

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

**Eighty-first Session  
April 26, 2021**

The Senate Committee on Government Affairs was called to order by Chair Marilyn Dondero Loop at 3:34 p.m. on Monday, April 26, 2021, Online and in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Marilyn Dondero Loop, Chair  
Senator James Ohrenschall, Vice Chair  
Senator Dina Neal  
Senator Pete Goicoechea  
Senator Ira Hansen

**STAFF MEMBERS PRESENT:**

Alysa Keller, Policy Analyst  
Heidi Chlarson, Counsel  
Janae Johnson, Committee Secretary

**OTHERS PRESENT:**

Wesley Harper, Executive Director, Nevada League of Cities and Municipalities  
Callie Wilsey, City of Reno  
Jeff Borchardt, Planning Manager, City of Reno  
Kelly Crompton, City of Las Vegas  
Jon Leleu, NAIOP  
Josh Hicks, Builders Association of Northern Nevada  
Mike Cathcart, City of Henderson  
Jamie Rodriguez, Washoe County  
Vinson Guthreau, Deputy Director, Nevada Association of Counties  
Susan Fisher, State Board of Professional Engineers and Land Surveyors  
Jim McIntosh, Chief Financial Officer, City of Henderson  
David Fogerson, Chief, Division of Emergency Management and Office of  
Homeland Security, Department of Public Safety  
Jared Luke, Director, City of North Las Vegas

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Rhiann Jarvis Denman, Deputy City Attorney, City of North Las Vegas  
Harry Beall, Nevada State Education Association

CHAIR DONDERO LOOP:

We will open the hearing on Assembly Bill (A.B.) 3.

**ASSEMBLY BILL 3 (1st Reprint)**: Revises provisions concerning the electronic transmission of certain maps and other documents relating to the approval of divisions of land. (BDR 22-406)

WESLEY HARPER (Executive Director, Nevada League of Cities and Municipalities): Assembly Bill 3 proposes to authorize the use of electric maps for land use planning and development. This will improve proficiency for development and redevelopment processes. It will create more predictable and efficient timelines which will reduce delays in cost and waste. This bill is only an authorization to use electric maps and does not require their use. Existing law outlines various requirements related to the filing, submission and presentation of maps and related documents for land development. It authorizes, but does not require, a county recorder to accept the electronic documents for recording.

This bill authorizes the electronic filing, submission and presentation of these maps. County recorders reserve the discretion to accept or reject the submissions of electronic maps with A.B. 3. We have collaborated with county recorders throughout the State to ensure the proposed legislation would not create unintended complications or burdens. We have amended A.B. 3 while in the Assembly Government Affairs Committee before passage.

We proposed a conceptual amendment to this Committee. We are proposing to delete section 1, subsection 1, paragraph (e), removing language that suggests relevant information contained in external documents be attached or associated to digital maps. The unintended complication created by paragraph (e) is the burden of administering external documents that could be associated with the maps. Upon further consideration, there will be no association with external documents because the maps themselves contain the information provided by any external documents. Therefore, we suggest section 1, subsection 1, paragraph (e) be deleted; the recorders concur with this suggestion. We are unaware of any opposition to the bill.

CALLIE WILSEY (City of Reno):

The City of Reno brought this forward to the Nevada League of Cities and Municipalities after we had multiple conversations with representatives from the private building industry and internal staff. We realized it was a question about whether our development maps could be submitted electronically. This bill is intended to clean up the gray area. It will answer the question by authorizing electronic submittal for the process at the county level with county recorders. This important part of A.B. 3 is permissive and not a requirement. It enables local governments to work together with those in the private industry for a seamless administrative process to be more efficient for everyone. It allows local agencies the flexibility to determine if and when to move forward to an electronic process. The conversations we had with the recorders was helpful for understanding the process and ensuring A.B. 3 will be productive for everyone. This bill is meant to clean up State law and provide a pathway forward to modernize the processes in the field.

SENATOR NEAL:

I have one question on the deleted part on page 2, line 34, "associated with the document or signature": Are you going to allow electronic submittal of everything except the attachments? When you have to put the attachments in the mail or fax them, I do not see any difference.

MR. HARPER:

Are you referring to section 1, subsection 1, paragraph (e)?

SENATOR NEAL:

Yes.

MR. HARPER:

After further research, we discovered that generally attached documents do not have required information that is not already printed on the maps. When we developed the original language, we were not aware or sure if this was case, but upon further study we realized this was the case. This alleviated a major concern for the recorders acquiring the burden of having to track and file documents consistently associated with those maps. It turns out the concern we had on the requirement originally intended is not a need or an issue. This is why we are proposing the deletion of section 1, subsection 1, paragraph (e).

MS. WILSEY:

We originally talked about affidavits, certificates and acknowledgements in section 1 as these are important pieces to the conversation, but we realized in the context of maps that affidavits, certificates and acknowledgements have the words printed on the map. Users are required to sign, stamp or seal on the map. There is a separate affidavit, certificate or acknowledgement in section 1. These would need to follow the recorders' normal processes and requirements for submitting those documents. Deleting section 1, subsection 1, paragraph (e) will ensure that we do not confuse the two different types of documents.

SENATOR NEAL:

In section 1, subsection 2, regarding secure encryption methods to prevent copying, transferring or removing the seal or stamp, is there going to be an additional cost the recorder charges for this increased protection or encryption?

MR. HARPER:

We want to ensure the provisions for the recorders and for the process remain in place with this legislation.

JEFF BORCHARDT (Planning Manager, City of Reno):

In my mind, this would authorize us to be more efficient. Right now, you have to physically take the map and get it signed by everybody, then bring it into the office and have someone scan it in. Using the secure encryption method would be like transferring a file or attaching it to an email which will be locked. Numerous technologies could lock them in place, and it would be far more efficient. In my mind, it would not add cost, but this is an authorization to allow folks to explore this. We would have to work with the various recorders to implement it administratively and figure out if there is an added cost from an administration standpoint.

CHAIR DONDERO LOOP:

Section 1, subsection 2, paragraph (a) does not limit the authority of "the Secretary of State to adopt regulations regarding digital signatures." Do we have any digital signatures in the Secretary of State's Office currently?

MS. WILSEY:

This portion came up in conversation with the City of Reno Recorder's Office. *Nevada Revised Statutes* (NRS) 720 is specific to digital signatures. The specific language was proposed by staff from the Legislative Counsel Bureau. The intent

here is the recorder offices wanted to ensure the integrity of a true signature on paper in an electronic transfer with no disconnect to any provisions under NRS 720. In terms of the direct relation to Secretary of State, I do not know.

MR. BORCHARDT:

The same goes for the reference to NRS 625 with regard to professional association stamps. For professional engineers and land surveyors, there is a specific method for encryption for electronic stamps. We wanted to make sure the cross-reference is in the correct sections.

CHAIR DONDERO LOOP:

I wanted to make sure we are not asking the Secretary of State to do something the office does not need to do nor is capable of doing.

HEIDI CHLARSON (Counsel):

The Secretary of State has authority under NRS 721.150 to adopt regulations regarding digital signatures. The intent of having the language in section 1, subsection 2, paragraph (a) is to make it clear that recorders can accept these maps electronically with digital signatures. The recorders shall not have rules for digital signatures that do not comply with regulations of the Secretary of State. It will make it clear that the Secretary of State has regulatory authority, and any regulations that apply to digital signatures apply to digital signatures on these maps.

KELLY CROMPTON (City of Las Vegas):

We support A.B. 3; we are hoping this clarifying language will help our mapping procedures.

JON LELEU (NAIOP):

We support A.B. 3.

JOSH HICKS (Builders Association of Northern Nevada):

This organization advocates for Humboldt County industries in northern Nevada. This bill improves efficiencies and lowers costs with respect to home building, and that is something we are in favor of. We support A.B. 3.

MIKE CATHCART (City of Henderson):

Since the beginning of the Covid-19 pandemic. The City of Henderson has moved to using electronic filing services for developing documents. This bill will

help further that cause and continue to improve customer service in Henderson. We are in full support of A.B. 3.

JAMIE RODRIGUEZ (Washoe County):

Washoe County has been looking at this for a while, and people brought the proposal to us during the Interim. During trying times with Covid-19, the ability to not have people come into the office and go between departments with one signed map that needs multiple signatures for approval is challenging. This is beneficial, and we support A.B. 3.

VINSON GUTHREAU (Deputy Director, Nevada Association of Counties):

The Nevada Association of Counties supports A.B. 3. We agree with the statements made from previous speakers. We see this legislation as a good government bill to allow local governments to respond to the needs and expectations of their communities.

SUSAN FISHER (State Board of Professional Engineers and Land Surveyors):

We support A.B. 3 and appreciate the amendment presented to clarify the bill. We are impacted by section 1, subsection 2, paragraph (c) which requires us to prescribe similar requirements relating to signing and stamping. This will ease the process for our licensees.

MR. HARPER:

Assembly Bill 3 explicitly authorizes the use of electronic maps for land development and redevelopment. The benefits could be more predictable and efficient which will result in the reduction of costs and waste due to delays. We have conferred with the recorders throughout the State and have amended the bill through their approval.

CHAIR DONDERO LOOP:

I will close the hearing on A.B. 3 and open the hearing on A.B. 63.

**ASSEMBLY BILL 63 (1st Reprint)**: Makes various changes relating to the financial administration of local governments. (BDR 31-404)

MR. HARPER:

Assembly Bill 63 broadens the access to municipal stabilization funds from only natural disasters to include declared states of emergency. Existing law did not anticipate the need of municipalities to access a budget stabilization fund in

case of a pandemic. This change is proposed to account for other anticipated circumstances where the use of the fund would be appropriate. Existing law authorizes the governing body of a local government to establish a fund to stabilize the operation of a local government or mitigate the effects of a natural disaster. This bill expands the use of such a fund to include mitigating the effects of an emergency declared by the local government.

Assembly Bill 63 was amended in the Assembly Government Affairs Committee to modify the definition of an emergency. The definition was changed from a threatened occurrence to a sudden, uninspected occurrence. This is limited exclusively to a sudden, uninspected occurrence that involves clear and imminent danger. It requires immediate action to prevent or mitigate loss of life damage to health, property or essential public services. The conditions to access a stabilization fund are if the total actual revenue of the local government falls short of the total anticipated revenue in the County general fund for the fiscal year in which the local government uses that money or to pay expenses incurred by the local government to mitigate the effects of an emergency or a natural disaster. This is only if the local government issues a formal declaration that an emergency or natural disaster exists. The governing body shall not make such a declaration unless an emergency or natural disaster is occurring or has occurred. We are unaware of any opposition to this bill.

SENATOR NEAL:

In section 1, subsection 3, how much is it going to cost? You are pretty much saying in law that money needs to be set aside for an emergency. This pandemic has opened the door for people thinking proactively about what is going on. The money in the fund may not be used to pay expenses. What amount is the local government supposed to carry? I saw the definition, but it is broad. What is the expectation for them to set aside in terms of the general fund? How much is set aside for a natural disaster since this is an existing law, and how much would the bill add to that line item?

MR. HARPER:

There are a couple parts. First, the stabilization fund is not a requirement; it is optional. Local governments are not required to set aside stabilization funds. It is optional for them to prepare for a natural disaster or an emergency declared by the local government. Second, as far as the amount is concerned, an amount is not stipulated. There are two things on the amount. The stabilization fund is a single fund that would not apply to natural disasters and then separately,

provide a different fund for emergencies. It would be one fund for the use of either. There is a limit to how much a municipal government can place in the stabilization fund. It cannot exceed 10 percent of the expenditures of the general fund for the prior year. There is no criteria a municipal government needs to meet to establish a stabilization fund.

JIM MCINTOSH (Chief Financial Officer, City of Henderson):

Mr. Harper answered those questions correctly. The statute itself is permissive and allows a local government to create a financial stabilization fund. Local governments are not required to create a financial stabilization fund. Generally, like the City of Henderson, they will have their own internal policy surrounding how much they decide to put into the financial stabilization fund. Henderson chose to have a financial stabilization fund funded at 8.3 percent of total revenues. It is approximately one month's worth of revenue. You will find different policies across local governments.

SENATOR NEAL:

When I first saw this, I zoned in on the emergency and noticed NRS 354.6115 applies for section 1, subsection 2, paragraph (a). I have seen this trigger before, but you have plugged in an emergency "if the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal year." This gives the local government authority to use certain money, right? You need to breakout the essential public services. The definition for emergency is broad, and NRS 354 ties into a whole other subcategory. I last saw this chapter triggered when a local government was in a revenue situation. Can you give more context to the public service and direct the conversation around NRS 354 which concerns the budgets of local governments? This emergency language has been attached to this chapter which allows you to go into optional money. Other triggers are associated with this.

MR. HARPER:

For NRS 354, this legislation would expand access to the stabilization fund for emergencies and would only allow access in two events. One event is the anticipated revenue from a municipality falls under the anticipated revenues by a significant amount. The city will need access to the stabilization fund to maintain the level of services. Existing law says if you have a natural disaster, that was likely not budgeted for when it impacts property, life, essential services and so forth.



The government municipality has the opportunity to access the stabilization fund. We are seeking to broaden it out to something called an emergency. Frankly, this is a lesson from the pandemic. We realized the Covid-19 pandemic created a situation such that the stabilization fund would have been necessary to maintain public services and public health. As it turned out for the case in Henderson, the stabilization fund was not accessed. We learned if we could access it, statute was limited and did not allow access. This proposed legislation is designed to remedy the oversight.

MR. MCINTOSH:

The financial stabilization fund dollars come directly from a local government's general fund. You choose to fund a financial stabilization fund for these unanticipated losses in revenue or unanticipated expenditures associated with a current or natural disaster. We are hoping to expand that use to an emergency as we are experiencing with the Covid-19 pandemic. A public emergency was declared by the State in March 2020, and the City of Henderson also declared it an emergency.

There were assumptions that we could access these funds as we knew there would be unanticipated expenditures associated with the declared emergency. The unanticipated expenditures associated with purchasing protective equipment includes Covid-19 testing, additional community services, childcare and vaccine deployment. All of this was not anticipated or considered when the budget was prepared.

The goal for A.B. 63 is to not limit ourselves to just a natural disaster to access these funds but to expand the use of the funds in an emergency situation. The pandemic emergency has gone on a lot longer than we anticipated. Unlike a natural disaster which is contemplated in statute, it is assumed you have expenditures that you may not have budgeted for. During a natural disaster, you may have to spend immediately to resolve the immediate issue. The emergency declaration is over, and you have used the stabilization funds to stabilize the budget from these unanticipated expenditures.

The nature of this emergency is long and has put demands on the local government general funds. The goal here is to expand, and we may not have included expenditures or considered expenditures from an emergency or a natural disaster. We may need to continue providing services and thought they

could be provided but may not accommodate to these additional expenditures because of the unanticipated emergency.

SENATOR NEAL:

Are you anticipating the creation of this fund? Are you dropping the American Rescue Plan dollars into this emergency fund? The local governments are anticipating money from the federal government, and it is emergency funds. Are you going to place that money into these accounts?

MR. MCINTOSH:

No. That is not the City of Henderson's plan. My understanding for receiving American Rescue Plan dollars is they have to be expended by December 2024. Our goal is a separate fund for utilization as needed per allowance from the federal government.

CHAIR DONDERO LOOP:

This is another bill for the City of Henderson. I am curious if other local city entities are needing this, or is it specific to the City of Henderson?

MR. HARPER:

This concept was brought to the League by the City of Henderson. We spoke to other member municipalities that supported this broadened access to stabilization funds. This pandemic has taught us a lot of lessons, and this was one of them. The other municipalities acknowledged that they would like to have a stabilization fund as a resource to meet unanticipated expenses brought from a pandemic. This voluntary fund set up by the municipalities is like a savings account for unforeseeable things. You start to think perhaps we should list one event and another event, and then it becomes difficult being responsible with your list of events. This is why we suggest adding language defining an emergency, which gives the ability to protect and serve the residents of our local jurisdictions.

CHAIR DONDERO LOOP:

While I understand that, why would you just not change your local statute? Emergency is defined on page 3 and says "sudden unexpected occurrence that involves clear and imminent danger." The term does not include natural disasters like "fire, flood, earthquake, drought or any other act of nature." It just seems you could change your jurisdictional statute instead of bringing it to the State level.

MR. HARPER:

The members suggested this would be the most efficient and comprehensive route to take.

MR. MCINTOSH:

I agree. We are trying find the most comprehensive way to address an emergency and access the financial stabilization funds. We declared an emergency in March, and there was some thinking about accessing these accounts that were set aside. The statute would not allow us to access those funds unless this were a natural disaster, and we were not sure whether a pandemic applied under the definition which led to A.B. 63.

These dollars are set aside by the local government. They are protected by statute for specific uses which cover an unanticipated loss of revenue or mitigate the effects of a natural disaster. Here we are in a pandemic with a need to spend emergency funds to protect the community and protect the citizens for life safety. We were not sure under statute if we were allowed to transfer these dollars and felt this legislation was needed.

CHAIR DONDERO LOOP:

How much money is in the account now? How close are you to falling under the 10 percent line right now?

MR. MCINTOSH:

The City keeps approximately 8.3 percent—one month's worth of revenue as set by city policy—which is below the 10 percent amount allowed by statute. It is approximately \$24 million that the City of Henderson sets aside in our financial stabilization fund in case of an emergency or unanticipated loss of revenue. Throughout this pandemic with State and federal aid, we have not had a need to access those funds. At one time during the pandemic, we had thought of using the stabilization funds.

SENATOR GOICOECHEA:

I want to clarify, it is capped at 10 percent of expenditures from the last previous fiscal year. In my mind, it is probably easier for a board or city council to declare an emergency than it is to create a natural disaster. I do agree with these stabilization funds; some of the rural counties have them in place. These funds are a good tool, and I can support it. I agree the definition of an emergency becomes a bit looser, and it is easy to declare an emergency. There

are lot of things that can happen for an emergency and unforeseen circumstances.

SENATOR NEAL:

You have \$24 million in an account. You added in the language for an emergency of "damage to health, property or essential public services." You say you did not have to use it. You got federal aid, so why do you have to use it? You anticipated using it in December 2020. Why are you seeking to access these funds when the local governments received aid for essential public services and damage to health. What bothers me is the statute it is in. What other accounts does this allow you to tap into to put into the stabilization fund to deal with an emergency? The last time NRS 354 come into play, there was another local government in financial distress trying to trigger and walk into some other relief by tapping into other funding. Help me understand where you are not going to go?

MR. HARPER:

As things have turned out with this pandemic, our municipalities receive federal funding from the Coronavirus Aid, Relief, and Economic Security Act, and Henderson received a suballocation from Clark County and other in-kind services. There is no way to know if you are to get federal assistance and if it will meet the need you have.

The intent of A.B. 63 is not to figure out how to access money for an inappropriate purpose. The intent is to allow a municipality to voluntarily create a saving account for emergencies and access the account in case of an emergency. In the original drafting, a pandemic and a terrorist attack were not contemplated, only a natural disaster. Two things are in the original drafting: one, the unpredicted collapse of the economy forcing continuity of service by going into the stabilization fund; two, natural disasters—that are things you cannot see coming—devastating to the community. It is nice to have a safety net set aside to maintain society while you recover from the natural disaster.

The pandemic taught us a lesson we did not anticipate about all that could happen. The reference to the American Rescue Plan Act (ARP) and how this may tie into what this stabilization fund is designed to do is not a relationship between the two from our way of seeing it. There was not a way to know funds were coming to our municipalities through the ARP. It is nice this is happening, but it is certainly not something that can be planned for.

The municipalities are setting up a separate account for receiving ARP monies. The reason for this is the federal government is going to announce use, compliance and reporting standards. If you intermingle the money in other accounts, it makes it messy for the Inspector General of the U.S. Department of the Treasury to ensure the money was used consistent with congressional intent the federal government is providing with respect to the ARP and unrelated to a stabilization fund, which at a rudimentary level is a savings account meant for unplanned shocks to the economy of a municipality.

MR. MCINTOSH:

I understand NRS 354 is the local financial administration laws of Nevada that encompass governing and how local governments are required to utilize their funds to report and comply with State law. This is a narrow component of this law. It is permissive funding that the State allows a local government. The City of Henderson like any other local government funds itself with its own dollars. All we seek is to access those dollars for expenditures of a natural disaster. Back in March when this emergency was declared, the genesis of this bill provided access to these dollars. Until reading the statute, we were not sure if we had access to those funds set aside for an emergency.

We had an emergency facing us with the Covid-19 pandemic and immediate need to purchase gloves, masks and gowns under the general fund when we had \$24 million in financial stabilization funds set aside. We are looking to expand the use and contemplate events outside of natural disasters. We landed on the term "emergency" and required a declared emergency to use those dollars for those unanticipated expenditures. That is all it is. From the City's perspective, those federal dollars would be spent on mitigating the impacts of the pandemic. We do not have a need to access these funds any longer. At one time, we transferred monies from the stabilization fund to balance the budgets. This was to avoid budget cuts that would impact providing services like public safety.

MS. CROMPTON:

The City of Las Vegas supports A.B. 63 for the clarification it brings to local government finance in a time of an emergency. This bill helps us address the unknowns like we saw with the Covid-19 pandemic. It helps cities provide vital services other than federal aid that is not guaranteed.

MS. WILSEY:

The City of Reno supports A.B. 63. The City of Reno appreciates the effort to clean up this section of NRS and to provide flexibility to local governments to use this fund in the most-needed times, especially after what we have learned from the ongoing Covid-19 pandemic.

MR. GUTHREAU:

Nevada League of Counties supports A.B. 63. This enabling legislation allows for the expansion of these local government stabilization funds. It reflects a lesson learned and best practices as local governments continue to respond to the Covid-19 pandemic. This legislation provides another toolbox for local governments to address unexpected financial crises in their communities.

MR. HARPER:

Assembly Bill 63 is one of the lessons learned from the pandemic. It is meant to be more thoughtful and to give local governments access to these funds for a safety net to develop for emergencies and natural disasters. It is broader, but limited access allows us to be responsible stewards for the residents who rely on municipal services.

CHAIR DONDERO LOOP:

We will close the hearing on A.B. 63 and open the hearing on A.B. 14.

**ASSEMBLY BILL 14 (1st Reprint)**: Revises provisions relating to emergency management. (BDR 19-335)

DAVID FOGERSON (Chief, Division of Emergency Management and Office of Homeland Security, Department of Public Safety):

Assembly Bill 14 adjusts timing of meetings by public bodies led by the Division of Emergency Management and Homeland Security. We are updating language to remain consistent with our various committees. The Nevada Resilience Advisory Committee under NRS requires a monthly meeting. The Division and Committee members request this be changed to a quarterly meeting or at the call of the chair. This will enable us to have productive meetings and not a meeting to just meet. The Nevada Tribal Emergency Coordinating Council is comprised of representatives from Nevada's federally recognized tribes along with the Chief of the Division of Emergency Management to give us valued perspective of our tribal nations. This bill clarifies the language of meeting once

a quarter to the standard language used in the section. Council members are happy with the change.

Prior to Covid-19, the State Disaster Identification Coordination Committee, never met. Once the Committee did meet, there were some conflicts between local governments and State government responsibilities. The changes being proposed eliminate the items under local control of the sheriff, coroner and medical examiner in the counties. It moves the meeting frequency to annually or at call of the chair. Committee members are happy with this change. We have discussed these changes with each of these groups and have found no opposition. We have discussed all three changes at multiple public meetings as updates to our stakeholders without any opposition. Committee members appreciate the changes, and we will continue to work with an involved open process to ensure we are great stewards of our State.

CHAIR DONDERO LOOP:

On page 3, section 2, where it says "shall meet at the call of the Chief," you have crossed out "at least once every 3 months" and replaced it with "as frequently as required to perform its duties, but not less than once each quarter." That could mean meet once each three months, once per quarter, or it could mean meet every six months; is this where you are going with that?

MR. FOGERSON:

No. We are trying to contain the same consistency in the language. We want the committees to meet every quarter; however, for some of the committees, it says meet every quarter, and for other committees, it says meet every three months. We still want to maintain the quarterly basis meeting for all but remove that language to make it consistent between all of them. This way, every quarter we have meeting of those committees as opposed to someone looking at the detailed part of the language and having to wait another three months for a second meeting.

SENATOR NEAL:

Section 6 addresses the provider of health care to whom any person comes or is brought for treatment of injury. I need to understand the report the health provider is submitting. How do you use this information within this State Disaster Identification Coordination Committee?

MR. FOGERSON:

This language was put in after the October 1, 2017, Route 91 Harvest Music Festival shooting in Las Vegas. The State Disaster Identification Coordination Committee was refined after that attack to assist a coroner and local medical examiner with victim identification. These reports assist the coroner's office and law enforcement with identifying the different patients who might not come with identification to the hospital facility. This was to refine local responsibility and the State's responsibility—what is covered in HIPAA—under the federal law information-sharing between the different entities.

SENATOR NEAL:

How did you split the cost around this? If this was brought in 1 October, a lot of people were not readily identified. The county or the county coroner might have had this responsibility. The State was secondary, so how did that work?

MR. FOGERSON:

Under HIPAA, there is lot of confusion. People like to use this as an excuse for not providing and sharing information in a disaster; HIPAA provides for this information-sharing to occur. When this was written afterwards, the part in this section we are changing is from "shall" to "may." They want to ensure we still have those records from the health providers as a secondary encouragement to get information to those local providers. That was the design of this committee following a disaster. It could help assist a coroner identify the patients by gathering reports back by providing information to the local providers. Through the cooperation and coordination of those different groups, it seems to be extra work they are already meeting. We wanted to leave it just in case we ever needed it again.

SENATOR NEAL:

Why did you strikeout the State and local tribal agencies having a legitimate need for information? The strikeout in section 5 seems to include other agencies with legitimate need for information applied to NRS 629.043; with the strikeout, those individuals are not part of it. The strikeout in section 5, former subsection 3 includes language about "Reunite a person who appears to have been injured or killed or contracted an illness as result of the emergency." This provision is taken out entirely. What is the reason behind the deletions?



MR. FOGERSON:

The items removed are local government responsibilities and not State government responsibilities. When the Coordination Committee meets and starts looking at what it does that conflicts with requirements for the coroner or the medical examiner in the communities, we are pushing back to the right level of government for the right topic, rather than have the State come in and intervene for a local matter. The best investigation process is for the local coroner or local medical examiner to go through the process. We are cleaning up the lines and removing these items within the local government jurisdictional responsibility.

SENATOR NEAL:

I thought the tribal governments have a state-to-state relationship and not a state to local. Tribal governments are the ones that enter into an agreement with the State, not necessarily with the local government. Please provide an example of where local government interacts with tribal governments in these cases of emergencies or homeland security issues?

MR. FOGERSON:

When the State Disaster Identification Coordination Committee works on the identification of the deceased, this is a local government issue. Even on tribal land, the county coroner or the county medical examiner is responsible for this activity that is not delegated to the tribes. The Douglas County Sheriff's Office coroner does this for the Washoe Tribe of Nevada and California. The coroner's office in Elko would do this for the Te-Moak Tribe of Western Shoshone. The medical examiner's office in Clark County would do this for their tribes. This is not something the tribes can take care of in the State. The latest disaster was an earthquake in the middle of a lake. Can you survive an earthquake, flood or wildland fire, as those are our three primary hazards in Nevada?

CHAIR DONDERO LOOP:

We will close the hearing on A.B. 14 and open the hearing on A.B. 55.

**ASSEMBLY BILL 55 (1st Reprint)**: Makes various changes to the Charter of the City of North Las Vegas. (BDR S-368)

JARED LUKE (Director, City of North Las Vegas):

Assembly Bill 55 makes a few changes to the North Las Vegas City Charter.

RHIANN JARVIS DENMAN (Deputy City Attorney, City of North Las Vegas):

I am here to present A.B. 55 which makes changes to the North Las Vegas City Charter. As a background, the City of North Las Vegas brought a similar bill in 2019, S.B. No. 464 of the 80th Session. In the Assembly Government Affairs Committee, the City received a lot of comments and feedback. We took that feedback and made some changes with A.B. 55 to address those concerns. Assembly Bill 55 has been amended from Assembly Government Affairs Committee and is in a good place now. The purpose of this bill is to clarify language for the City Charter and City procedures to allow for smoother operations.

Section 1 adds a new section to the City Charter that creates the Charter Committee of the City. Section 1.100 of the Charter explains who will be on the Charter Committee and who appoints Committee members. The North Las Vegas City Council, Mayor, Senate and Assembly delegations appoint members to a 13-member Committee that would discuss different portions of the City of North Las Vegas City Charter and whether changes need to be made. It can make recommendations to the City Council in the year prior to the Legislative Session. The City Council can adopt those changes and bring them forward in a bill draft request or discuss the recommended changes.

Section 1.5 amends section 2.020 of the Charter, updating language from the word "let" to "entered into" to make a clearer description. Section 2 amends section 2.035 of the City Charter, changing the word "papers" to "documents and data" to encompass electronic data and other forms of communication.

Section 3 amends section 2.050 of the Charter regarding special meetings of the City Council. This is an important procedural change especially with the current state of emergency. When the pandemic first began, the City had to declare an emergency shortly after the State. Several matters needed to be heard by Council on an emergency basis. The Charter was not completely clear on the procedure for calling special meetings and emergency meetings. The City Attorney's Office had to do a lot of research to figure out how it could do that quickly. The language is a combination of research to ensure meetings are still held in accordance with the Open Meeting Law in NRS 241. Special meeting language was added after reviewing other city charters to mirror our charter to other city charters. Specifically, the City of Henderson is the one we looked at for this change. This will help clarify the procedure for calling special meetings

and emergency meetings for Council so business can continue to operate smoothly even in emergency situations.

Section 4 is clarifying language for section 2.100 of the Charter to clear up how City Council introduces, amends, approves and postpones ordinances. The procedure for enacting ordinances is the ordinance comes to City Council for introduction in one meeting; at the next meeting, City Council has the opportunity to amend the ordinance, vote or postpone the ordinance. The new language explains if City Council has postponed the ordinance, at the next meeting, City Council can then vote on the ordinance rather than having to reintroduce the ordinance. It would be the third meeting in which the ordinance is being heard. This is just clarifying language to ensure the procedure is carried out and allows for business to continue efficiently.

Section 5 makes two small changes to section 2.120 of the Charter by changing the word "corporation" to "City" so it is consistent all the way through the Charter and that the City refers to the City. The second change corrects a grammatical error.

Section 6 for section 2.200 of the Charter references the Nevada Constitution and the U.S. Constitution to the City Council's powers. The Charter allows for certain types of regulations by City Council. The City Attorney's Office decided it needs to state it is in conformance with the Nevada Constitution and the U.S. Constitution and recommended adding this language because that type of power would be regulated by the Constitution. The Assembly Government Affairs Committee recommended additional provisions in that section be taken out. We did agree to take them out as those are already regulated under the Constitution and caselaw.

Section 7 amends language to section 2.220 of the Charter from "at the curbs of" to "on the streets of the City" and capitalizes "City" to maintain consistency throughout the Charter.

Section 8 adds clarifying language to section 2.250 of the Charter, deleting "and poultry" because poultry would be incorporated in animals and changing "pound" to "animal shelter" to more accurately describe this type of facility.

Section 9 amends section 3.020 of the Charter regarding the City Manager powers and duties. We added the words "efficient and proper" to administration

of all City affairs so City Council can make the decision whether the City is being administered in an efficient and proper manner, as City Council has the authority to appoint the City Manager.

Section 10 makes changes to section 3.040 of the City Charter regarding the duties of the City Clerk. The revision of this section consolidates duplicate duties and removes antiquated language from this provision to more accurately describe the Clerk's recordkeeping practices. This will ensure practices are updated and consistent with what the City Clerk's Office does and how the records are kept.

Section 11 amends section 3.050 of the North Las Vegas City Charter, regarding the City Attorney provisions. New language ensures that termination of the City Attorney is governed in accordance with the employment agreement between the City Attorney and the North Las Vegas City Council. The City Attorney is an appointed position, and the City Attorney and the City Council enter into an employment agreement that covers termination.

Section 12 amends section 3.090 of the City Charter to take out the word "officer" and clarify that it is "employee of the City or other person." This will include the City Manager or City Attorney as the additional parties who may collect monies on behalf of the City or help with the collection of debts. The City Attorney would have to file legal actions to collect debts on behalf of the City. The City Manager can make those decisions as well. This clarifies those two positions are included in the general duties and is consistent with the Henderson City Charter language

Sections 13 and 14 were deleted through the amendment. Sections 15 through 21 primarily update the word "situate" to "situated" and make other grammatical changes to ensure the language is clear.

SENATOR NEAL:

In section 10, with the strikeout of "the custodian of all official City records," who will be the custodian? You have the strikeout of "Be the custodian of all official City records," but I do not see it added anywhere else. For the certification of election returns, "serve as custodian of official election records" is deleted. Who was certifying the election returns if you strike out that piece?

MS. JARVIS DENMAN:

The City Clerk is the custodian of records for the City. I did notice the custodian language is not included elsewhere. Under section 10, section 3.040, subsection 1, paragraph (b) of the Charter says the City Clerk shall keep all official papers and records of the City and official election records. The City Clerk should be the person maintaining all City records and be the official custodian of records, as well as certifying the election records for the City.

SENATOR NEAL:

Section 12 is on taxes, fines, forfeitures or other moneys collected or recovered. It says "employee of the City," but it used to say "officer," right? Typically, officers are sworn in, and there are some fiduciary duties for an officer. You have an "employee of the City or other person." In section 12, section 3.090 of the Charter, subsection 2 has "City Manager or City Attorney." Subsection 1 for the officer, typically an officer or City officer, has some legal duty or a way to deal with malfeasance. This looks like you will be able to delegate when it says "other person pursuant to the provisions of this Charter." Who would be the other person you anticipate to delegate for collection of taxes, fines and forfeitures? Forfeitures is another category of things that could be collected.

MS. JARVIS DENMAN:

The term "officer" was a general term not specifically defined in this section. The taxes, fines, forfeitures and other moneys collected by the City are those collected by employees of the City, such as fines through utilities. Regarding forfeitures, the City Attorney's Office works on forfeiture actions. Other fines are also collected by employees of the City as part of their general duties. The intention was to make it clear it is not just an officer but employees of the City who are doing these duties. Employees do have the duty to uphold ethics to make sure things are being done correctly and accurately for the City.

SENATOR NEAL:

Were section 6 strikeouts on the Assembly side trying to avoid public places? It says "public demonstrations and processions." The protests over the summer happened to be on City property, and the police had to be there. Is that what you are intending to clarify because of those incidents where you expect the protest to show up at the City building?

MS. JARVIS DENMAN:

I do not believe the change made it to the draft of S.B. No. 464 of the 80th Session. It was an issue we noticed because regulation of these types of activities is governed under the First Amendment. It has to be done pursuant to the Nevada Constitution and the U.S. Constitution. The concern occurred prior to last summer, but with incidents such as this, we want to ensure any type of regulatory activity is in accordance with the Nevada Constitution and the U.S. Constitution. We did find it important to keep this language in A.B. 55 to address those situations in the future and to ensure it is clear in the bill. Although the regulatory actions are included in the Charter, they are constrained by the Nevada Constitution and the U.S. Constitution.

SENATOR NEAL:

In section 15, section 7A.010 of the City Charter for the legislative declaration details how it is set up on behalf of the City to be administered and maintained for the City. If someone was challenging the Charter for malfeasance or nonfeasance, how would that be dealt with or responded to by the City Attorney? How does a Charter challenge work?

MS. JARVIS DENMAN:

For something under the North Las Vegas City Charter, I do not know if I had that occur yet. I will look into this and get a response back to you.

SENATOR OHRENSCHALL:

Section 7 at the bottom of page 7 for section 2.220 of the Charter has a change in paid parking and parking meters. Will that allow the City to expand parking meters or paid parking as opposed to free parking? I could be misreading, but it looks like an expansion.

MS. JARVIS DENMAN:

The purpose is to update the language because of the way "off-street" sounded, it did not make sense upon reviewing the provision. We changed subsection 1 to "on the streets of the City" with the intention to broaden the City Council's ability to install parking meters in the City. It was to clarify the duties and make it sound more up to date rather than the language currently in place.

CHAIR DONDERO LOOP:

I noticed on page 8 under section 8 in section 2.250 of the Charter, you crossed out "and poultry" in subsection 2. Is this because it is a duplicate?

MS. JARVIS DENMAN:

That is correct. "Animals" encompassed poultry, which is more antiquated language. We are cleaning up the Charter to make it sound more modern. Poultry was taken out for that purpose.

CHAIR DONDERO LOOP:

Section 9, section 3.020 of the Charter is about the City Manager. Who defines "efficient and proper" in subsection 1?

MS. JARVIS DENMAN:

That would be up to the City Council to determine; it is vague and not specifically defined. This language was important to include because if Council finds something not going the way it should be going, this gives them the flexibility to make decisions to check the City Manager. The Council ultimately decides what would be efficient and proper.

CHAIR DONDERO LOOP:

I find this subjective, and it could go positive or negative. What I think is efficient and proper may not be the same thing someone else thinks is efficient and proper. For the City Manager, it seems it would be more defined.

MS. JARVIS DENMAN:

We can work on this language with you and see if something will work better. I understand your concern that this language for the City Manager would come off as subjective and possibly not be in accordance with what Council wants necessarily. We can look at changes and discuss it with you further.

CHAIR DONDERO LOOP:

We will close the hearing on A.B. 55 and open public comment.

HARRY BEALL (Nevada State Education Association):

I am a retired English, journalism and broadcasting teacher who worked for 20 years in the Clark County School District. I am here as part of the Nevada State Education Association Red for Revenue push and rally. In its only public hearing two years ago, I spoke out against S.B. No. 543 of the 80th Session that changed how Nevada's schools are funded but did so with input from actual educators with the exception of those Legislators who were educators or former educators. Some bills this Session have addressed some of the shortcomings of S.B. No. 543 of the 80th Session, but a big one is still out

there: the way S.B. No. 543 of the 80th Session undoes the rules of collective bargaining.

Teacher burnout is real. When I was teaching, many of my fellow teachers quit over problems caused by the Nevada State Legislators' refusal to secure more and better funding for Nevada schools. Teacher workload increased and class sizes ballooned to being the Nation's largest, yet teacher salaries remained stagnant and low. Many educators left the State or the profession, and low teacher salaries made it difficult to hire new teachers and meant class sizes kept increasing.

A typical workday for me was teaching during school hours with an additional six to eight hours grading student work every day. The only way to grade student writing is by reading and correcting it, and this takes more time than grading worksheets. It is still not too late to make changes. Do you believe Nevada voters would want to work harder and put in longer hours to not be compensated? Teachers vote; right now they are voting with their feet and walking away from education. They vote against Legislators who they feel do not help them. Educators want to stay in their profession and be allowed to get more salary by changing S.B. No. 543 of the 80th Session to allow for collective bargaining.

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CHAIR DONDERO LOOP:

Seeing no further business, I adjourn this meeting at 5:21 p.m.

RESPECTFULLY SUBMITTED:

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Janae Johnson,  
Committee Secretary

APPROVED BY:

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Senator Marilyn Dondero Loop, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda