

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

**Eightieth Session  
March 4, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:04 p.m. on Monday, March 4, 2019, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Committee Counsel  
Becky Archer, Committee Secretary

**OTHERS PRESENT:**

Caleb S. Cage, Chief, Division of Emergency Management, Nevada Department of Public Safety  
John Steinbeck, Emergency Manager, Clark County  
John Fudenberg, Clark County  
Mike Cathcart, City of Henderson  
Ernie Adler, Pyramid Lake Paiute Tribe  
Marla McDade Williams, Reno-Sparks Indian Colony  
Christina Conti, Washoe County Health District  
Shani Coleman, City of Las Vegas  
Alex Tanchek, Nevada State Board of Veterinary Medical Examiners  
Omar Saucedo, Southern Nevada Water Authority  
Vinson Guthreau, Nevada Association of Counties

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Brian McAnallen, City of North Las Vegas  
Michael Morton, Nevada Gaming Control Board

CHAIR PARKS:

We have seven bills to be heard today related to Emergency Management. Senate Bill (S.B.) 15, S.B. 34, S.B. 35, S.B. 66, S.B. 67, S.B. 68 and S.B. 69. I will open the hearing on S.B. 35 and ask the bill sponsor, Caleb S. Cage, to begin and provide introductory remarks.

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

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

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

**SENATE BILL 66**: Revises provisions relating to emergency management. (BDR 36-356)

**SENATE BILL 67**: Revises provisions governing local emergency management. (BDR 36-355)

**SENATE BILL 68**: Provides for the expedited granting of certain provisional registrations to volunteer providers of health or veterinary services during an emergency declaration. (BDR 36-352)

**SENATE BILL 69**: Revises provisions relating to emergencies and cybersecurity. (BDR 19-350)

CALEB S. CAGE (Chief, Division of Emergency Management, Nevada Department of Public Safety):

I am discussing the bills in a different order than on the agenda to tell a story through the bills of a significant transformation occurring over the last two years in the State. John Steinbeck with the Clark County Fire Department and Emergency Manager for Clark County has joined us in Las Vegas to help present and answer questions.

The story begins in January 2017, an unprecedented year of emergencies and disasters in the State. It continues through 2018, consisting of extraordinary collaboration between local, tribal, Statewide, federal and nonprofit entities to develop strategies and policies responding to the issues that developed in 2017 and brings us to today. These bills set the foundation for a significant transformation and improvement in emergency management (EM) and homeland security in the State.

I provided a memorandum ([Exhibit C](#)) that attempts to condense this story into four pages. Also available is an extensive report *Statewide Resilience Strategy and Legislative Recommendations to the Nevada Commission on Homeland Security* providing great detail and background on the bills and provisions we are talking about today.

The best way to tell this story addressing this proposed transformation structurally is through S.B. 35 and S.B. 67; financially through S.B. 34 and A.B. 71; operationally through S.B. 15, S.B. 66, S.B. 68 and S.B. 69.

**ASSEMBLY BILL 71**: Makes various changes concerning expenditures related to disasters and emergencies. (BDR 31-349)

While an enormous amount of input went into developing these bills, some still require amendments, and I will address those today as well.

In 2017, the State experienced an unprecedented year for emergencies and disasters. Previously, the most frequently experienced presidential major disaster declarations were within three years of each other; specifically, two within three years. In January and February of 2017, we experienced two in consecutive months. The emergencies and disasters continued throughout that year with continued flooding concerns throughout northern Nevada in the spring followed by a powerful and significant fire season. It concluded on October 1, 2017, with the tragic loss of life during the shooting event in Las Vegas.

As public safety leaders we asked ourselves, is this an anomaly—this unprecedented year—or is this a new normal? If this is a new normal, how should we improve our emergency management and homeland security in the State based on lessons learned? For example, what things need to be changed? What could be improved? How could we grow and learn from the difficult and tragic events of 2017?

In 2018, we received direction from the Nevada Commission on Homeland Security, one of the major advisory bodies overseeing our work in the State, to transform our operations toward resilience, including the creation of a Statewide resilience strategy. The strategy focuses on streamlining our public body and grant structure, maintaining our systems to be collaborative, transparent, predictable and accountable as well as developing legislative recommendations to implement this strategy.

Regarding the public body structure, we previously identified 34 public bodies the Division of Emergency Management (DEM) is a part of or oversees. Many of those public bodies have influence or direct oversight over our grant processes as well as input into our policy-development process. We see the structure as an unsustainable model going forward and one that creates difficulties for our local, tribal and Statewide partners in ensuring they know what grant funds are available and the policies being recommended. In response to this issue with the public body and grant structures, we developed the Statewide Resilience Strategy, which is outlined on pages 2 and 3 of the memo provided, [Exhibit C](#).

There are four components to the Statewide Resilience Strategy. The first component is the establishment of the Statewide Resilience Commission. The Resilience Commission serves as the centerpiece for this new structure and is intended to absorb a number of boards and commissions providing input and overseeing grant processes at the State level. This creates one system and eliminates a number of silos that were operating at the same time. The second component is local and tribal recovery collaboration, which ensures the development of the State Disaster Recovery Framework. We appreciate the development by Washoe County, which is now a Statewide model. It became a Statewide model with support of the Resilience Commission. The third component is local and tribal preparedness and response collaboration. This is the same participation and collaboration we requested for recovery but focused on preparedness and response. The fourth component is ongoing annual assessment of not missing an opportunity to continually examine what we do and how we operate in order to ensure we improve going forward.

Senate Bill 35 is crucial for our implementation of this strategy. It encompasses all four of the components of the Statewide Resilience Strategy and specifically creates the Resilience Commission, which will be called the Nevada Resilience Advisory Committee. This is a name change that will become effective after passage of this bill.

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The bill includes the annual report requirement which serves as the ongoing annual assessment. It establishes the membership, placing limitations on the number of subcommittees. The purpose of this is to ensure we do not go back to a model with dozens of advisory committees but continue to work through this centralized body and collaborate across our systems.

The bill also requires the establishment of annual resilience goals and objectives as well as requires the Advisory Committee to provide input to DEM on grants and development of policies going forward.

There are no major amendments to the bill or fiscal notes.

JOHN STEINBECK (Emergency Manager, Clark County):  
We support S.B. 35.

JOHN FUDENBERG (Clark County):  
I second that Clark County supports S.B. 35. I thank Mr. Cage for the work put into creating the verbiage in this bill as it will go a long way in helping the State and local communities become more prepared during times of disasters.

MIKE CATHCART (City of Henderson):  
We support S.B. 35 and the creation of the Nevada Resiliency Advisory Committee and look forward to participating.

CHAIR PARKS:  
We will close the hearing on S.B. 35 and open the hearing on S.B. 67.

MR. CAGE:  
Before continuing with S.B. 67, I was remiss in not pointing out that Mr. Steinbeck and I worked throughout 2018 to develop this bill's strategy together as cochairs of the Homeland Security Working Group, of which the Resilience Commission has become a part. He and our Statewide partners have been instrumental in developing these bills. One of the items in components two and three of our Statewide Resilience Strategy is ensuring we maintain our relationship at the State level along with local governments and our tribal partners. We will accomplish this through the Nevada Tribal Emergency Coordinating Council (NTECC) established in this bill.

We are administratively developing this body, and establishing NTECC in statute will permit us to finalize the process we worked on over the last year with the tribal partners throughout the State. This bill ensures we are incorporating our tribal government partners into our emergency management activities and homeland security in the State, supporting the Resilience Commission activities and other components of the Resilience Strategy.

It maintains our commitment to respect tribal sovereignty as well as compliance with State law. Creating an advisory committee of this type requires a quorum and other requirements of the Open Meeting Law. This bill allows us to do that. We will integrate travel participation and partnership into every aspect of our strategy.

There are two other components that deal with the Statewide structure of emergency management in S.B. 67. One, it changes the permissive language for the establishment of EM functions at the county level while keeping the permissive language at the city level the same. Two, it allows for the creation of regional EM functions for contiguous counties. Every county in the State has an EM office or function through which it coordinates the EM activities required by law, such as developing emergency-response plans, providing those to the State, training on those plans and the like.

On occasion, we receive word that a local jurisdiction wants to eliminate its EM function. There are significant implications to this. One implication involves grants. The Division of Emergency Management has assisted with providing grant resources for several decades to local and county jurisdictions in the State. This often means we need to seek reimbursement of those funds on behalf of the federal government. These conversations have always resulted in the local jurisdictions maintaining the EM function.

Another is the significant operations implications for the National Incident Management System, which is the national doctrine for emergency management. Within this system, the State—through my office—works with the federal government. The tribes work directly with the federal government or with the State, depending on what their desire is. The State works primarily with county government to provide support through this system. This ensures Nevada maintains these functions at the county level.

This bill also includes provisions based on a law out of Ohio, identified as a practice worth pursuing in Nevada to allow contiguous counties—with county commission approval—to form a regional emergency management partnership. The partnership allows the counties to put their resources together and create one emergency response plan and emergency operations center for the two or more counties. This allows us to spread resources throughout the State more efficiently.

We had discussions with our tribal partners on the development of the Nevada Tribal Emergency Coordinating Council. The number of members will need to be increased from 15 to 27 as an amendment to this bill. The number 15 was a placeholder when we were developing the bill. In order to include a member from each of the 27 federally recognized tribes in Nevada, we need to increase the member number to 27 for full participation.

CHAIR PARKS:

In regard to increasing the members from 15 to 27, sometimes we look at the effectiveness of committees and councils and a certain level of diminishing returns. Do you see the larger number as a problem, or is having one member from each tribe appropriate?

MR. CAGE:

We discussed the concerns of a large body and diminishing returns along with the problem of meeting quorum in the future as we were establishing the members and writing bylaws for the creation of NTECC administratively. We are aware of the concerns and take them seriously. However, with each of the federally recognized tribes in the State serving as a sovereign government in their own right, it is their desire to ensure each tribal government in the State has their own vote at the table. We are willing to accommodate that. One thing we would ensure is the language to say "not more than 27" so we can appoint members on a rolling basis and build up to 27 members once we have the tribes' commitment. This would also minimize the quorum challenge we may otherwise have.

SENATOR SCHEIBLE:

What kind of tribal consultations were done in drafting this bill?

MR. CAGE:

Extensive tribal consultations were done in drafting this bill over the last year. We worked with the Inter-Tribal Emergency Response Commission (ITERC), which was dissolved late last year and NTECC is intended to replace. We attended a number of ITERC meetings as well as Inter-Tribal Council of Nevada meetings. We worked separately with the leadership of ITERC before it was dissolved and ensured we have members of the now-dissolved ITERC, and soon to be NTECC, on our Resilience Commission and other bodies. Through our tribal consultation we derived the number of 15 versus 27 members. We had a lot of discussions and are in agreement on the number of members proposed.

CHAIR PARKS:

How do you see handling the meetings with 27 members? Would they be videoconferenced, teleconferenced or would it require everyone in one location?

MR. CAGE:

We have discussed how we will administer the meetings through our development of the bylaws while transforming ITERC to NTECC. We plan to have quarterly meetings with support of teleconference and video capabilities. Many of our tribal governments are in rural parts of the State, and travel could be onerous. We will also rotate the meeting location to a different tribal government or reservation for each of the quarterly meetings. These ideas have been written into the draft bylaws to address the meeting format.

ERNIE ADLER (Pyramid Lake Paiute Tribe):

This bill has been discussed among the Pyramid Lake Paiute Tribe council members and they support it. Natural disasters do not tend to fall along borders between reservations, but counties affect both areas. Emergencies need to be responded to in a common way. For instance, Pyramid Lake had a disaster involving floods. The flood took out a portion of the road owned by the Tribe but connected to two pieces of State Highway. The flooded road prevented local ranchers from being able to get where they needed to go. A coordinated effort is needed between the State and the tribes to accomplish common goals in responding to disasters. This bill goes a long way in doing that. I have no comment on the 27-person board as that was never discussed.

MARLA MCDADE WILLIAMS (Reno-Sparks Indian Colony):

The Reno-Sparks Indian Colony supports S.B. 67. We thank the Division of Emergency Management for its inclusive efforts in the process. Tribal



emergency operations have been in existence for a while, working from bottom up. This is a good process for the tribes.

MR. FUDENBERG:

For the sake of not being redundant, Clark County supports all of the bills presented today. I will come back to the table when I have something to say about a particular bill.

CHAIR PARKS:

We will close the hearing on S.B. 67 and open the hearing on S.B. 34.

MR. CAGE:

Senate Bill 34 allows the Division to establish regulations for numerous emergency management and homeland security grants we administer for the State. Other emergency-response grants have the ability to make regulations, including: what the subgrantee must have in place to receive the funding; the review mechanisms and relationships needing to be in place; and the accountability measures. This applies to all subgrantees including local, State or tribal partners. The Division only has the ability to make grant guidelines and agreements with our subgrantees. This bill provides the ability to make regulations to support the guidelines.

Sometimes, grant-related regulations in administrative code become lengthy, onerous and bureaucratic. This is not our intent. Under this bill, we will codify the current grant guidelines to ensure accountability from our subgrantees regarding the use of grant funds—outside of federal audits and other accountability measures. This bill gives the Division authority to manage the grant process from the State level.

There are no amendments or fiscal notes to this bill.

SENATOR KIECKHEFER:

Are emergency federal fire-fighting dollars included in this reporting mechanism? That could get burdensome considering we receive those reports from the Division of Forestry if a federal emergency declaration is issued.

MR. CAGE:

To clarify, you are referring to the Fire Management Assistance Grant that the Division of Forestry coordinates. That is a FEMA grant and not administered by the Division of Emergency Management. This bill refers to grants that are

administered under *Nevada Revised Statutes* (NRS) 414 and NRS 239C which are emergency management and homeland security grants.

CHAIR PARKS:

Page 3, line 37 of the bill states within 60 days of making a grant, a written report needs to be submitted. That is a short period of time. Going back to Mr. Adler's example of the washed-out tribal roadway, making a report within 60 days may be incomplete because some repairs might take longer.

MR. CAGE:

The 60-day requirement is taken from NRS 239C which requires reporting to the Nevada Commission on Homeland Security on grants related to homeland security. Within 60 days of making the grant, we regularly report to the Commission on what grants have been made and the process underway. That language is taken from NRS 239C and implemented into NRS 414.

CHAIR PARKS:

Would there be further updates regarding the project in subsequent reports?

MR. CAGE:

Yes.

MR. STEINBECK:

Clark County supports S.B. 34. The Division of Emergency Management has a history of regulations the Division proposes streamlining to focus on the objectives. This is the intent of this bill.

MR. ADLER:

The Pyramid Lake Paiute Tribe supports this bill. The entire system needs to be reorganized, in terms of grant funds, and this bill achieves that.

CHAIR PARKS:

We will close the hearing on S.B. 34 and open the hearing on S.B. 15.

MR. CAGE:

Senate Bill 15 is a straightforward cleanup bill with two significant provisions. *Nevada Revised Statutes* 414 allows the Governor to designate mobile support units. These units refer to outmoded and outdated language. For the last several decades, the accepted language is incident management assistance teams. This

term refers specifically to a team that provides support for an emergency operations center to a local, tribal or Statewide government agency in order to support their efforts during an emergency. This bill updates the language and allows us to work with Nevada Volunteers, AmeriCorps and other similar organizations to serve as members of the team. Nationally, there is a program under AmeriCorps using that organization's volunteer funds in order to develop disaster response teams.

One concern is the incident management assistance team of volunteers must be developed and trained with everything needed to support the local government or operations, but the team would not be deployed unless specifically requested by the local or tribal jurisdiction in control of the response. I agree with that concern. Otherwise, I am not aware of any amendments or fiscal notes for this bill.

SENATOR SCHEIBLE:

You provided an overview of emergencies in Nevada since 2017. To clarify further, how often do these kinds of emergencies get declared? How often would you imagine having to set up this kind of operation center?

MR. CAGE:

In the last six to nine months, we have not experienced any declared emergencies or disasters. Prior to 2017, declared emergencies or disasters occurred in the State on an average of every 3 months. During 2017, we had an unprecedented number of emergencies, as previously described. By definition, a disaster is something you do not see coming so there is no normal timeline. However, each jurisdiction—county, city, tribal—has emergency operation centers filled with emergency support functions. For example, Mr. Steinbeck in Clark County operates the Clark County multiagency coordination center which is an emergency operations center. He partners with all Clark County agencies to bring in public works or other partners to fill those emergency support functions, just like we do at the State.

In this example, Mr. Steinbeck could request the support of a State incident management assistance team that would be deployed to backfill his local team. Even with large counties, we often find it difficult to have all the required emergency support functions present for a sustained period of time, periods we call multiple-operation periods. Mr. Steinbeck has developed a local incident management team similar to this, and the team deploys regularly throughout his

jurisdiction. This bill allows us to form support teams at the State level to supplement local activities.

SENATOR KIECKHEFER:

In section 2, subsection 3, paragraph (c) of the bill, the volunteers are able to collect \$10 per day in compensation and are also covered by individual immunities or civil protections to prevent them from being held individually liable for anything that happens, even though they are not a member of a government organization. Is that correct?

MR. CAGE:

Yes, that is the intent of that section.

MR. CATHCART:

The City of Henderson thanks the Division of Emergency Management for bringing these bills. We look forward to partnering with them in the future. We are in support of S.B. 15 and also support all of the bills on the rest of the agenda today.

MR. STEINBECK:

Clark County supports this bill and is in need of Statewide incident management assistance teams. I will use the October 1, 2017, shooting in Las Vegas as an example. I, along with Mr. Fudenberg, served as the incident commanders for the family-assistance center for 20 days following the mass-casualty incident. That is a long operational period, and you need a team that can come from another jurisdiction trained in similar policies, procedures and capabilities as your local jurisdiction. We piece that together now, but the formation of the State incident management assistance teams will provide this additional support.

Mr. Cage mentioned the ability of this team to serve in emergency operations centers, which is a valuable function of the team. Outside of that, this team will be able to report to certain emergency situations, not running operations as a fire department, police department or unified command would, but to assist with shelters, family-reunification tent centers, family-assistance centers or other emergency support functions. A Statewide team would be invaluable for this type of assistance. No matter how robust your local resources are, they get spent within the first few hours. The response portion of the Las Vegas shooting took place over nine hours, but the recovery continues to this day.

CHAIR PARKS:

We will close the hearing on S.B. 15 and open the hearing S.B. 66.

MR. CAGE:

Senate Bill 66 is more complex. *Nevada Revised Statutes* 414 establishes the State Disaster Identification Team within the Division of Emergency Management. The law provides the roles, duties and responsibilities for the team. This team has specific forensic capabilities, such as forensic dentistry, to identify victims of a disaster. By law, we deploy a team at the request of a local jurisdiction to provide support when responding to an emergency or disaster. The DEM is not funded to staff forensic dentists, and it is not a capability that has been sought after. In conversations with colleagues at local medical examiners and coroners' offices throughout the State, we learned this function is already provided by the two major medical examiners' offices in the State.

The DEM fulfilled this requirement through a cadre of duty officers, having a mass-fatality plan and coordinating resources out of state or intrastate through mutual-aid systems. We have done this a number of times in the last two years, supporting medical examiners within Nevada as well as providing support to other states with resources from our State.

Since the language in the law does not fit the roles, responsibilities or desires of our partners, we are repurposing the team based on lessons learned and identified during the October 1, 2017, mass-casualty event in Las Vegas. During this event, there was a critical need for support in getting Health Insurance and Accountability Act of 1996 (HIPAA)-protected information for the victims. This information was needed to assist the coroner's office and emergency manager in identifying victims, notifying family members, reunification and otherwise. The information was not being freely shared, with HIPAA often being cited as the reason.

We worked with Statewide partners to develop a model that helps this issue by creating the State Identification Coordination Committee. The committee has several responsibilities before, during and after an emergency or disaster event. This committee will coordinate the sharing of critical data at the request of local government or tribal partners. The committee will be comprised of representatives from the office of a county coroner, Office of the Attorney General, the Nevada Hospital Association, the Chief Medical Officer, State, local or tribal emergency management officials, a consumer of healthcare services as

well as HIPAA-compliance officers from the Department of Health and Human Services.

This group will meet on a regular basis, develop a plan and identify the mechanisms for the proper sharing of HIPAA-protected information during an emergency. When a request is made from a local or tribal government to activate this committee, the committee will be the key coordinator of that information.

During an event, the committee will determine which government entities have a legitimate need for information and what specific information is able to be shared while complying with HIPAA.

We are changing the name from State Disaster Identification Team to State Disaster Identification Coordinating Committee. This committee will provide recommendations on ways to improve the process going forward. If there are legislative or policy changes and other needs such as grant funding, the committee would make recommendations for pursuing those.

The bill adds section 14 to NRS 629. Within NRS 629, if an individual is brought into a hospital with a gunshot wound, the facility or provider of health care must provide a report to local police; burns are reported to the State fire marshal. Section 14 creates the same requirement for a mass-casualty incident. If a person is brought into a hospital for treatment of an injury associated with a declared emergency, the hospital has the ability to legally provide HIPAA information to the State Disaster Identification Coordination Committee.

There are a couple of issues with this bill we discussed with partners throughout the State and will be addressing with an amendment at the appropriate time.

SENATOR KIECKHEFER:

Regarding the requirement for the committee to meet monthly on an ongoing basis, is there enough work for them to do every month forever?

MR. CAGE:

This is a requirement of the Resilience Commission. There may be a time when the frequency needs to change, and we would then need a statutory change. If the group is not getting together on a regular basis, some of the capabilities at

the State level could atrophy. Activities related to the committee are critical during an incident, and we would hate to get to a place where the group has not met for six months due to scheduling purposes. While I am open to changing the meeting frequency, we have discussed it and decided to keep it on a monthly basis to keep that conversation fresh on a month-to-month basis.

SENATOR KIECKHEFER:

In section 14 of the bill relating to the inclusion of a person's identifiable health information, is it your interpretation that this coordination is HIPAA-compliant or are we providing immunity to people who transmit information that is not vetted through HIPAA processes?

MR. CAGE:

To clarify, is the question: Does section 14 provide an immunity that circumvents HIPAA?

SENATOR KIECKHEFER:

Yes.

MR. CAGE:

That is not the intent. Going back to section 1, subsection 2, paragraph (d) on page 3 of the bill it reads: "Ensure compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations and any other federal or state law." The intent is written out to be coordinated in compliance with HIPAA full stop.

MR. FUDENBERG:

To put this in context, I am also the coroner of Clark County. We have great interest in this section. Repurposing the team is not a problem for us. We have worked with Mr. Cage and Mr. Steinbeck on this issue. In Clark County, we have the capability this section and statute currently outlines. Washoe County also has the capability.

Regarding the HIPAA issue, the healthcare facilities have the ability under HIPAA to release the information. The problem a lot of them have, in particular after the October 1, 2017 event, is agencies had a tendency to shut down and not disseminate any information. The Clark County Coroner's Office did the same thing. We had to be protective of the information. It is not that the hospitals did not want to give the information, they were just not comfortable in

doing so. This bill will allow us to cite a particular section in NRS to the hospitals for comfort in giving us that information.

In regard to the use of the information, the coroners' offices in all 17 counties are statutorily responsible for identifying decedents. Furthermore, following a mass fatality or mass-casualty incident, we also have that responsibility. Not only are we responsible for identifying the decedent but for notifying the next of kin. Oftentimes, the decedent has living relatives, colleagues or friends in the hospital. In order to get information to help us identify the decedents, we have to get information from the living who are in the hospital. That is one of the pieces of the legislation we will use. Many incidents yielding a large amount of fatalities become an operation of identifying the decedents, and that becomes a priority for many different government agencies.

The timeliness in which the coroner's office identifies the decedents is a gauge of which communities will be reviewed. Getting families the answer to whether or not their loved one died in an incident becomes critically timely after an incident like this.

This proposal is important from the coroner and medical examiner's perspective. We support this bill.

CHRISTINA CONTI (Washoe County Health District):

We support S.B. 66. I reiterate the importance of the actions in this bill being at the request of local government. We have a lot of these capabilities in Washoe County and want to make sure there is no duplication of efforts. Regarding section 14 of the bill, I will ask Mr. Cage if it can be changed to ensure that if the State Disaster Identification Coordination Committee is not activated, information listed in section 14 can still be provided because mass-casualty incident patient information is critical. We support this bill as long as it is based on a local government's request.

MR. STEINBECK:

Clark County supports this bill. In reviewing after action reports—and our after action report for October 1, 2017, is no exception—you will see patient tracking and family notification is a consistent difficulty throughout the Nation where there have been tragedies. It is an unintended consequence of HIPAA laws. There is a widely varied interpretation of what those laws are and who has



access to information. The change in this bill will provide a committee able to get the needed information when requested.

In addition, it allows Clark County to move forward with our efforts that are coinciding with this bill which have been education, training and a common system—much like the emergency system in Washoe County. There are many areas within the emergency system of Clark County that need to be improved so we never have to tell a loved one after a mass-casualty incident, "I don't know where your loved one is." There is some confusion that cannot be eliminated after a chaotic incident, but we owe it to the families to get that information as quickly as possible to them. We also need to get the resources to the people who need it, whether it is the families of the deceased, those injured and hospitalized or those who already left the general area. There are a lot of resources we aim to get to the victims because our job following the incident is to limit suffering and help the recovery as quickly as possible. This bill assists us more so than it might seem on the surface.

CHAIR PARKS:

I am asking Mr. Cage to come back to the table to address Ms. Conti's question.

MR. CAGE:

To clarify, the question is in regard to section 14 of the bill, revising NRS 629. The question being would the reporting provision be in effect if a local entity does not request the assistance of the State Disaster Identification Coordination Committee for other purposes? In other words, is it still in effect outside of that activation of the committee, or does it only exist during the period of activation?

The Coordination Committee has a role before, during and after an event. Activities before an event include ongoing writing of the plan, exercising the plan, making sure the plan is tested, looking for opportunities to collaborate, monthly meetings—all those things. The activities in NRS 629 would be ongoing, just like the coordinating committee. It would be activated at the request of a local community. For example, a county could indicate it needs assistance in coordinating the sharing of HIPAA-protected information, and a committee would be activated in compliance of that request. Outside of an emergency and during all other times, this provision is still in effect and the committee would still have the responsibility of receiving that information.

CHAIR PARKS:

We will close the hearing on S.B. 66 and open the hearing on S.B. 68.

MR. CAGE:

Senate Bill 68 proposes a minor change to NRS 415A. *Nevada Revised Statutes* allows the State to establish a volunteer-health practitioner registry allowing individuals to be vetted prior to an emergency or disaster and called up during the emergency or disaster. This bill makes a minor change to that process and establishes a provisional registration within that database during a declared emergency or disaster. When the Governor makes a declaration of emergency in the State, a practitioner is provisionally—and in an expedited manner—added to the practitioner registry in order to be able to provide resources to a community in need.

Although this minor change is valuable and fine going forward as is, several opportunities have been brought to my attention from partners throughout the State to improve and broaden this bill from its narrow scope. I am agreeable to amendments that broaden this bill to be more valuable to local, tribal and Statewide partners.

SENATOR SCHEIBLE:

I think this is a great idea. Has this been done in other parts of the State or other states?

MR. CAGE:

I am not aware of other states where this has happened. Following the October 1, 2017, incident in Las Vegas, there was a need for additional medical support for licensed practitioners in the State, which was identified early on. That need was addressed through the emergency declaration process. It did not have to do specifically with the database in NRS 414A.

SHANI COLEMAN (City of Las Vegas):

The City of Las Vegas supports this bill. We agree with everything that Mr. Cage has stated.

MS. CONTI:

The Washoe County Health District supports this bill. We are interested in broadening the bill, as mentioned by Mr. Cage. Spontaneous volunteers happen in most emergencies and the ability to process them with a provisional

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registration into an existing database protects our community and response. We are interested in this bill and support it.

ALEX TANCHEK (Nevada State Board of Veterinary Medical Examiners):  
The Nevada State Board of Veterinary Medical Examiners is in the neutral position on this bill. The concern is in regard to complaints that arise related to veterinarians who provide service during times of emergency. The Board states it is important to have any of these complaints or concerns brought to their attention.

CHAIR PARKS:  
Have you discussed the concern with Mr. Cage?

MR. TANCHEK:  
I briefly discussed this with Mr. Cage before the Committee meeting and will follow up.

CHAIR PARKS:  
That concludes the testimony on S.B. 68 and opens the hearing on S.B. 69.

MR. CAGE:  
Senate Bill 69 does a number of things, some dealing with cybersecurity, such as creating Cybersecurity Awareness Month as well as requiring State agencies and employees to receive cybersecurity awareness training on a quarterly basis rather than an annual basis. It requires a cybersecurity briefing to the Governor from the Nevada Office of Cyber Defense Coordination on a quarterly basis, and it requires political subdivisions within the State to file an incident response plan with the Office.

These recommendations stem from a report from the Nevada Commission on Homeland Security Cyber Security Subcommittee which met throughout 2016 and 2018 to develop recommendations.

Some provisions in this bill do not deal with cybersecurity specifically, rather they deal with incident response plans or emergency response plans. The Division of Emergency Management is a repository for four types of emergency response plans within the State. The first pertains to public utilities; the second pertains to school districts—including private and charter schools; the third pertains to political subdivisions—cities and counties—throughout the

State; the fourth pertains to resort hotels in the State. There is no annual reporting requirement in NRS 463.

With this bill, we are standardizing the requirements for all emergency response plans in the State. The big standardization is requiring an annual update, whether it is a full new plan—which may be the desire of the entity—or simply a statement certifying that the entity's existing plan is current, which is acceptable and eliminates printing out a new plan if it is a duplication. The reports are to be submitted by specific dates: July 31 for school districts, private schools and charter schools; November 1 for resort hotels; December 31 for political subdivisions and public utilities. Once the deadlines have passed, the DEM has a responsibility to provide a report to a regulatory body in the State, whether it is the Department of Education, the Nevada Gaming Control Board, the Public Utilities Commission of Nevada or otherwise, listing the entities that are compliant along with the entities that are not compliant.

Outside of minor regulations we develop for grants and unmanned aerial vehicles, the Division is not regulatory in any significant sense. Providing compliance reports to the regulatory agency was determined to be the appropriate way to manage this going forward.

There is an amendment from the Southern Nevada Water Authority. We view this as a friendly amendment.

Senate Bill 89, which will be heard tonight in a different Committee, deals with school security and with school plans and sets the date the plans must be turned in as July 1. Our bill S.B. 69 sets the date as July 31. We are happy to change the date to July 1 to agree with S.B. 89.

**SENATE BILL 89**: Makes various changes relating to education. (BDR 34-331)

SENATOR KIECKHEFER:

Is this the first time local governments are required to create cybersecurity plans?

MR. CAGE:

This is the first time cybersecurity incident response plans are required. Under NRS 239C, political subdivisions are required to have all-hazards emergency response plans. This would be cybersecurity specific.

SENATOR KIECKHEFER:

Do local governments have the expertise to develop and execute these types of plans? Do they have the bandwidth, or can they rely on the DEM if they need help?

MR. CAGE:

The Division of Emergency Management provided grant funding in 2016 to the City of Henderson to develop a model incident response plan to be used by any jurisdiction in the State to develop other plans following that model. That is one way we can provide support. On behalf of DEM, I am happy to provide any support we can. The Nevada Office of Cyber Defense Coordination, within the Department of Public Safety, as well as other local entities throughout the State that have been through this process and have resources needed to develop these plans would be better to assist. The DEM can do an all-hazards plan, but the other entities mentioned would be able to assist with a more specific response plan.

The short answer is yes. This would not be a sink-or-swim proposition, rather we would be happy to coordinate support.

CHAIR PARKS:

In section 8 of this bill, NRS 463 references each resort hotel. I assume there is a definition of resort hotel in statute?

MR. CAGE:

I cannot give you the citation, but NRS 463 does contain a resort hotel definition. I am sure Michael Morton, who is attending this meeting, can tell you what that citation is.

CHAIR PARKS:

I wanted to verify there was such a definition.

MS. COLEMAN:

The City of Las Vegas is one of the leaders of smart initiatives in Nevada. We support this bill because we understand that cybersecurity is important. To address Senator Kieckhefer's question, the City does not have internal expertise, but the issue is important and the City will hire national outside consultants to help develop the plan. We support moving forward with that.

SENATOR GOICOECHEA:

Following the lines of Senator Kieckhefer's question, how will this be accomplished in towns such as Goldfield, Hawthorne or Alamo? Some jurisdictions might not know what cybersecurity is. It could be a hardship even though DEM would assist them. It could be difficult for some jurisdictions. I am reading the language and see a problem with the rural areas complying.

MS. COLEMAN:

I only represent the City of Las Vegas. I could not speak about the smaller cities. Mr. Cage is better able to talk about the State-level assistance. As for the City of Las Vegas, this provision is important and we will push forward with getting a plan in place.

OMAR SAUCEDO (Southern Nevada Water Authority):

I thank the bill sponsor for meeting with us and discussing this bill. Cybersecurity and emergency response plans are important topics as you can tell by the multiple bills presented today. We appreciate the Division taking the lead role and bringing forth this legislation.

We submitted an amendment ([Exhibit D](#)), and after some discussions with the bill sponsor, are clarifying what the amendment does. First, section 7 clarifies which entities are under the purview of the Public Utilities Commission of Nevada (PUCN). The Southern Nevada Water Authority is not under the purview of PUCN. We are a not-for-profit water agency, so we do not fall under its scope of overview. Second, section 6 clarifies parameters on how to make it enforceable. It is not clear in the bill what a significant cybersecurity threat is. The Southern Nevada Water Authority has a robust information technology (IT) department which deals with these threats. We are providing language that mimics best practices and industry standards. For that reason, we fully support the bill and appreciate the bill sponsor accepting our amendment.

VINSON GUTHREAU (Nevada Association of Counties):

We are neutral on this bill but will answer a couple of questions about cybersecurity. We reached out to a few of our members and the Nevada Public Agency Insurance Pool (POOL) on this bill to see what the impacts might be for smaller communities. The POOL provides services for members relative to cybersecurity. There may be some impact on maintaining and implementing the plans depending on how far they want to go. The POOL provides advisory capacity to get it started.

SENATOR GOICOECHEA:

The Nevada Public Agency Insurance Pool and the Public Agency Compensation Trust (POOL/PACT) would help them coordinate this response plan? Is that whom we are talking about?

MR. GUTHREAU:

That is my understanding. I can get more detailed information about the exact services POOL/PACT provides. I received this information at the last minute when I heard you asking these questions.

SENATOR GOICOECHEA:

My concern is not as much the hardship on the county but the quality of a plan provided by these smaller communities. Unfortunately, the smaller communities may be the ones to have an incident. I know the capability of many of these smaller jurisdictions, and if POOL/PACT has to put a response plan in place for 15 counties in the State, it is going to be busy.

SENATOR SCHEIBLE:

The terminology throughout the bill refers to response agency. In the rural counties, does that mean every city has to submit a plan, or could it be a sheriff's department or a county? How do you interpret the response agency language?

MR. GUTHREAU:

I am not sure. I am going on the assumption that in counties without incorporated cities, it would be the county's responsibility to submit the plan. That is usually how it works with other mandates. Some of our members—I do not have the list—have started the process of creating plans. I have not looked closely at the bill. I could track down the information, especially for counties that do not have incorporated cities.

SENATOR GOICOECHEA:

As I read the bill, it requires school districts, public safety agencies and counties—at a minimum—to provide this plan. Even if you incorporate that into larger jurisdictions, such as Henderson, Las Vegas or Clark County, it is going to be an undertaking.

MR. CAGE:

Section 9 on page 14, line 41 of the bill reads: "Each political subdivision shall adopt and maintain a cybersecurity incident response plan." Under section 9, subsection 5, line 37, page 15 it defines "political subdivision" as a city or county of this State. In developing this bill, the intent was to have the 17 counties and cities established in the State. I do not see how that would be broadened beyond that.

SENATOR GOICOECHEA:

That explanation works. It is a fairly lengthy bill with a lot of changes and citations. I do not see where a county can create a plan for a school district and make it work. There is some confusion.

CHAIR PARKS:

I do not know how school districts would fit into each political subdivision. We can look into whether the school districts would submit a plan as part of each county separately. That is the only concern I see here.

BRIAN MCANALLEN (City of North Las Vegas):

We are neutral on this bill because of the same issues raised and asked by Senator Kieckhefer and Senator Goicoechea related to the bandwidth and funding. The City of North Las Vegas agrees with everything Mr. Cage said about how important cybersecurity is. All you have to do is open the newspaper every day and see some entity that has been hacked or hit by a cyberattack. All our cities in the State are battling that on a regular basis.

With regard to the City of North Las Vegas, we do not have anybody in a full-time capacity working on cybersecurity alone. Most of our IT departments are dedicated to responding and keeping the systems within the City functioning. This would be an unfunded mandate. We do not know the exact cost. We have to figure out how to absorb the cost. We understand the importance of being prepared for cybersecurity threats and having this information. Our concern is in the mechanics of making it work.

A year or so ago, during the United States Conference of Mayors, a resolution was introduced by Mayor Debra March from the City of Henderson. The resolution was adopted unanimously by the conference in support of elevating the issues around cybersecurity. It also asked for Congress to help allocate federal dollars toward cybersecurity protection nationally, also targeted toward



cities and counties. That has not been done but is certainly an issue that mayors and cities all over the Nation struggle with. Having lobbied on that issue on Capitol Hill, people are aware of and hear it, but it is a matter of getting the funds to do all these programs.

CHAIR PARKS:

In looking at the bill, it does not appear there are any fiscal notes submitted. I understand the potential for a fiscal note.

MR. MCANALLEN:

We were grasping with how to figure out what the dollar amount would be. There would be a fiscal impact.

MICHAEL MORTON (Nevada Gaming Control Board):

To answer the earlier question, resort hotels is defined in NRS. For the Committee's edification, it is in NRS 463.01865. In regard to section 8 of the bill, the Nevada Gaming Control Board stands ready to implement the policies.

CHAIR PARKS:

We are closing the hearing on S.B. 69.

MR. CAGE:

These bills were developed over the last two years with extraordinary input from partners throughout the State. We are open to continuing to address concerns and making sure this bill is as accurate as we possibly can throughout this process.

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CHAIR PARKS:

The Senate Committee on Government Affairs meeting is adjourned at  
2:42 p.m.

RESPECTFULLY SUBMITTED:

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Becky Archer,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
S.B. 15 S.B. 34 S.B. 35 S.B. 66 S.B. 67 S.B. 68 S.B. 69	C	4	Caleb S. Cage / Division of Emergency Management	Legislative Overview
S.B. 69	D	1	Omar Saucedo / Southern Nevada Water Authority	Amendment