MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Eighty-third Session
May 2, 2025

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:33 p.m. on Friday, May 2, 2025, in Room 2149 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 6 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, 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 Edgar Flores, Chair
Senator James Ohrenschall, Vice Chair
Senator Dina Neal
Senator Skip Daly
Senator Lisa Krasner
Senator Lori Rogich

COMMITTEE MEMBERS ABSENT:

Senator John Ellison (Excused)

GUEST LEGISLATORS PRESENT:

Assemblymember Reuben D'Silva, Assembly District No. 28
Assemblymember Tanya P. Flanagan, Assembly District No. 7
Assemblymember Ken Gray, Assembly District No. 39
Assemblymember Selena Torres-Fossett, Assembly District No. 3

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Heidi Chlarson, Committee Counsel
Spencer Jones, Committee Secretary

OTHERS PRESENT:

Tray Abney, Nevada Broadcasters Association
Jennifer Berthiaume, Nevada Association of Counties
David Cherry, City of Henderson; Urban Consortium
Kelly McNeil, Executive Director, Nevada League of Cities and Municipalities
Joshua Martinez, Las Vegas Metropolitan Police Department
Annalise Porter, Southern Nevada Water Authority
Ryan Beaman, Professional Firefighters of Nevada
Randy Robison, City of Las Vegas
Paul Moradkhan, Vegas Chamber
Paul Enos, CEO, Nevada Trucking Association
Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association
Alexis Motarex, Nevada Chapter Associated General Contractors
Wesley Harper, City of North Las Vegas
Joeseph Hill, Retail Association of Nevada
Dan Waters, Adjutant General, Nevada National Guard
Andrew LePeilbet, State Chairman, United Veterans Legislative Council
Kyle Cerfoglio, Director, Joint Staff, Nevada National Guard

CHAIR FLORES:
I will open up the hearing on Assembly Bill (A.B.) 128.

ASSEMBLY BILL 128 (1st Reprint): Creates the Public Records Task Force. (BDR S-400)

ASSEMBLYMEMBER SELENA TORRES-FOSSETT (Assembly District No. 3):
Today I am presenting A.B. 128 which creates the Public Records Task Force. The bill before you today stems from a recommendation from the Joint Interim Standing Committee on Government Affairs. Transparency is a critical component of government. The public should be aware of governmental decision-making, and a crucial component of that is access to public records. To this end, *Nevada Revised Statues* (NRS) 239, which is the public records chapter, begins with the legislative findings and declaration that states, in part, "The purpose of this chapter is to foster democratic principles by providing members of the public with prompt access to inspect, copy or receive a copy of public books and records to the extent permitted by law." In reality however,

public records practices sometimes fall short of this ideal. Additionally, a lot has changed since this original law was put into place.

During the February 2024 meeting of the Joint Interim Standing Committee on Government Affairs, we heard from the Nevada Open Government Coalition on issues relating to public records access in Nevada. This presentation followed examples of the barriers that individuals may experience by attempting to access public records, including long waiting periods, access denial, legal hurdles and more. We have watched several of these issues play out over the years as well. For example, in the wake of the 2023 Clark County School District (CCSD) altercation between a district police officer and a high school student, the ACLU of Nevada engaged in lengthy correspondence with CCSD, documented in a 2024 KTVN article, that included allegations of record denials and court appearances before body-worn camera footage of the incident, and nearly 2,000 pages of records were eventually released. Issues like this help to demonstrate the concerns of public records requests.

It is therefore necessary that our State evaluate these concerns and make recommendations targeting various aspects of the public records process, which is what A.B. 128 aims to facilitate. While this bill originally began as an implementation for the public records ombudsman position, continued work in stakeholder meetings with transparency advocates and local governments over the last several months has crafted the bill before you today, which instead creates a public records task force. I never thought this piece of legislation was going to be quite as controversial as it was. I think there is a lot of discussion to be had regarding many individuals' concerns regarding public records on both sides of the aisle. While we initiated this conversation at the Legislature, there needs to be a lengthier policy conversation around this committee to continue to explore the intentions for reform suggested with the ombudsman's role but also tackle larger public records issues.

Assembly Bill 128 creates a public records task force to evaluate and make recommendations on issues related to public records requests, including access, cost exemptions, protection of sensitive information and dispute resolution. This bill also prescribes the membership and duties of the task force including the requirement to submit a report on its work and recommendations to the Joint Interim Standing Committee on Government Affairs and the 2027 Legislature. The task force members must be appointed no later than October 31, 2025. Finally, this act expires by limitation on June 30, 2027. Additionally, you will

note that this task force is very even [with] five transparency advocates and five government representatives. That was intentional because they need to reach some type of agreement.

After many efforts, that was not something we were able to do quite yet. This bill is a demonstration of everybody recognizing that we do need to come to the table and have a conversation, but we were not quite there yet, and we need to continue this conversation. This bill does just that.

SENATOR NEAL:
So the task force is just to rereview public records policy? Is it of interest—because currently, I believe it is NRS 289.387—to also throw in the citizen's review board to see if maybe their policy is in alignment with public disclosure or what folks are interested in?

ASSEMBLYMEMBER TORRES-FOSSETT:
I am sorry, I am not sure that I understand. Is the goal then to have a citizen's review member of that committee on [the task force] or just to make sure that we are reviewing their policies?

SENATOR NEAL:
Reviewing their policy. They are currently in that statute, their findings are of the public records unless otherwise declared confidential, but it has popped up in community conversations over the summer around public records requests.

ASSEMBLYMEMBER TORRES-FOSSETT:
I am completely open to having a conversation with you on how we can make that language stronger and add it into this piece of legislation.

SENATOR DALY:
I do remember when we had some of the discussion in the interim. I think somebody has got to study this and do this because we have a bunch of different layers, thought processes and request procedures—people interpreting whether or not they can charge for redaction time and lawyer time. Then my colleague was just saying that if it is not declared to be confidential, then it is a public record, but then you have the issue of custody and control. I know the Supreme Court and courts have come in and said you have to do this balancing test on public interest versus the private issues. It is not as clear cut as that.

Hopefully this task force is up to it and, because it is not going to be easy, can come back with some meaningful recommendations.

ASSEMBLYMEMBER TORRES-FOSSETT:
I would completely agree. Before we can even create the public records ombudsman, a lot of questions were asked as we were having conversations with the previous form of this bill and what that would look like. But those questions could not be answered because this task force needs to be created to answer those questions so that we can eventually have more oversight and a better process for reviewing those public records requests. Ultimately, this bill does not do that anymore. But what it does do is help us clear up, have conversations about and strengthen some of those definitions—and look at where maybe things are different for certain local governments, pricing being one of them [because] the cost of accessing those public records might be different in each jurisdiction. Having a conversation about what that looks like and getting valid data points is really helpful.

TRAY ABNEY (Nevada Broadcasters Association):
We support this bill, and I want to thank the sponsor for her willingness to wade into this issue. We do think it needs in-depth discussion, more discussion that can be had in 120 days in two-minute increments. We urge you to support this bill.

JENNIFER BERTHIAUME (Nevada Association of Counties):
The Nevada Association of Counties supports the goals of ensuring accountability and transparency while complying with federal privacy standards and protecting sensitive public facing, security and safety protocols as well as complex employment and human resource matters. We also appreciate being considered in the pool of potential government representatives and stand ready to participate in the task force if chosen.

DAVID CHERRY (City of Henderson; Urban Consortium):
While the bill uses the terms government representatives and transparency advocates, as local governments we are also strongly committed to fostering open and transparent government, and we recognize its benefits. At the same time, we as local governments are required by law to maintain the confidentiality of certain sensitive information, with more being added regularly. There is always a need to balance these two important responsibilities.

It is our hope that the task force will use the blueprint included in the bill to strike that balance when it meets and that it will look at both the requirements to safeguard confidential information and the requirements to fulfill requests for public records in the interest of transparency with equal attentiveness. In our judgment, this is imperative, and we compliment Chair Torres-Fossett for constructing this legislation with an eye toward fostering a robust discussion about public records. It will really be up to those appointed to the task force to respect the points of view of both the government entities and those who are deemed transparency advocates to engage in a dialogue that covers the broad range of topics outlined in A.B. 128 and seek to find common ground that can lead to a balanced and thoughtful set of policy recommendations.

KELLY MCNEIL (Executive Director, Nevada League of Cities and Municipalities):
I would like to echo the comments of the Urban Consortium.

JOSHUA MARTINEZ (Las Vegas Metropolitan Police Department):
We are neutral on A.B. 128. We [would] just like to echo the concerns and issues that were said by Mr. Cherry. As a police agency, we are always trying to balance that confidential information and the public interest.

ANNALISE PORTER (Southern Nevada Water Authority):
I am here in neutral and will just echo the sentiments made by my colleagues before.

CHAIR FLORES:
I close out the hearing on A.B. 128. Next, we will open up the hearing on A.B. 433.

ASSEMBLY BILL 433 (1st Reprint): Revises provisions relating to peace officers. (BDR S-399)

ASSEMBLYMEMBER SELENA TORRES-FOSSETT (Assembly District No. 3):
I am presenting A.B. 433 which revises provisions relating to peace officers on behalf of the Joint Interim Standing Committee on Government Affairs. The bill before for you today is a recommendation from the joint interim committee. Due to the demanding nature of their work, peace officers face different and often greater health and wellness risks than the general public. Multiple studies have examined this issue. One such study reports police officers are at risk of multiple mental health conditions, including PTSD, depression, anxiety and

suicidal ideation or self-harm. Furthermore, studies report that first responders are seen as a high-risk group for developing mental health disorders and that the challenging and stressful nature of their duties has negative outcomes on mental health. Due to these concerns, it is necessary to consider different mental health techniques and plans to address them, including programs like screening, long-term monitoring, mindfulness practices, stress management tactics or counseling services.

These health risks also extend to physical health. A workplace health and safety report highlights the stresses that they undertake including demanding work schedules that leave little time for recovery, physical training, chronic pain as a result of work duties and various operational risks. These realities are reflected to the State as well. During the interim, we heard from multiple law enforcement agencies [and] peace officers that health and wellness are key issues under their consideration, including with their work to combat mental health stigma and to implement programs needed to support officers. To best accomplish this, the interim committee voted unanimously to create a task force to address these concerns.

Additionally, during the interim, after this was approved by the interim committee, the firefighters reached out to me, and they asked to be added, so our blue-ribbon task force has turned into a purple ribbon task force. Assembly Bill 433 creates a purple ribbon task force on firefighter and peace officer wellness to review existing state policies concerning personal wellness initiatives that account for the mental and physical health of firefighters, peace officers and other law enforcement personnel. This bill also prescribes the membership and duties of the task force members [who] must be appointed no later than October 1, 2025. Finally, the task force must submit a written report describing its work and recommendations for transmission to the Senate and Assembly Committees on Government Affairs for the Eighty-fourth Legislative Session.

I would like to note that there is going to be a small amendment. I do not have it in writing, but in my conversations with the firefighter unions for A.B. 433, section 1, subsection 2, paragraph (e) where it says, "A representative of firefighters from a local government employer," we would just like to clarify that. The intent is for it to be from a labor organization. We will be submitting that to the committee prior to the work session.

MR. MARTINEZ:
As you know, one of the biggest things that Sheriff [Kevin] McMahill came into office to deal with was the mental wellness and being—the heart, mind, body and soul of police officers at our organization. In that time, he has been able to stand up the Wellness Bureau, a standalone complex that employs seven clinicians and six peer support folks. Those are officers, civilian staff members and corrections officers that go out and support our brothers and sisters out there on the front lines when they deal with traumatic events that are taking place in the middle of the night, early mornings or daytime hours. Then if they need further assistance, the seven clinicians are there to assist. It is run by Dr. James Tenney. We have individual offices; it is set up just like any other clinician place that you would go to. We have relaxation areas and chairs as well as other devices that they have been experimenting with in the clinician world to help with PTSD. Not only does it deal with the wellness of PTSD, but the clinicians were also selected based on their expertise.

One of the areas that stress impacts is marriages and relationships with our children as well as other family members. We have clinicians that specialize in family and marriage therapy. We also have other clinicians that specialize with working with children and helping them through those things that their parents may see in the line of work. Since the sheriff came into office, this was his priority. He stood it up. Last year, we did not have one suicide on our police organization, and we could attribute the hard work from the Wellness Bureau and our sheriff for that.

SENATOR NEAL:
On page 2 [of the bill] under "the task force shall"—and it is lines 21 through 24—let us just take the firefighters out. Let's just deal with peace officers. How many existing policies have actually been created? Immediately when I saw this bill, I went back to Assemblymember Daniele Monroe-Moreno's bill in 2021 during COVID-19, A.B. No. 336 of the 81st Session. How many policies have been created that we are reviewing, and what are the issues that have come up since 2021? I just remember when that bill moved in 2021, it was a big issue around wellness and how that should be dealt with just in terms of the language in that bill.

MR. MARTINEZ:
I cannot give you the exact number on what policies have been created for the Las Vegas Metropolitan Police Department (LVMPD). But we have created

policies in regard to the Wellness Bureau, and we have also made policies to comply with whatever legislation has been passed. We deal with the training [and] the POST certifications for people that have wellness issues, the unhoused or people experiencing a crisis situation. We also have implemented policies at our own organization. If we have a person in crisis, our employees report that to their immediate supervisor. Then the immediate supervisor would contact the health and safety department, and we do have policies in place to deal with critical leave in regard to when people are feeling those suicidal ideations or dealing with stresses in their life.

ASSEMBLYMEMBER TORRES-FOSSETT:
I also want to note though that those policies are different. Each local jurisdiction has different standards of what that looks like for mental health and wellness. Part of what this piece of legislation is trying to get to is the fact that what mental health and wellness looks like for an officer should be consistent or at least closer than what it is right now within jurisdictions. That was a concern.

SENATOR NEAL:
That is what I wanted to understand. Under POST [Peace Officers' Standards and Training Commission], if curriculum needed to be created, which is continuing education, then there is curriculum that does not just apply to LVMPD, it applies to other agencies. What is the nuance where the recommendation of personal wellness initiatives is different from the curriculum of continuing education?

MR. MARTINEZ:
When you are talking about the curriculum, with POST that is certification for all officers across Nevada to get educated on dealing with folks in crisis. But then you have the other component, the officer wellness component, which is going to be taking care of us. The Obama Administration created the 21st Century Policing Model. One of the pillars in the 21st Century Policing Model was officer wellness. But no best practices have been totally outlined throughout the country. We do not know what best practices are in regard to what that wellness component looks like in the twenty-first century.

We are getting a hold on it in policing because when I have been to a lot of seminars lately to include the Nevada Sheriffs' and Chiefs' Association, a lot of agencies are now adopting the model we have at LVMPD, and that is becoming

the best practice in policing: creating an independent wellness bureau that would have clinicians or access to outside clinicians for the police and the workforce, not only police officers but your civilian staff and corrections officers that are commissioned. With this panel, we would sit down and work with our firefighter folks as well to come up with best practices for first responders because of the things that we see and would bring to the table. Firefighters bring what they have to the table, and we work with the firefighters now in Southern Nevada in regard to wellness.

Prior to the session, Clark County received a grant to bring in things like SAFLEO [Suicide Awareness for Law Enforcement Officers] that are education and training components on what to look for in your workforce, what programs to create to help your officers and employees within the first responder world. We are now starting to see policies more clearly defined throughout the country. We are also starting to see what best practices look like in regard to mental health and wellness for officers. It is just not lifting weights and working out. It is also going to be dealing with the mind and giving coping mechanisms and things like that for stress reduction. I have been to a few of the seminars, and a lot of the things are starting to be more consistent.

SENATOR NEAL:
Assemblymember Torres-Fossett, before you ended up with the task force bill, what did you really want to do?

ASSEMBLYMEMBER TORRES-FOSSETT:
In my conversations with different law enforcement officers and organizations, I think we agreed that we need to have consistent mental health and wellness standards. That is not something we have right now. Additionally, that there is a need for us as a state to evaluate what that looks like, what best practices should be and make those recommendations. I have noticed in this body that sometimes we pass law, and people do not follow it. But then also if we create some of these task forces and recommendations, it gives us better standing to bring a policy that is more comprehensive in the future. What I hope to get out of this in the long game is that we come back and use these recommendations to create a policy that helps create that consistency and helps support officers' and firefighters' mental health and wellness.

SENATOR NEAL:
Thank you for that because that is what I was super confused about. Assembly Bill No. 336 of the 81st Session had standards, and it was like create the standard in 2021, and then there's no standard, right? Because standard in the hearing in 2021 is best practices because it did not exist.

MR. MARTINEZ:
Correct, creating best practices and finding ways. That particular piece of legislation may look different at every organization. For my organization, when I go for my annual physical, they provide me a packet to comply with the law which talks about my access to the Wellness Bureau, my access to our behavioral health part of our insurance and talking about wellness. Then when we go in for a physical, the doctors are looking for signs of maybe something going on. That is how we comply in LVMPD regarding that law. We are talking about it on an everyday basis with our wellness. What it looks like at LVMPD may not look like our fellow law enforcement agencies throughout the State.

RYAN BEAMAN (Professional Firefighters of Nevada):
I am a firefighter [who has been] serving our community for the last 29 years with a strong commitment to public safety. I support this important legislation that proposes to create a purple ribbon task force concerning our wellness as first responders. I am here today to talk about a group of people who serve our community with courage, strength and selflessness: our firefighters and police officers. But behind the uniform, behind the badge, are human beings. People who care carry the weight of every tragedy that they respond to. People who wake up every day not knowing what danger they will face and who often carry emotional scars long after the sirens stop.

When mental health goes unaddressed, the costs are profound for the first responders, their families and the public they serve. As firefighters, we see burnout, strained relationships, and ultimately, we lose good people. Not because of what they saw on the job but because they felt they had to face this alone. The barriers are real, but they are not immovable. Many first responders do not seek help because of stigma [they will] seem like they are weak or they are often not trusted or confidential resources. We must change this, and that is what this task force does. When I approached the Assemblymember about this, we were not part of the interim as the firefighters' organizations at all. Then I saw this as an opportunity.

To answer Senator Neal's question, our goal was to standardize it across the State. We do not have any standardization of it. Fire departments are doing it differently. Really, the fire departments are not doing it; it is actually put upon the unions for the fire departments, [and] they are the ones who have teams at looking at this. A lot of the cost is all borne by us as the unions; we do use our health insurance trusts to help with this, our behavioral health. Unfortunately, we do not have a wellness center like LVMPD, but we would like to get to where we can have some type of standardization. That is why we approached it to look at this across the State as all of us as first responders and [see] where we can make this better. I urge your support in this legislation.

RANDY ROBISON (City of Las Vegas):
Happy to echo most of the sentiments of Mr. Beaman before me on behalf of firefighters and peace officers. Certainly, our fire department, their personnel and our peace officers are in support of this legislation.

MR. CHERRY:
The City of Henderson supports A.B. 433, and we recognize the physical and mental health impacts that our public safety employees encounter in their professions, whether they be the women and men of the Henderson Police Department or the firefighters, paramedics and EMTs of our Henderson Fire Department. We are hopeful that the purple ribbon task force can offer recommendations that can improve the health and wellness of public safety employees, leading to higher job satisfaction and performance and a better sense of well-being among those whose job it is to keep all of us safe, as well as more effective state policies in this same vital realm.

CHAIR FLORES:
We will go ahead and close out the hearing on A.B. 433. Next, we will open up the hearing on A.B. 125.

ASSEMBLY BILL 125: Revises provisions relating to public bodies. (BDR 18-909)

ASSEMBLYMEMBER TANYA FLANAGAN (Assembly District No. 7):
I will be presenting A.B. 125 which revises provisions relating to public bodies. As you can see, the change this bill is making is quite simple. No one body oversees all the operations, governance and decisions made within the State. We as a Legislature are one component of this work. At the state level alone, a

multitude of boards and bodies hold meetings and make decisions that impact Nevadans. On top of this, local governments and educational entities such as our cities, counties, school districts and the Nevada System of Higher Education only add to this assemblage. Trying to keep track of the meetings and the work of all these entities is a daunting task and may discourage and prohibit Nevadans from keeping track of meetings and discussions. Assembly Bill No. 445 of the 72nd Session [*sic*] offered a step toward addressing this issue by requiring the Department of Administration to establish and maintain a location on the official state website to post notices by public bodies that are required by the Open Meeting Law.

This bill incorporates an additional component to this requirement to further increase governmental transparency and access. This bill serves to provide concerned and engaged Nevadans with access to information in a manner that will allow individuals to be better informed, and in turn, hopefully more engaged in the public governing process. I know from experience that working with the current site can cause some frustration because it requires users to know which bodies are meeting in the upcoming 48 to 72 hours to access that information. This is because presently, the website only displays the current day's calendar of scheduled meetings, abiding under the Open Meeting Law. This bill would complement A.B. No. 445 of the 72nd Session [*sic*] by requiring the state website to display three calendar days of meetings in accordance with the Open Meeting Law. By making this modification to the functionality of the website, we will better support constituents, organizations and businesses, allowing them to preview upcoming meetings and, if desired, more conveniently participate in our open government process. Specifically, A.B. 125 requires the website location maintained by the department include a place to post a schedule of public body meetings that provides the public notice of a meeting at least three working days before the meeting rather than a single calendar day. I conclude by urging your support for A.B. 125. The bill adds another layer to the transparency and centrality that will allow Nevadans to more easily monitor, track and access the multitude of public body meetings that occur in this State.

SENATOR NEAL:
When I saw this, I immediately thought about the bill I had when I was on the Assembly encouraging public engagement, and it actually included not just state agencies but local too and about how they posted information. It is interesting how this issue just keeps popping back up. But I wanted to know more about the schedules of meetings of public bodies because I believe under

NRS 241.020, that seemed to be local government, not necessarily state. What are we expecting here? For some local governments, the time of the meeting is ineffective, and people are at work, so they are never going to attend those meetings. In my own city, they changed the time where it was 6:00 p.m. [and] now it is 4:00 p.m., and who goes to a 4:00 p.m. meeting?

ASSEMBLYMEMBER FLANAGAN:
While this bill will not address what time various municipalities, agencies and cities hold a meeting, I do not know how frequently or when you last visited the state website to look at how it is constructed. Having worked on this site many times, my former responsibility was to ensure that all boards for one of our municipalities, commissions, councils and what have you that held meetings under the guise of Open Meeting Law were listed. When you would go there, if you knew what you were looking for, you might find it, but it only showed that day. For some people who do have a working relationship and are engaged, they cannot plan ahead. If you do not know the group is meeting, you are at even less of an advantage, whether trying to watch it by Zoom or wanting to track the meeting later to see what happened in the agenda, to see what goes on the record, you do not really know that this has happened.

This bill would at least allow you to forecast and maybe correlate the relationship between various boards and agencies that are meeting to plan ahead and to see what is happening. The way it is currently set up, you only get what is happening that day. If you do not know that a group meets the next day, you do not even know to go look for that meeting. The site is just not as efficient as it could be in providing the service to the level that probably was initially intended; it just was not quite finished. If we have to show you meetings three days in advance, why do not we show you the calendar schedule of what is coming three days in advance? We just show you what is happening on Monday. You have no idea what is coming on Tuesday or Wednesday. So the bill just creates more efficiency, and it does not cost anything to correct it. It is a matter of coding the site.

SENATOR NEAL:
I agree with you. I was just thinking that I will share with you the public engagement bill. But I also think that in order to make this effective—typically state agencies or maybe even local agencies say, "Oh, we do not have staff," but technically they have a PIO [public information officer], and so what I find interesting is that we might need to do a de minimis fine to make it happen.

ASSEMBLYMEMBER FLANAGAN:
It is not that they are not posting. It is that the website is not showing. While you may post your agenda as you are supposed to, it is there, but [people] cannot see it. You can only see what is happening that day. It is not that you were not posting in three days in advance; nobody can see it three days in advance. The site does not quite support the requirement that we have in place. This bill is just to require the Department of Administration to support the requirement actually in place, so it complements the Open Meeting Law and the site functions better. It is not that the board of, I do not know, air quality, did not post that they were having a meeting or the city council in North Las Vegas did not post their meeting or that the county commissioner's meeting is not posted. But if you do not know which day each one meets, you can only see what is happening that day. This bill just makes the site complement the process the way it should because right now you can only see the one day as opposed to the three days of open meetings. It is as if it is not posting three days, like the site is not showing the three-days-in-advance requirement.

SENATOR NEAL:
No, I get it. In the public engagement bill that I had, they were supposed to do everything they could to allow the public to understand, engage and encourage—it was open-ended. When you prescribe things in law, typically people buck [them] because they do not want to be told what to do. But I wish you luck in your movement and monitoring this policy over the biennium.

PAUL MORADKHAN (Vegas Chamber):
Assembly Bill 125, we believe, achieves the intended goal of the original bill referenced that created the state website with the goal of providing greater transparency to Nevadans of what is happening in state and local governments. This bill will also increase accessibility for Nevadans as a centralized database that is easy to use and navigate with no additional costs or burdens to the State or local agencies. The bill is designed to mirror the three-day standard that exists in Nevada's Opening Meeting Law by allowing the users to [view] the next three days instead of the one day as referenced by the bill sponsor. Nevada's public website is a useful resource that helps increase government accountability to the benefit [of all] Nevadans.

PAUL ENOS (CEO, Nevada Trucking Association):
We're here today to support Assembly Bill 125. I want to echo the comments from Mr. Moradkhan. We do think this is a good bill for transparency and for

companies doing business in multiple jurisdictions with multiple impacts. We do think that transparency and being able to have one place to go and find that is going to be better for everybody.

ANDREW MACKAY (Executive Director, Nevada Franchised Auto Dealers Association):
I think my two colleagues covered everything with aplomb. Obviously, [we] spoke in favor of the bill last session and Senator Neal's bill from 2015. We support the bill.

ALEXIS MOTAREX (Nevada Chapter Associated General Contractors):
I can't add any more than what has already been said. We support the bill.

WESLEY HARPER (City of North Las Vegas):
We are in support.

MR. CHERRY:
The City of Henderson values transparency. We abide by open meeting law. We post our agendas and all of the other required materials. If the state website can make those more readily available for the public, then I think it is in the best interest of everyone involved. We are in strong support.

MR. ROBISON:
The City of Las Vegas is in support.

JOESEPH HILL (Retail Association of Nevada):
We support A.B. 125 as it enhances government transparency, allowing operations to better track policies, meetings and other key developments, ultimately improving operations statewide.

CHAIR FLORES:
With that we will go ahead and close out the hearing on A.B. 125. Next, I would like to open up the hearing on A.B. 281.

ASSEMBLY BILL 281 (1st Reprint): Revises provisions relating to the state militia. (BDR 36-398)

ASSEMBLYMEMBER REUBEN D'SILVA (Assembly District No. 28):
Assembly Bill 281 is a vital piece of legislation aimed at enhancing the welfare of our State's militia members, ensuring that those who serve our State are adequately compensated and protected in the event of injury, disability or death while on state active duty. Under existing law, members of the Nevada state militia, including the Nevada National Guard reservists and the licensed volunteer military organizations, are entitled to certain compensation and benefits if they are wounded, injured, disabled or killed while in the line of duty. However, the current provision determines compensation based on the member's average income from all sources during the year immediately preceding the injury or death with compensation not exceeding the maximum prescribed by the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

Assembly Bill 281 proposes a significant change. It stipulates that members of the state militia or their dependents are entitled to receive compensation and benefits equivalent to the federal compensation or benefits they would receive if the injury, disability or death arose from military duties performed under Title 10 or Title 32 USC. This change ensures parity between state and federal compensation, acknowledging the sacrifices made by our militia members, regardless of the jurisdiction under which they serve.

[One of] the key provisions of this bill is when it creates the equivalent of federal compensation, the bill mandates that compensation and benefits for state militia members [who] are on active duty align with those provided under federal law or similar circumstances. Number two, it clarifies the definition of state active duty. It clarifies that for the purposes of industrial insurance, a member of the state militia is considered to be on state active duty 24 hours a day while on such duty. And number three, an exclusion clause, [says] the provisions do not apply to members who are already receiving or entitled to receive federal compensation or benefits for the same injury, disability or death unless the injury is an aggravation or reoccurrence of a previous condition arising from federal duties.

ASSEMBLYMEMBER KEN GRAY (Assembly District No. 39):
You have no way of looking at a member of the National Guard and knowing if they are on active duty, state active duty, state technician status or federal technician status. Even for those in the Guard, it is hard for them to even know. I had to ask some folks here testifying today, "Hey, you know, what status are

you in?" Where that comes into play is if the members sometimes do not know, the families do not know. If I am called to state active duty, say, for a fire or to assist with an EMAC [Emergency Management Assistance Compact] with another state and I am initially called up on state active duty and I get hurt, injured or killed, my family would be extremely surprised that they would not be receiving the benefits that they thought they would be getting. If I were killed on active duty, the way it stands right now, there is a pretty big discrepancy and disparity between the way an active-duty member and a state active duty member are treated.

Like I said, you can be called up for state active duty for a myriad of reasons. What we have been using in this State here recently is for firefighting, the Battleborn Youth ChalleNGe Academy, things along those lines. Personally, I do not want to see the family of a member that is killed caught in a financial lurch. This is going toward something we kind of started last session, bringing more parity between the Guard and the Guard statuses and active duty.

You might remember last year, we testified that Adjutant General Ondra Berry was coming up against a hard wall, based on his age, on how long he could serve. We went back and drew up legislation that would actually give him parity with his Major General active-duty colleagues so they could serve until the same age. You know, that does a lot of things. One, he could better plan his career. Two, we have an asset in the State that we could count on for a longer period of time [and] that we are not losing prematurely. That is kind of where we are going with all of this. We want to provide stability for the member and also for the State. It also helps with recruiting, so we can keep these folks in the Guard, recruit them into the Guard to meet both our state and federal mission.

I did spend a bunch of years in our State Guard; it is absolutely still near and dear to my heart. When I had heard what happened last year or the year before to one of our state active-duty troops, I was absolutely shocked. Even having been a retired member, I did not know the differences between the benefits of a state active-duty member and some of the other statuses.

DAN WATERS (Adjutant General, Nevada National Guard):
Let me take you back to the winter of 2023. Sergeant Cameron Estes responded to a need from Nevada. It was not a federal mission; it was a state mission and on state status. The Governor is the commander in chief, and Nevada pays the bill. There is no federal nexus to those missions. To

Assemblymember Gray's point, the Davis Creek Fire and the Hurricane Hilary response were in state status. When Sergeant Estes was called to duty, he responded at 2:00 a.m., was driving to Elko and experienced a patch of black ice. His vehicle spun, went in front of a semitruck, and he was killed instantly. The Nevada National Guard and Nevada learned a painful lesson at that point: that the benefits we have for state active duty do not match federal status. This is a gap analysis and a recognition by Assemblymember D'Silva and Assemblymember Gray to fix that gap, to make sure members of the Nevada National Guard on state active duty status receive the same benefits from the State as they would if they were on federal status to take care of the families, education, salaries, those types of things and continue to move forward.

SENATOR KRASNER:
My understanding is that members of the Nevada National Guard are on part-time status. They have other jobs, correct? So, can you explain to me how this would work?

MR. WATERS:
We actually have three statuses. We have a federal status. I have Nevada National Guard employees that are paid federally. They are federal employees with the Governor still being the commander in chief. Then we have a state active-duty status which is state-paid like I discussed with the Governor as the commander in chief. Then we also have our day or traditional status, and that is Title 32 of NRS. That is when they are federally paid. That is the one weekend a month, traditionally what you hear as two weeks a year, which I would say frankly is grossly underexaggerated at this point. Our service members do a lot more than that. For the traditional guardsman, you are exactly right, it is one weekend a month. The overwhelming percentage of my force is one weekend a month paid federally but remains under the control of the Governor.

SENATOR KRASNER:
So then how would this work? And who would this apply to?

MR. WATERS:
This would specifically be the second status that I talked about, members that are under state control being state funded if it is a state mission specifically. In the National Guard, we have the capability in the State through early congressional acts in the Twentieth Century that the states are allowed to use federal resources to apply action for the State's response. When we do that,

there is a reimbursable from the State to use equipment, but [for] the people, we put them as state-funded and they are paid through the [Division] of Emergency Management at the exact same rates as their current grades if they were in federal status. This [bill] is specifically for people on state active duty being paid by the State to perform a mission specifically for the State.

ASSEMBLYMEMBER GRAY:
In 2005 [for] Hurricane Katrina, we were activated under state active duty. We were pulled away from our regular Monday-through-Friday jobs because most of us were traditional [status]. I was not, but most of our force was the traditional one weekend in a month, two weeks a year, which just does not happen anymore. A vast majority of the troops activated under state active duty were called from their jobs and put on state active-duty status to assist with that emergency response for Hurricane Katrina. Had anybody been hurt or injured, they would not have been covered. Thank God, it was declared a federal disaster fairly quickly. Things got rolling, and we were able to convert our troops down the road because it did become a federal emergency. But you can be a weekender or a full-timer and still be called up for responses such as that.

SENATOR KRASNER:
So this would apply to members of the Nevada National Guard on part-time status, the one or two weekends a month that get called in emergency situations. Is that correct?

ASSEMBLYMEMBER GRAY:
You are correct. The vast majority would be troops called up that are normally part-time. That's 100 percent all the way, but that is the vast majority of instances. Some states like California actually use it as a full-time employment status under state active duty. But I do not think we have any of those in our State at this time.

MR. WATERS:
This would be, frankly, all of my employees. Now, one of the key provisions of this bill is the exclusion clause. If someone was on federal status, they get federal benefits; they would not get any state benefits. This is specifically for employees, whether they are traditional National Guard or full-time National Guard, [who] go on a state mission with state-paid status. Then they would be covered by these provisions.

ASSEMBLYMEMBER D'SILVA:
The general sort of philosophy of the bill is that we need these benefits to equate that of the federal government. Say there is, and this is not necessarily just the duties, a fire or something like the National Guard being called in for New Year's Eve security purposes. It could [even] be a toy drive; there are a lot of opportunities for active-duty status to be played upon a guardsman. In case something does happen, if there is an injury or death, this bill says that the sort of [benefits] should be aligned with that of the federal government. That is the general idea of this bill here.

HEIDI CHLARSON (Committee Counsel):
I wanted to clarify that the bill in the first reprint does not give the National Guard members the equivalent benefits to the federal government. That was what the bill did as introduced. The bill as introduced amended NRS 412.142 to specifically take out the provisions that exist in current law that give the National Guard members compensation through the industrial insurance. When the bill was amended, it took those provisions out, and now the first reprint keeps the benefits and compensation at the state level, but it clarified that members of the militia who are on state active duty are deemed to be on state active duty 24 hours a day for each day of state active duty. It further adds a definition to NRS 616A to clarify that, for purposes of the industrial insurance provisions, the guard members are deemed to be on state active duty 24 hours a day. If it is the intent of this committee to give the guard members equivalent benefits to the federal compensation, then the bill needs to be further amended to go back to language that was in the introduced version.

MR. WATERS:
When we talk about equivalencies, I do not think that is meant literally. I think what is meant right now is when we have folks on state active duty, they are not eligible for anything if they are killed. What we are asking for is what any state employee would get, the same exact benefit of Nevada National Guard that is on a state status.

MS. CHLARSON:
Under the existing provisions of NRS 412.142, it does say that members who receive disabilities are deemed to be employees of Nevada. I cannot speak to a particular situation or how that situation was resolved for purposes of the getting the member’s family benefits. But under current law, they are entitled to benefits under the state workers' comp provisions; they are not entitled to the

federal benefits. So again, if the intent is for the benefits and compensation amounts to be the same as equivalent in federal law, the bill needs to be amended.

ASSEMBLYMEMBER GRAY:
You are right. This is to get them within the state structures. This is to get them as close as possible. They are in a state active-duty status, a state employment status. Quite honestly, I do not think as a state we could ever get them the full benefits they would be entitled to as an active-duty member. When we first started down this road, we looked at those educational benefits, everything that the family would be entitled to. But we decided that the financial remuneration, getting as close as we can to that point, would be the best road to follow because that is the immediate need. We had to fill that void. I have only known of one member in this state in State active-duty status that was killed. So the financial parity was pretty darn close between the state and the federal side.

MR. WATERS:
I really appreciate that clarification because this is the exact problem we are experiencing right now—or I should say that the Estes family is experiencing. We thought the law did cover them, and we have been told by the State that it does not. If you would like to be a witness in that, I think that would be fantastic. However, that being the case, what we are looking for is clarification for this so we can make it specific and make sure they are aligned so there is no equivocation or differences of opinion. That is what we are looking for.

CHAIR FLORES:
I know we will have an opportunity off the record to continue vetting this. I think it sounds like we are all in alignment in wanting to ensure that we are capturing the same humans. It sounds like the position being presented now is that that should be occurring, but it is not happening. We need to address that one way or the other, but that is the whole point. We just got to figure out the best way to do that.

SENATOR OHRENSCHALL:
Maybe I'm being duplicative, but certainly the story you told about Sergeant Estes was heartbreaking, General Waters. [Are] there any thoughts of trying to make the bill either retroactive or have an effective date that might cover what happened to him so his family might qualify for benefits? Because it certainly

sounds like they would have if that tragedy had happened after the effective date of this bill being signed into law.

MR. WATERS:
That would be fantastic. I would say we are actually in the appeal process right now. The Nevada National Guard is providing support and continues to provide support to the Estes family. We have talked to the widow, and she understands right now with the language, the bill does not have a retroactive status, that this would affect potentially future soldiers and airmen. I would say, and I do not say this lightly, but thank God we have only experienced this one time. You are exactly right, Senator. It was a tragedy to the family, and we are trying to make that right. If we could make this retroactive, if there was such a taste within the Nevada Legislature to make that happen, the Nevada National Guard supports that wholeheartedly.

SENATOR NEAL:
I am in A.B. 281, section 1, line [4], and I guess [it is] maybe based on the existing law because it is really a rewording of the line which originally said, "in the line of duty" instead of "on state active duty." But you guys were always under the heart and lung chapter [section] in NRS 617?

MR. WATERS:
I could not speak to that directly. You are exactly right. We are under certain things, and one of the clarifying points—and I really appreciate counsel bringing this up, and I was thinking about it—is the 24 hours because that is where we get the difference in the line of duty. For the Estes case specifically, is going to the point of the mission covered? That is where we actually got into [it] with the State, specifically the insurance commission, on what was considered on state active duty. Was it once they were at their duty station performing their duties, or is it once they leave their home, responding to the call of Nevada? That is where we are trying to get the clarification with the 24-hour loop.

SENATOR NEAL:
It looks like an existing statute because it is an "or" statement. If you look at lines 9 and 10 under A.B. 281, section 1, it basically says in accordance with the provisions of NRS 616A to NRS 616D inclusive or NRS 617, and NRS 617 is the heart and lung chapter. So that means that if a member of the militia is wounded or injured or disabled, then you would fall under the heart and lung chapter for anything incidental to that happening.

MR. WATERS:
You are exactly right. The stipulation of the difference is once they are at their duty station, that is how the State defines it now. Let us say, God forbid, I lost an aircraft in a fire, then they would be [covered]. But what about the crews responding at 2:00 a.m. to get to their station? Because there is no difference within the military. You are on duty once you leave your house, and you are called to state active duty [or] federal status. What we are trying to clarify is that gap in coverage in that particular time.

SENATOR NEAL:
Why did not this have a fiscal note? Because it changed the category and the circumstances in which individuals would be included versus the original language which had an exclusion. Now, actually, you are capturing more of a class where in your example, if there was a fire and there could be some residual effect of that on the heart or lung under NRS 617, then the State is on the hook to pay for that. Who is now in the class? Who was excluded from the language? What is the number?

ASSEMBLYMEMBER GRAY:
I do not think they expanded the class. I know this is kind of hard to visualize, but the State's mind frame is an eight-hour-a-day employee. They get to their job; they punch in, and then they punch out eight hours later. With state active duty, as Mr. Waters said, that call to have them start could come at 2:00 a.m., [or] it could come at 4:00. They were not a state employee prior to that very phone call. That clock starts ticking at that time. This [bill] is capturing the group of people that would be called [to] state active duty. I mean, I guess you could look at it as expansion because you are going from zero to ten people or whatever is needed for that mission. But as far as excluding, yeah, you are excluding any of the federally compensated folks that may be in there responding under a different status. It is not an expansion other than time; it is saying from this point, 24 hours a day, you are covered. Why it is in the heart and lung section I do not know. That would be a legal question.

MR. WATERS:
To answer your question, it depends. On the Davis Creek Fire, I had 125 service members, airmen and soldiers. For Hurricane Hilary, I had 250. So the needs of the State depend on the specific mission. There is no pool of people standing around right now on state active duty that would be included. It is emergency-dependent and whatever package, whatever response the State

would need at the time. But to Assemblymember Gray's point, we are saying the moment they would get called and they are leaving home to respond to that, that is when they start being covered. Not once they get to the point of emergency.

SENATOR NEAL:
I am asking this because this is the policy committee, but the military budget is under my subcommittee for finance. When you guys give the example about an incident and then you come for a budget and say, "Well, these were the costs that we had to expend to do X, Y and Z because of an event," there is a budget side to that conversation. If it happened in 2024, you are then saying in 2025, we need to consider that these could be potential expenses that pop up because of a new incident that may occur. That is why I originally asked that question about the fiscal note and whether or not you know because we hear projections. What could be the projection expense of individuals engaging, and what does that cost? You have a baseline budget that you then present, and then it may be adjusted because you had to do a crisis. In COVID-19 things change, the numbers change. If 150, then 250, then 300, in 2027, that is going to be a part of your conversation in the [Senate] Finance Committee about what you encountered and what you dealt with.

MR. WATERS:
I appreciate the conversation again. Those are sunk costs. As soon as we put somebody on state active duty, we are paying them, they are paid for a 24-hour period. They would be covered medically, and to your point [about] the heart and lung issue, those are sunk costs. When I have somebody fighting a fire, their exposure would cause a future claim. What we are saying is the travel point specifically—when they are injured or, God forbid, killed during travel to get to that station, [we need] to make sure the families can continue. [We need to] just make it commensurate with other employees in Nevada. What they would get … [unintelligible testimony] … .

ASSEMBLYMEMBER D'SILVA:
… [unintelligible testimony] … you are now activated, you got orders, you gotta go. That time frame where you are traveling to the actual point of duty is also important. That is what took place with Sergeant Estes's case. He was driving to his point of duty, and then there was a big debate as to whether he was actually at his duty station and whether he should be allowed the same benefits. When it came to the note, there really was not a way of analyzing that

number. Because of the past record, it was deemed that it would not have a real impact in regard to a state [fiscal] impact.

ASSEMBLYMEMBER GRAY:
I think to the point of the fiscal note; this would not be coming out of their budget; it would be covered under the Nevada Industrial Insurance Act or the Occupational Diseases Act. It is already set up for employees of the State. It would be coming out of that pot of money, and I am assuming there is already a decent size there. The other part is there has been one person [this would apply to] that I have known in 20 years, and General Waters has been around longer than I have. So it would be very negligible. Even if it were one a year, it would still be extremely negligible as opposed to other agencies within the State, like the highway patrol or something where they regularly have people hurt and injured in the line of duty.

The big point of this bill is the 24 hours a day that it is recognized from the time they get moving because they may have just gone to bed. They may have just gotten off shift from the police department, and now we have put them in additional jeopardy because they have been called to duty. They cannot refuse. They have got to get behind the wheel of a car after probably having worked a full day. We have to take into account the members' lives prior to them getting called up. They are a vital resource to the State, and I think it is wrong for us to do anything other than cover them from the time they are called to the midnight hour of their last day of duty. That is the true parity with the active-duty side. They have recognized that if you are called to active duty, federal active duty, whether it is Title 10, Title 32 or Title 5 USC, that clock starts the minute they are called and then continues on a 24-hour basis.

MR. WATERS:
I would reiterate we have only had this happen one time, and that was Sergeant Estes. I do not want to sit here and tell you, "Oh, this would never happen again." I would never do that because we are in a dangerous business. They are [in] dangerous environments and responding at 2:00 a.m.; I do not know what elements they would be exposed to at that time. I appreciate this conversation because Nevada National Guard members are from Nevada. They are Nevada citizens themselves.

SENATOR DALY:
So, we are trying to have these people covered under worker's compensation. That's really the only benefit that they are getting. I do not know what the benefit is if they get killed under workman's comp, but I know that their injury would be taken care of and [they'd receive] 66.67 [percent] of their pay, those types of things. [For] the fiscal note question that people were asking, the way industrial insurance works [within] the State—I do not believe they are self-insured; I think they have insurance—they pay a premium. I think this risk for the insurance company is negligible, but they can anticipate it and charge a premium for it. [It would be] infinitesimal; the State would not even notice. If you tried to go retroactive, now there is something they have not charged a premium for; someone would have to pay for that.

So, you know, as much as we want to [or] might go retroactive, I do not think you could without having a fiscal impact and sending this bill to Senate Finance because the insurance company is going to say, "Well they were not covered under the claim, but then you make it in; I did not collect the premium." They are going to have a problem. But I think, going forward, it is going to be a premium issue. They can anticipate, the law is going to be here, and that future coverage would be built into whatever premium the State is paying, which would be I think miniscule. I do not know [if] there is a way to go retroactive.

All we are talking about here is workman's comp, and it seems to me on that language that Senator Neal was talking about, if you get hurt under NRS 616A to NRS 616D, it is an injury, and it says "or NRS 617." It is not that you are covered under this one or that one. If you have the heart and lung issue, you would be excluded under the other provisions, but they would be covered by the heart and lung under the provision there. That is the way I read it anyway.

ANDREW LEPEILBET (State Chairman, United Veterans Legislative Council):
We are 100 percent behind A.B. 281. I do ditto my previous presenters on all scores and some important details as well that have come out. No way should we minimize the coverage for these guardspeople that are deployed. As a combat commander, when I got a mission, the second I took one step forward that mission was underway. That is why that had to be changed from the 8 hours previously in the bill to the 24 hours. They are on duty the second they take that first step on the orders of that mission. I would like [you] to consider that and please approve A.B. 281.

ASSEMBLYMEMBER D'SILVA:
I hope you consider supporting this bill.

ASSEMBLYMEMBER GRAY:
There is one point I would like to make real quick that just came to mind. Now the dirty secret is out, and troops know if they are called to state active duty, they may not be covered and their families may not be taken care of, I would contend that those troops will still stand up and make sure the mission happens. That is just what we do when we put that uniform on. However, the family members may not be so understanding and forgiving anymore, knowing that they may be left in a lurch if the person is permanently injured or killed. This is absolutely something we need to do, not just for our troops but for our State.

You rely on them for emergency response. Think back to Fernley when the levee broke, think back to the deep freezes and the floods in Washoe Valley. Think back to any of the events we have responded to aside from the fires. I mean, this is something we rely on as a state, and we all know in the National Guard that we signed up for that. We have got that dual status mission; we have got our federal mission and our state mission. That is why we choose to do it. We are your hometown guard, your folks, your neighbors, your friends, your family, and we are there to serve you. Speaking for myself, I would be back in uniform in a minute if I could.

MR. WATERS:
I want to make sure that you do not leave today with the impression that we have been keeping this information from our members; that is not the case. We have basically been relying on their patriotism, their love of Nevada, their love of [their] country to still know that families may not receive the same benefits, but they are still answering the call when we need them. Senator Daly, you are exactly right. It is about the 66.67 [percent]. It is about a death gratuity when I have to look at a family that cannot afford to bury their loved one. We are very fortunate to live in such a patriotic state with organizations like the Nevada Military Support Alliance that then contributed the money so the family could actually bury their loved one. I do not want to look somebody else in the face and have to do that again. I am asking for your support, and I am always here for questions.

SENATOR KRASNER:
What you said just now brought up a question in my mind. How many times has the Nevada National Guard been called for an emergency here in this State, I do not know, in the last two or three years? Because you are mentioning things like the Davis Fire and flooding. How many times in, let us say, the last five years?

MR. WATERS:
You know, that is totally dependent. I do not have that number off the top of my head, but it is probably—with our civil support team, we are probably over 100 responses for various activities in the State. Now, the ones we were talking about are major events, but I do not want to say it is exclusive to major events. But those were the ones that I brought up specifically because I knew you would be aware of them. But [others are] like responding to an unknown substance in Ely—I have got Nevada National Guardsmen responding to that. A search and rescue in Winnemucca—I have got helicopter crews responding to that. Movement of some type of asset, sandbags for the State for example, to respond to a flood or just preparedness—I have got C-130 [aircraft] responding to that. So it is regular; it is probably realistically about 100 domestic missions a year from the State. On those for state active duty, it would be tough for me to tell you. Probably about 50 percent of those are going to be on state active duty in some form or another.

ASSEMBLYMEMBER GRAY:
A lot of times when they are called up on state active duty, you will find out later on that they have been converted to some kind of a federal status because the federal funds have come in. An emergency management number is given down for back billing. That is exactly what happened to us with Hurricane Katrina to get the ball rolling. We had to be called up on state active duty. But once the machinery started catching up with us, we were all converted to a federal status which alleviated the State of any liability at that point.

MR. WATERS:
I just want to be clear on this. The federal government determines what gets to be designated a federal emergency. Nevada does not get to do that; we can apply for that. That typically goes through our Division of Emergency Management and then through FEMA [Federal Emergency Management Agency]. Assemblyman Gray is exactly right. The first response almost 100 percent of the time is some type of state active duty, and then that mission will possibly be converted to a federal status. [The] Davis Creek Fire was not.

That is why we did not launch the mobile airborne firefighting system with our C-130s because that is specifically a federal asset. Now, those are things that Governor Lombardo is specifically addressing in other legislation at the federal level. But I appreciate the opportunity to clarify some of the operations because it can be convoluted.

CHAIR FLORES:
With that, we will go ahead and close out the hearing on A.B. 281. Next, we will open up the hearing on A.B. 41.

ASSEMBLY BILL 41 (1st Reprint): Revises provisions relating to the state militia. (BDR 36-267)

KYLE CERFOGLIO (Director, Joint Staff, Nevada National Guard):
Assembly Bill 41 enables General Waters to appoint the State Deputy Adjutant General in addition to two federal Assistant Adjutant Generals. By adding the proposed verbiage, it allows a clear delineation of current senior-level command structure for the State. This does not cost the State any money. The Deputy Adjutant General will serve as second in command and assist the Adjutant General in leading and managing the joint force of the 4,800 soldiers, airmen and civilians.

MR. WATERS:
You have somebody very humble sitting in front of you. Colonel Cerfoglio is already doing the job. What I am asking you to do is as we align his state job that he has and his federal job—as a matter of fact, Senator Krasner, Colonel Cerfoglio is a great example of somebody who is actually a full-time federal employee but also has a traditional job with the National Guard. In his role as Director of Joint Staff, he also carries state responsibilities. Basically, I am asking you to align those jobs, something we are already doing, and just codify in law. This is no cost. He is doing this job right now for us already.

SENATOR NEAL:
So, this is page 2, line 34; you added the Deputy [Adjutant] General to the unclassified service. But that was confusing to me because they are equal. You have them equal in A.B. 41, section 2, subsection 4 for the deputy and the assistant. Does one make more than the other? Are they both unclassified?

MR. CERFOGLIO:
Yes, both are unclassified, so no difference in pay when we are on duty as a federal Title 10 USC [employee]. When we are on duty, say on guard drill like this weekend, we will make whatever commensurate of our rank is. During the week, I am the only full-time [Joint Staff employee]. The other two, the Assistant Adjutant Generals for the Air and Army, are both traditional members only called to duty if they are on orders or on guard drill.

MR. LEPEILBET:
We support A.B. 41. The structure is critical in any military organization especially. We, over the last few decades, have taken our adjutant generals and sent them around the planet. Our previous adjutant general was called on all these other functions related to the National Guard throughout the nation, and there are a lot of federal functions they have to deal with. We need a clear and distinct second in command when the senior Adjutant General is not here at home. We endorse this entirely for the title of the Deputy Adjutant General to be added into the structure even though he is already filling the job, and they are paying the bill.

MR. WATERS:
One of the things that Colonel Cerfoglio brought up [was] the Director of Joint Staff. The Director of Joint Staff actually has the direct responsibilities for our domestic operations. So he has led those operations you are talking about on state active duty. We would be glad to get with you after this hearing and we can talk to you one-on-one, so you can get a further understanding on domestic operations. With this, when you are looking at the language on those titles specifically outlined in the bill, I am basically asking Colonel Cerfoglio, soon-to-be Brigadier General Cerfoglio this summer, to wear three hats because that is what I have. He is the Assistant Adjutant General, the Director of Joint Staff and then he would be the Deputy Adjutant General. Three jobs, but that is the kind of dedication we are receiving in Nevada from members of Nevada National Guard.

SENATOR KRASNER:
When the Adjutant General appoints a Deputy Adjutant General, are they a volunteer, or will they receive a salary?

MR. WATERS:
There would be no additional compensation. I am asking them to do additional work for the same amount of money they are already getting.

SENATOR KRASNER:
They would be considered a volunteer in that position?

MR. WATERS:
I do not know if I would classify it like that. If. Mr. Cerfoglio said he did not want to do it, we [would] probably have a different conversation. But that said, he would basically know that he was taking on additional responsibility without additional compensation.

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

CHAIR FLORES:
I close out the hearing on A.B. 41 and open public comment. Seeing none, the meeting is adjourned at 5:14 p.m.

RESPECTFULLY SUBMITTED:

Spencer Jones,
Committee Secretary

APPROVED BY:

Senator Edgar Flores, Chair

DATE:

EXHIBIT SUMMARY				
Bill	**Exhibit Letter**	**Introduced on Minute Report Page No.**	**Witness / Entity**	**Description**
	A	1		Agenda
	B	1		Attendance Roster