

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

**Eightieth Session  
April 26, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 12:06 p.m. on Friday, April 26, 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 Ben Kieckhefer  
Senator Pete Goicoechea

**COMMITTEE MEMBERS ABSENT:**

Senator James Ohrenschall (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman William McCurdy, Assembly District No. 6

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Katherine (Kat) Miller, Director, Department of Veterans Services  
Caleb Cage, Chief, Division of Emergency Management, Department of Public Safety  
Marla McDade Williams, Reno-Sparks Indian Colony  
David Cherry, City of Henderson

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CHAIR PARKS:

We will start the meeting with the work session on Assembly Bill (A.B.) 7.

**ASSEMBLY BILL 7**: Revises provisions governing contracts with independent contractors executed by the Department of Transportation. (BDR 27-364)

JENNIFER RUEDY (Committee Policy Analyst):

I will give the Committee an overview of A.B. 7 from the work session document ([Exhibit C](#)).

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 7.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

We will move to A.B. 11 in the work session.

**ASSEMBLY BILL 11**: Revises provisions governing Veterans Services. (BDR 37-194)

MS. RUEDY:

I will summarize A.B. 11 and one amendment from the work session document ([Exhibit D](#)).

KATHERINE (KAT) MILLER (Director, Department of Veterans Services):

The proposed amendment by Assemblyman Chris Edwards has no fiscal or negative operational impact on our agency. The amendment clarifies duties our agency is already doing.

SENATOR KIECKHEFER:

My concern is the amendment requires the agency to train any volunteer for a program sponsored by the Department. If a new Department-sponsored program is added and numerous volunteers in the program are not already trained by your Department, does this increase your agency's workload for volunteer training?

MS. MILLER:

These are volunteer programs sponsored by the agency under the Nevada Veterans Advocate Program. The training consists of an existing online course. We have a resource in place to update the course as required. We also conduct two annual courses each year: one in Las Vegas and one in Reno. The training program can absorb thousands of more volunteers, should we have them. I do not see this amendment having an additional fiscal impact.

SENATOR KIECKHEFER:

I think of sponsorship more as providing financial support, potentially. For example, if you provide support for an Honor Flight or any other veteran support program, do you have to train the volunteers who are associated with those independent organizations?

MS. MILLER:

Certainly that scenario would have a fiscal impact. "I did not read the amendment that way, but if that is a concern ..."

SENATOR KIECKHEFER:

Let me read it again. As long as we are clear on the intent.

MS. MILLER:

The only training we provide to our volunteers is the online training on Nevada Veterans Benefits and Services. The training is open to the general public on the NVeLearn portal. Anybody can take the training. The training does not pose any problems in terms of resourcing for our agency.

SENATOR KIECKHEFER:

As I reread the amendment, it is more narrowly tailored than I originally anticipated.

CHAIR PARKS:

I, too, looked at the amendment as being more tightly restricted. In rereading the amendment, I am not certain it is. For example, each person who participates as a volunteer is assigned to a veterans services officer (VSO). In general, the volunteers work underneath a VSO?

MS. MILLER:

When a person gets certified as a Nevada veterans advocate, the advocate is assigned a VSO as a primary point of contact should the advocate have questions on complicated benefits and services. If the assigned VSO is not available, somebody else answers the advocate's question. This procedure has created an enhanced learning relationship for all our veterans advocates across the State.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 11.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

We are moving to the work session on A.B. 12.

**ASSEMBLY BILL 12**: Revises provisions relating to veterans. (BDR 37-195)

MS. RUEDY:

I will summarize A.B. 12 from the work session document ([Exhibit E](#)).

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 12.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

Our last bill in the work session is A.B. 98.

**ASSEMBLY BILL 98**: Revises provisions relating to the convention center to be planned, constructed and operated by the Tahoe-Douglas Visitor's Authority. (BDR S-440)

Ms. RUEDY:

I am reviewing A.B. 98 in the work session document ([Exhibit F](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 98.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

We are opening the hearing on A.B. 71.

**ASSEMBLY BILL 71 (1st Reprint)**: Makes various changes concerning expenditures related to disasters and emergencies. (BDR 31-349)

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

I am presenting A.B. 71 dealing with the account structure administered by the Division of Emergency Management (DEM). The Division of Emergency Management coordinates or administers two disaster accounts for the State. The first is the Emergency Assistance Account (EAA) which the DEM oversees and administers. The second is the Disaster Relief Account (DRA) in which the DEM provides technical assistance to State and local government agencies to facilitate their applications through the process.

This bill does three things. First, the DRA is accessible for political subdivisions in the State government. This bill will open the access to tribal governments in the State as well. Second, this bill reestablishes a revolving account for the DEM, previously called the Homeowners Disaster Assistance Program, which assists private property owners in the State with access to disaster funding after an emergency or disaster. This account was removed in 2011. Third, this bill allows fund transfers between the DRA and the EAA.

All three provisions are based on recommendations identified during 2017. I would argue tribal governments were hit the hardest with emergencies during 2017, particularly, the Pyramid Lake Paiute Tribe and Indian Reservation during

the January 2017 flood. The tribe did not have access to the DRA. This problem was identified at the time as something to change.

Many homeowners were hit hard during the same flooding in January and February of 2017. The DEM did not have a resource to assist the homeowners at the State level.

During those events and events that followed in 2017, the DEM found the EAA was rapidly depleted and the DEM was unable to obtain more money for the EAA outside the annual disbursement distribution from the DRA. The third provision of this bill allows for the EAA to be resupplied during or immediately following an emergency.

SENATOR KIECKHEFER:

What parameters do you anticipate putting into place when establishing the revolving fund from the DRA? For example, will the DEM make people whole or is this bridge funding to help people get a hotel during the crisis?

MR. CAGE:

Section 3, subsection 3 of the bill states: The Division shall adopt such regulations as are necessary to carry out the provisions of this section. The DEM has not started any of the rulemaking process in order to identify the parameters. As a general emergency management principle, the DEM is referring to bridge funding and not funding to make a homeowner whole. For example, the federal version of this program is called Individual Disaster Assistance. Individual Disaster Assistance is capped around \$36,000 for an individual for property damage. The average payout, a couple of years ago, was about \$6,000. The average payout may have changed. The DEM would factor in things such as property insurance, life safety issues and emergency loans to make sure the assistance is a bridge and not total reconstruction.

SENATOR KIECKHEFER:

The State replenishes the Disaster Relief Account to a tune of about \$2 million a year. Does the 25 percent limit cap the transfer of money from the DRA to the revolving account—if fully funded at time of declaration—to about \$500,000 max? Are those generally the numbers the DEM looked at when putting this bill together?

MR. CAGE:

Section 3, subsection 2 states the Interim Finance Committee shall not approve a transfer of money to the revolving account if the transfer results in a balance in the revolving account that is more than 25 percent of the balance of the Disaster Relief Account.

SENATOR KIECKHEFER:

It would be less than \$500,000?

MR. CAGE:

Twenty-five percent of what is in the Disaster Relief Account could be moved to the revolving account. Today, there is about \$11 million in the DRA. While the replenishment is about \$2 million per year, the DRA is standing at about \$11 million.

SENATOR KIECKHEFER:

I have bigger concerns with section 4 regarding the temporary advance from the State General Fund. What process will be utilized to get this advance from the State General Fund?

MR. CAGE:

I am asking Justin Luna, the Fiscal and Administration Section Manager from the Division of Emergency Management, to come to the table since he manages this process. I will walk through the process, and Justin will ensure I am accurate. Do you want me to explain the process for the DEM, a political subdivision or how the fund is refilled?

SENATOR KIECKHEFER:

I am curious about the advance from the General Fund.

MR. CAGE:

Annually in June, the Emergency Assistance Account receives a distribution from the interest accrued in the DRA for no more than \$500,000. On average in recent years, the number has been around \$250,000 from the DRA to the EAA.

SENATOR KIECKHEFER:

Under the provisions of the bill, if the balance in the EAA is insufficient to cover needs in the account, the Chief of the Division will be able to ask the Office of

Finance Director to give an advance—which is apparently uncapped—from the State General Fund. Am I reading this correctly?

MR. CAGE:

Under section 4, subsection 3, any funds that come from the General Fund must be repaid as soon as the money which the advance replaced is deposited in the Emergency Assistance Account.

SENATOR KIECKHEFER:

Based on that interpretation, is the advance capped at the anticipated annual transfer from the interest in the DRA?

MR. CAGE:

The advance is not capped. It is a provision requiring the funding to be repaid.

CHAIR PARKS:

The first line of section 2 references the Attorney General. Is this more likely to be the Governor's Office? Is there a precedent for using the Attorney General to enter into these agreements?

MR. CAGE:

I had the same question when I saw the bill draft returned from the Legal Division. I will preface this by saying I am not an attorney and not offering legal interpretation. The DEM typically coordinates federal grants for our tribal partners throughout the State and assumed money from the DRA is another grant the Division of Emergency Management, as an Executive Branch, could coordinate on behalf of the tribal governments. The explanation I received, and accepted at the time of this bill draft, is because sovereign entities or nations are involved, such as tribal governments in the State, the DEM must create a state-to-state agreement. The Nevada Attorney General is responsible for state-to-state agreements. I am using state to state loosely; these agreements are specifically sovereign-government to sovereign-government agreements. Because this involves a State grant and not a federal grant, the DEM is following the appropriate and required way to go.

CHAIR PARKS:

I am looking at our Legal Counsel and see the nod of her head in saying yes, that is correct.



MR. CAGE:

Mr. Luna, who manages these accounts, noted to me the distribution coming from the DRA to the EAA has recently been much less than the \$250,000 which I reported.

MARLA MCDADE WILLIAMS (Reno-Sparks Indian Colony):

We support this bill. It is refreshing to have a State agency recognizing a problem affecting tribes, taking it upon itself to come forward and producing legislation to resolve the issue. We appreciate the efforts of the Chief of the Division in recognizing tribal entities and the ability to work together.

CHAIR PARKS:

We will close the hearing on A.B. 71 and open the hearing on A.B. 206.

**ASSEMBLY BILL 206**: Revises provisions relating to emergency management.  
(BDR 36-864)

MR. CAGE:

In the absence of Assemblyman William McCurdy, the bill's sponsor, and to make it appropriate for me to present this bill, I have been working with Assemblyman McCurdy and we have presented jointly in the past. I do not have his permission to present this bill, but we have worked together in the past.

CHAIR PARKS:

Since you are here and he is not, I will entertain your testimony.

MR. CAGE:

I will follow up with Assemblyman McCurdy separately.

Assembly Bill 206 was requested out of lessons learned from the 2017 unprecedented year of emergencies and disasters experienced by the State and approved through the Nevada Commission on Homeland Security on which Assemblyman McCurdy sits. The Division of Emergency Management is grateful to Assemblyman McCurdy for carrying this bill as it will be helpful to the Division.

This bill does three primary things. First, the bill requires the Chief of the Division of Emergency Management to establish four types of plans and review the plans on an annual basis. These four plans correspond with the four phases

of emergencies identified by the Federal Emergency Management Agency (FEMA). The four phases are mitigation, preparedness, response and recovery. The second provision requires the Department of Health and Human Services to produce and annually review a disaster behavioral health plan. The third provision combines the Board of Search and Rescue with the Committee on Training in Search and Rescue. The Board and Committee have a lot of overlap. This bill will streamline the process.

CHAIR PARKS:

I see no amendments have been recommended on the bill.

SENATOR SCHEIBLE:

Looking at section 4 which addresses what the plan must have, is this section based on plans already established or a model plan? Is there an idea of what these plans look like, such as the program for developing and maintaining capabilities and the schedule for reviewing plans? Have these plans existed before, or is the State starting from scratch?

MR. CAGE:

Section 4 subsection 1 states: The written plan to prepare for an emergency or disaster required by this section must, without limitation, prescribe a program for developing and maintaining the capabilities and so forth. The bill lists five provisions shown in section 4, subsection 1, paragraphs (a) through (e) to be included in the plan. Section 4, subsection 2 prescribes a schedule for the Chief to review the aforementioned plans adopted by political subdivisions in the State. *Nevada Revised Statutes 239C* requires political subdivisions in the State to provide an emergency response plan to the DEM. There is no requirement in that section to update the plan with any regularity. The political subdivisions are only required to provide the plans to the DEM when the plans are updated.

This bill provides a schedule for the Chief of Emergency Management to review the plans adopted by political subdivisions or Indian tribal nations. This allows the Chief to have a plan to review the plans submitted by political subdivisions or tribal nations. It is part of what is done now, but this bill allows the policy to remain in place in the future.

ASSEMBLYMAN WILLIAM MCCURDY (Assembly District No. 6):  
The provisions of the bill have been addressed.

CHAIR PARKS:

How does the DEM interface with the Department of Health and Human Services as far as developing a written plan?

MR. CAGE:

Section 11, subsection 1 states: The Department shall develop a written plan to address behavioral health needs in an emergency or disaster. At least three clear touchpoints occur between our agency and the Department of Health and Human Services. One is the Department of Health and Human Services, Division of Public and Behavioral Health has a section called Public Health Preparedness (PHP). The PHP would be the State version of the Centers for Disease Control and Prevention in much the same way the DEM is the State version of FEMA. The PHP completes preparedness activities for a flu pandemic and other such things similar to the preparedness activities for fires, floods, earthquakes, cyberattacks and terrorist attacks completed by the DEM.

The DEM serves on the PHP senior advisory committee and assists with the adoption of the Public Health Preparedness' strategic plan. Personnel from the PHP serve on the Division of Emergency Management's Resilience Commission and also represent PHP on the Intrastate Mutual Aid Committee along with the local governments. This Committee is where the recommendation for this portion of the bill came from. The advisor with the Division of Public and Behavioral Health, Dr. Stephanie Woodard, recognized the need and requirements for this plan following the events in Las Vegas on October 1, 2017.

The DEM and the Department of Health and Human Services will work together much in the same way the DEM assists any political subdivision, tribal government, public utility or otherwise in developing a plan. The DEM puts together a committee, looks at best practices and principles of emergency management, and assists through the process, whether in a leadership or a support role based on the Department of Health and Human Services' request.

ASSEMBLYMAN MCCURDY:

The State's past experiences are why these pieces of legislation are floating throughout the building. The year 2017 was remarkable for emergencies and disasters in the State. Northern Nevada experienced back-to-back flooding events in January and February, a near-record fire season followed in the spring

and summer, and Las Vegas was shocked by the largest mass shooting in U.S. history—a tragedy that took 58 lives and affected the entire State.

After these events occurred, being that I had an opportunity to serve on the Nevada Homeland Security Commission, the Commission noticed a lot of work was needed to improve how the State responds, reacts and coordinates with entities throughout our State. There are about eight pieces of legislation to help the State be better prepared for any emergency or disaster that comes forward. I thank the Committee for your time in hearing these important measures.

DAVID CHERRY (City of Henderson):

I support A.B. 206. I thank the bill's sponsor for bringing this important piece of legislation that will enhance standardization, consistency, coordination and accountability when it comes to planning for and addressing disasters, whether natural or a man-made tragedy like October 1, 2017, in Las Vegas. We appreciate the bill's focus on ensuring behavioral health issues are part of any response, including critical mental health resources to our first responders.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR PARKS:

We will close the hearing on A.B. 206. Hearing no further business, this meeting is adjourned at 12:47 p.m.

RESPECTFULLY SUBMITTED:

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Becky Archer,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	3		Attendance Roster
A.B. 7	C	1	Jennifer Ruedy	Work Session Document
A.B. 11	D	2	Jennifer Ruedy	Work Session Document
A.B. 12	E	1	Jennifer Ruedy	Work Session Document
A.B. 98	F	1	Jennifer Ruedy	Work Session Document