Vegas Hilton Fire ([Exhibit K](#)); "Twelve-Fatality Hotel Arson," FEMA, on the Reno Mizpah Hotel Fire ([Exhibit L](#)); and the Minutes from the Meeting of the Senate Committee on Human Resources and Facilities on S.B. No. 214 of the 61st Session ([Exhibit M](#)).

BART CHAMBERS (Chief, State Fire Marshal Division, Department of Public Safety):

I am your State Fire Marshal.

Nevada is on a six-year code cycle. In some areas of the Country, in other states, the IFC and the IBC are adopted every three years. Due to the overwhelming concern and workload to adopt codes, Nevada chose and agreed upon every six years. The code we are looking at, as stated by the Professional Fire Fighters of Nevada, is not only the IBC but also the IFC.

I have submitted my written testimony in opposition to S.B. 11 ([Exhibit N](#)).

SENATOR GOICOECHEA:

You talked about West Wendover and Ely and other cities. This bill only pertains to counties over 700,000. What did I miss?

CHIEF CHAMBERS:

You are correct; however, one of the items I have proposed working on with labor as well as the city is a response matrix. The reason I mention that is because no other place in the State can provide the number of fire fighters in the response time that the four large cities in Clark County can. If we leave the current language in the bill, who is to say in the next Session that we do not move the population cap down to 40,000. Now we have a potential problem.

SENATOR GOICOECHEA:

Well, I hope it does not happen.

RICH HARVEY (Chief, Central Lyon County Fire District; Northern Nevada Fire Chiefs Association):

I have submitted my written testimony in opposition to S.B. 11 ([Exhibit O](#)).

TERRY TAYLOR (Fire Prevention Association of Nevada; State Arson Investigators Association):

The Fire Prevention Association of Nevada is made up of 200-plus members who are fire protection professionals from the private sector, such as fire sprinkler and fire alarm companies, fire prevention officers, fire marshals and some fire chiefs. I also represent the 78 members of the State Arson Investigators Association.

Both of these organizations are opposed to S.B. 11. Simply put, as someone who lives in Nevada, we killed 85 people at the MGM, and we killed 8 at the Hilton, we injured 478 people at the MGM and we injured 200 at the Hilton. This turned the State upside down. It changed the way the fire service operates. We are opposed to the bill because it is basically a foot in the door to lower fire protection. That is what it boils down to for our membership.

We worked on S.B. No. 67 of the 79th Session, and we agreed to meet with city representatives and work together over the past 2 years. We still have not gotten any phone calls. We have not had any real contact until just before this Session started. That concerns me. This is a serious issue. We are concerned that this is a step backward, not a step forward.

CHAIR PARKS:

While we cannot change anything in the past, this is Day 10 of this Session. Day 68 is the last day for us to get this bill out of this Committee. There are 58 days left for everyone to get together and work on something that is acceptable to everyone or mostly everyone.

MS. CROMPTON:

We are open to dialogue, and we have been speaking with the State Fire Marshal. The reason you did not see an amendment today is because, over the last 24 hours, we have been discussing some of the proposed provisions. While we have some disagreements on those provisions, we are committed to working with the State Fire Marshal and his stakeholders to make sure that we come up with a bill that is palatable for all involved.

MR. MCOSKER:

We are committed to working with the State Fire Marshal and other stakeholders. The issue brought up about the rural communities is relevant and we look forward to working on the bill.

In southern Nevada, we use the southern Nevada building officials as the mechanism for code adoption. We publish an open invitation to code committees to be involved in our code adoption process. We do not specifically target any individuals, per se, but we do extend an open invitation to anyone who is interested.

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CHAIR PARKS:

We will close the hearing on S.B. 11, and having no further comments or business to come before the Committee on Government Affairs, we are adjourned at 3:34 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	6		Attendance Roster
S.B. 113	C	2	Senator Scott Hammond	Membership History of the Nevada Commission on Homeland Security
S.B. 113	D	2	Mitch Fox / Nevada Broadcasters Association	Testimony in Support
S.B. 10	E	2	Wes Henderson / Nevada League of Cities and Municipalities	Issue Brief
S.B. 10	F	6	Aaron Katz	Testimony in Opposition
S.B. 11	G	1	Thomas Dunn / Professional Firefighters of Nevada	Testimony in Opposition
S.B. 11	H	1	Thomas Dunn / Professional Firefighters of Nevada	Lessons from the Past
S.B. 11	I	8	Thomas Dunn / Professional Firefighters of Nevada	Fire Sprinkler Facts
S.B. 11	J	110	Thomas Dunn / Professional Firefighters of Nevada	History of Fire and Fire Codes
S.B. 11	K	30	Thomas Dunn / Professional Firefighters of Nevada	Hotel Fire, Fire Investigations, National Fire Protection Association
S.B. 11	L	56	Thomas Dunn / Professional Firefighters of Nevada	Mizpah Fire, Twelve-Fatality Hotel Arson, FEMA
S.B. 11	M	9	Thomas Dunn / Professional Firefighters of Nevada	Minutes of the Meeting of the Senate Committee on Human Resources and Facilities, Sixty-first Session
S.B. 11	N	3	Bart Chambers / State Fire Marshal Division, Department of Public Safety	Testimony in Opposition

S.B. 11	O	1	Rich Harvey / Central Lyon County Fire District; Northern Nevada Fire Chiefs Association	Testimony in Opposition
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