

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

**Eighty-First Session
April 21, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 10:03 a.m. on Wednesday, April 21, 2021, Online and in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

Assemblyman John Ellison (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Judith Bishop, Committee Manager
Geigy Stringer, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

David W. Fogerson, Chief, Division of Emergency Management and Office of Homeland Security, Department of Public Safety
Erin Hasty, Interim Administrator, Office of Grant Procurement, Coordination and Management, Department of Administration
Dylan Keith, Policy Analyst, Vegas Chamber
Miles Dickson, Program Director, Nevada GrantLab; and representing Nevada Community Foundation

Chair Flores:

Good morning, everybody. Welcome to our second meeting in person. I know everybody is incredibly excited about that. On the agenda today, we have Senate Bill 14 (1st Reprint) and Senate Bill 15. We will take them in that order. At this time, we will open up the hearing on Senate Bill 14 (1st Reprint).

Senate Bill 14 (1st Reprint): Revises provisions relating to certain emergency response plans and assessments. (BDR 36-280)

David W. Fogerson, Chief, Division of Emergency Management and Office of Homeland Security, Department of Public Safety:

Good morning, Chair Flores and Committee members. With me is our fiscal services officer, Justin Luna. I would like to present to you Senate Bill 14 (1st Reprint). We worked on this bill over the last biennium to see where we could clean up and ease some bureaucratic processes. One of the items included in this bill was that we were supposed to mail to everyone a plan every year. Most of those people already knew what the plan was supposed to be and had already received copies of it, so we have streamlined that process to provide the guide on the website instead of having to mail it to everyone who was involved.

Another change was to add wastewater providers to those who are required to provide us a plan for the list of their critical facilities. That was based upon a friendly amendment that came from one of the wastewater providers in southern Nevada. The provider asked that we work through this process with the collaboration of the Public Utilities Commission of Nevada, the Governor's Office of Energy in the Office of the Governor, and the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

The biggest piece of this was the plans required to be submitted to us for storage in the event of an emergency. The listing of those companies was large. It included people who sold phone cards and did not have any physical infrastructure within the state, but were still required by law to provide us a plan. Instead of trying to wordsmith an exact definition that would fit all those different partners, we came up with language stating our partners in Public Utilities, Division of Environmental Protection, and the Office of Energy would jointly develop the list of who has to produce that plan and provide it to us for storage. From talking to all the partners, that seems to have worked out well.

Overall, this is a fairly simple bill, with those being the big changes. Really what this is talking about are those companies with critical infrastructure from the facilities standpoint. If something nefarious happened to them, we would want to have immediate details for the local fire department, local law enforcement, and the local emergency manager. The state is the repository for those plans and those deeds.

Working through our partners, we were able to clean up some of that language and make this a simpler document for everyone involved. Ending with that, Chair Flores, I will answer any questions you have. I am trying to keep it short and sweet for you.

Chair Flores:

I think the members will agree that we very much enjoy short and sweet, so thank you for that. At this time, members, we will open it up for questions.

Assemblywoman Torres:

I am looking at section 1, subsection 7. Looking at the portion talking about the written guide, are we no longer providing the guide to those agencies? I understand the intent is to have it posted online and have it be accessible, but I am wondering why we would not want it to still be provided and disseminated to these agencies, even if it were just electronically—to still require that it is disseminated to those agencies so they have quick and immediate access to it upon it being completed.

David Fogerson:

That was part of what we talked with our stakeholders about, whether they really needed that guide every year or not. A majority said they did not need that guide every year; it does not really change that frequently. Therefore, rather than sending it, we are posting it on the website, then sending a notice to remind them that their plan is due. That notice will have the website link in it for them to come and reach it and get it from us. That way, we have documentation that we sent them notice of the requirement to meet the *Nevada Revised Statutes* (NRS) requirement, but also not have to mail them the entire guide itself.

Assemblywoman Torres:

I appreciate that. Given what you said about how sometimes there would be changes and probably minute changes over time, would it not be a positive for them to get even an electronic copy? Here is the guide, here is the link. I understand wanting to cut back on disseminating that via paper but, especially if there are changes, saying that there are changes and to please review this guide as there are changes in this section—so they are aware that those changes have been made, since the guide generally stays the same.

David Fogerson:

Absolutely. In the letter that we mail them every year, it will have that link in there, rather than emailing the link. We mail them a hard copy letter that does say this requirement in the NRS has to be met, and that link would be included in that letter to them. I am sorry if I did not make that clear in the first answer.

Assemblywoman Considine:

I have a question about the addition of wastewater service from the wastewater providers. I do not understand what wastewater service covers. Does it cover only those that serve or have 500 or more service locations? Or when it says "private entities," does that also include entities creating wastewater?

David Fogerson:

This was a friendly amendment that came from one of the wastewater companies in southern Nevada, from one of the general improvement districts down there that does the wastewater. It would only be for the wastewater companies with 500 or more service locations. It would not be the smaller general improvement districts; it would not be the smaller companies that have wastewater, but it would be for the companies acting as wastewater service providers. This was the industry term familiar to them and one that the Division of Environmental Protection said would be appropriate, along with the stakeholder that provided the feedback to us to do this addition.

They are important because we do not really think about some of the products that are used to clean the wastewater to make it clean so it goes back to the environment, but also the backup that exists should we have a problem with getting rid of the water once it has been used. That causes a ripple effect all the way back to the system, back to producing the water, and then the infrastructure concerns. This was a big thing to add to it, and that was the language that was suggested to us by all the stakeholders to make it clear for them.

Assemblywoman Considine:

I just want to clarify it for myself. These are for the entities cleaning the wastewater. This is not for private entities that, because of what they do, create wastewater.

David Fogerson:

Yes, it would be for the companies cleaning wastewater—the wastewater treatment facilities and general improvement districts, not the producers of the wastewater.

Assemblywoman Anderson:

I have two questions. The first has to do with page 6, line 37. Is "vulnerability assessment" defined anywhere? I know that it is mentioned in other areas as well; is it defined in other areas? I do not know exactly what makes a vulnerability assessment. Could that be defined a little bit better?

David Fogerson:

There is another section of the NRS that talks about what the vulnerability assessment is. It is also in the guidance document that we provide to them. It is an industry term for determining the vulnerability, the hazards, and the risks a facility has that could be impacted, either nefariously or through an actual disaster, and would affect the other sectors. That is in the planning guide we provide to them to evaluate every year.

Once they find what their problems are, that vulnerability assessment drives them to develop an emergency response plan to address the problems. Rather than just having a generic plan, this gets them to be able to see what their hazards are on-site and what their problems are. Their plan addresses those hazards and problems and makes it very specific to that facility.

Assemblywoman Anderson:

That totally makes sense. The guiding document is not a regulation that has to be filed with anybody. It is based upon the department's internal look at the area. That is where my questions are coming from. When it comes from the guiding document, is it regulations or is it something that is more of an internal decision?

David Fogerson:

We provide them a guide of what their plan needs to entail. We do not regulate the industry, so we do not actually inspect and approve their plans. The Division of Emergency Management's responsibility under NRS Chapter 239C is to maintain the plans for the local responders or for the regulators to look at in those times of need when they are having issues there. Those are the things. Then the Public Utilities Commission would be involved to help them write that document and see what their hazards are. It is not a regulation. It is our guide of how to identify what the risks are, here is the plan to write, but we never grade or judge that plan. That was not the intent of the initial legislation as was written; it was designed for us to maintain the plans for locals or regulators to use at times of need.

Assemblywoman Anderson:

Thank you for that clarification. I have a question on a different section; it goes back to what Vice Chair Torres brought up about posting the guide. If there are changes done at the legislative level, or even at other levels, is there a requirement to contact the parties, or is that something that the department can choose to do?

David Fogerson:

Every year they have to maintain compliance. We determine who needs to make compliance with this section, then we produce a letter that goes to those companies and those general improvement districts—those local governments that provide these services. We send them a letter outlining they must meet the requirements of this section; in that letter it would say where to find the plan on our website. They would be notified by that letter on an annual basis when they have to submit the plans to us for storage.

Chair Flores:

Members, are there any additional questions? I do not believe we have any. Thank you, members, for your questions, and thank you for that dialogue. At this time, we will invite those wishing to testify in support of Senate Bill 14 (1st Reprint). [There was no one.] We thought the Division of Emergency Management was going to show up with at least 100 people, but we overly prepared the staff for that one. My apologies.

At this time, we invite those wishing to testify in opposition to Senate Bill 14 (1st Reprint). [There was no one.] Lastly, we invite those wishing to testify in the neutral position for Senate Bill 14 (1st Reprint). [There was no one.]

Do you have any closing remarks on Senate Bill 14 (1st Reprint), Mr. Fogerson?

David Fogerson:

I want to thank everyone for your consideration of our recommended changes to this language in the NRS.

I would be remiss as your emergency manager if I did not discuss personal preparedness. Our big disasters in Nevada are earthquake, wildland fire, flood, pandemic, and drought. We need to make sure that everyone is able to survive on their own for three to seven days in the event that one of those big disasters occurs. I encourage you to go to www.ready.gov and learn how you can be prepared for any of those disasters. I appreciate the time that the Committee takes to review our bill and the process.

Chair Flores:

At this time, we will close the hearing on Senate Bill 14 (1st Reprint). Again, thank you for your presentation. Next, we will open up the hearing on Senate Bill 15.

Senate Bill 15: Revises provisions relating to grant procurement, coordination and management. (BDR 18-255)

Erin Hasty, Interim Administrator, Office of Grant Procurement, Coordination and Management, Department of Administration:

Good morning, Chair Flores and members of the Committee. It is good to be before you again. This bill was drafted in the spring of last year, and it is seeking the ability to do two things. Very briefly, they are to develop and maintain grant policies and to provide flexibility in our office operations and services rendered.

The first thing that it does is it adds, to the extent practicable, to the Office of Grant Procurement, Coordination and Management, Department of Administration activities. The COVID-19 pandemic showed that there are valuable services the Grant Office could provide, such as tracking COVID-19 funding, that cannot be anticipated and that we need to adjust for, according to staff levels. This will allow us to continue to provide services to state agencies and others as we can, and also to adjust as needed as we identify more issues that can be helpful and find out how we can be more helpful to grants services.

The second thing it does is it provides us the ability to update grant policies. The Grant Office created the *Grant Policy Manual* in 2018, and it is referenced in the *State Administrative Manual*. However, we do not have the authority to make changes to these policies. This is seeking to give us the authority to update, change, or to implement

requirements for statewide operation and grants. Right now, we are limited. The federal uniform guidance was updated in 2020, and we have not been able to update our policy manual; this will allow us to do that.

At a very high level, that is what the bill does. I am happy to answer any questions.

Chair Flores:

Thank you for that quick walk-through. At this time, we will open it up for questions.

Assemblywoman Thomas:

My question has to do with section 1, subsection 2, where the bill states, "the Administrator shall" That is a directive, if I am correct.

Erin Hasty:

That is a requirement that we already have to do. If you see in section 1, subsection 1, it switches the rest of it, "to the greatest extent practicable . . ."; it does keep the "shall." We are already required to do that, and it makes sure that we are still giving you a report.

Assemblywoman Thomas:

I am confused because section 1, subsection 3, says, "The Administrator may." There is a choice there to provide this information. I am confused on the directive and then, well, if the Administrator feels like it.

Erin Hasty:

The "may" is currently how it stands. We provide training. That was my position before COVID-19. I came in and was asked to develop training. This allows us flexibility as our staff levels fluctuate and as we are identifying issues that might need to take priority. For example, we found that COVID-19 needed to take priority and, unfortunately, we had to lessen our training. This allows us to adapt to circumstances. However, all of these activities are very important, and we have feedback and surveys that show that all these activities are important and we strive to provide all of these.

Assemblywoman Thomas:

Thank you for that explanation, but my basic concern is the reporting back to the Director of the Legislative Counsel Bureau and to the Legislature, that you have the option to report back. That is what this is telling me—that you have that option. In a sense, you are saying that what you are directed to do is report back and then you may include some of the information that we are asking for.

Erin Hasty:

We are required to report to you and that keeps that in there. We must do that; we have done so every biennium. How we have structured it prior is, we have put in everything that is referenced in statute. We will report to you on what we do, and we will continue to do that.

If it says training and we have had to lessen it, like we had to last time—in our report we said post-COVID-19, we have lessened our training—we will include that and we will let you know if we have had to reduce.

Assemblyman Matthews:

Regarding section 1, subsection 3(b), could you speak to practical examples where, absent this enabling language, there have been problems or challenges that could be avoided by inserting this? Can you put this in real practical terms?

Erin Hasty:

The policies and procedures are vitally important for any organization and state to reduce audit findings, to make sure that we are doing appropriate subrecipient monitoring, and things like that. Practically speaking, we have, right now, subrecipient monitoring. If an agency awards a grant to somebody else, they have to follow these guidelines. They need to do a risk assessment, maybe to check a suspended and debarred list, those kinds of things. They need to make sure that if there are risks, they are catching that and following it up, and they might need to provide a little extra oversight.

Right now, we do not have the ability to update it, and federal guidance changed in November 2020. We need to change that so we can keep up with the federal guidance. If we are not following that, then we could have audit findings which put us at risk for sending money back and becoming designated as high-risk, where we might not get any more money—that is the extreme of what can happen.

Assemblywoman Brown-May:

First, I want to congratulate you for the work that you have done over the biennium. I know that your division has been very, very busy. I have a couple of questions relative to how we are communicating the information to state agencies. First, in section 1, subsection 1(f), it says, "If requested by the director of a state agency" That would lead me to believe that you as the Grant Office have no real authority to ensure that each director is aware that there are grants available to them. Is that correct?

Erin Hasty:

That is correct. That is one of the things that we hear in our office that would be helpful, but we do not have any authority besides the policy manual. It is seen as a best practice. We do try to reach out, but we do not have authority over other agencies.

Assemblywoman Brown-May:

If I move up to section 1, subsection 1(e), I see the word "Ensure," meaning you are desiring to ensure that the state agencies are aware of any grant opportunities. Do you have methodology that you would propose to ensure that the state agencies are aware there are grants available to them? What is the methodology?

Erin Hasty:

Right now, honestly, it is pretty part and parcel. We scoured grants.gov for COVID-19 only; we are still there. We will send out listservs and emails, and if we have the relationships, we will let people know this opportunity is available. As we have shared before, it could be a lot more robust. When we have the opportunity and when the budget allows, a centralized grant management system would help with that. It can notify people right away. We can track what we are not applying for, who is interested, and that kind of thing; it would be a lot more sophisticated. Right now, it is a lot of manpower to go through listservs and put those together. Does that answer your question?

Assemblywoman Brown-May:

It does. Is there a way for you to identify the number of departments that the Grant Office is working to support across the state? How many entities would the Grant Office serve?

Erin Hasty:

I can pull that information. We do have an Excel grant services tracker. I presented a little bit about that in my presentation to you a couple of months ago. We can pull that information; we do track with whom we are coordinating.

Assemblywoman Thomas:

I have a follow-up to Assemblywoman Brown-May's question when she asked about the "Ensure." You said that if you have a relationship with different agencies and if they contact you, then you can ensure that, or base that information on whether or not grants are available. Is there a way for your website to tell everyone within your scope that these grants are available without having a personal relationship with them?

Erin Hasty:

Yes, we do. We have 13 topic area listservs that we will send out regularly to education, higher education, workforce, all kinds of topics. We send those out on our listservs, and we also post those to our website. I will send you our Grant Office report; it goes through in detail all of what we have, and we do alert people. It is just that if I know somebody is specifically looking for this and I see an opportunity, I can send it to them. That is what I meant by a relationship. However, we like to promote, and that is our goal—to promote to as many people as possible.

Chair Flores:

Members, are there any additional questions? I do not believe we have any additional questions. Thank you for answering our questions and for the presentation this morning. At this time, we will invite those wishing to testify in support of Senate Bill 15. We have quite a few people in the committee room now. We will start off with Mr. Keith.

Dylan Keith, Policy Analyst, Vegas Chamber:

Currently, Nevada sits forty-fifth in grant procurement per capita, according to the Kenny Guinn Center for Policy Priorities. Since 2013, the Vegas Chamber has made it a priority to improve that number to make sure that Nevadans are getting the care, the infrastructure, and the dollars that we deserve. For too long, we have left dollars on the table that are available to us from the federal government, and it is high time that we streamline our process. This is a great bill to do so and to make sure we are receiving the federal grant dollars that Nevada deserves.

Chair Flores:

Thank you, sir. You should know that you are the very first person who has testified in person before this Committee.

Dylan Keith:

It is an honor. Thank you, sir.

Chair Flores:

We have reserved that honor for only the most qualified human being. Thank you, sir. Is there anybody else in the room wishing to testify in support of Senate Bill 15? Seeing no one, we will go to those wishing to join us via phone.

Miles Dickson, Program Director, Nevada GrantLab; and representing Nevada Community Foundation:

I want to thank Ms. Hasty and echo the sentiments of Assemblywoman Brown-May in terms of the great work that the Grant Office has done over the last biennium. As Mr. Keith mentioned, the state has a long way to go. I know you have heard several times now this session from presentations in terms of our ability to maximize federal funding. I just want to quickly get on the record our support for this bill; while it is modest in changes, it adds important flexibility as well as enabling language for the work that the Grant Office does.

Chair Flores:

Thank you for joining us this morning. I will take the next caller wishing to testify in support of Senate Bill 15. [There was no one.] At this time, we will go to those wishing to testify in opposition to Senate Bill 15, and we will go back to the phone lines. [There was no one.] At this time, we will go to those wishing to testify in the neutral position for Senate Bill 15. [There was no one.] Ms. Hasty, do you have any closing remarks?

Erin Hasty:

I want to thank the Committee again for your time and for the questions, and for having me.

Chair Flores:

Thank you for your presentation. I am sure members will continue to reach out should any additional questions arise. At this time, we will go ahead and close out the hearing on Senate Bill 15.

Next, we will invite those wishing to testify for public comment. I want to remind those of you who intend to call in for public comment that this is not a time to reopen a hearing; it is for you to speak about general matters that fall within the purview of this Committee. We encourage you to call, but I do not want to have to cut you off if you try to reopen the hearing on a particular bill. We will go to the phone lines for anybody wishing to testify during public comment. [There was no one.]

With that, members, I want to remind you that tomorrow we are going to be meeting in this room again at 9 a.m. We have Senate Bill 38 (1st Reprint) and Senate Bill 372 on the agenda. Please give yourselves the opportunity to go over those two bills and come ready to engage in some thoughtful dialogue. Members, thank you for the work. With that, this meeting is adjourned [at 10:40 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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