

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

**Eighty-second Session
February 8, 2023**

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:34 p.m. on Wednesday, February 8, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Edgar Flores, Chair
Senator James Ohrenschall, Vice Chair
Senator Skip Daly
Senator Pete Goicoechea
Senator Lisa Krasner

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Heidi Chlarson, Counsel
Linda Drew, Committee Manager
Spencer Jones, Committee Secretary
Zachary Kahn, Legislative Assistant
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Melissa Friend, Emergency Management Program Manager, Division of
Emergency Management/Homeland Security, Office of the Military
Jon Bakkedahl, Deputy Administrator, Division of Emergency
Management/Homeland Security, Office of the Military
Cadence Matijevich, Washoe County
Joanna Jacob, Clark County
Vinson Guthreau, Nevada Association of Counties
Jared Franco, Chief Financial Officer, Division of Emergency
Management/Homeland Security, Office of the Military

CHAIR FLORES:

The first order of business is the adoption of the Senate Committee on Government Affairs Standing Rules ([Exhibit C](#)). The Standing Rules are available on the Nevada Legislative Website and consistent with Senate Standing Rules but contain a few rules unique to the Senate Committee on Government Affairs.

SENATOR OHRENSCHALL MOVED TO ADOPT THE STANDING RULES OF THE SENATE COMMITTEE ON GOVERNMENT AFFAIRS.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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JERED McDONALD (Policy Analyst):

The Committee Brief ([Exhibit D](#)) has been made available to Committee members and is on the Nevada Legislative Website. The Brief contains information about the Committee including Session deadlines, anticipated bill volume, anticipated topics, Committee jurisdiction, relevant research and population classifications.

During the 2021 Session, this Committee received 108 measures: 86 of those were voted out of the Committee, 78 of those were passed and sent to the Governor and 1 bill, S.B. No. 254 of the 81st Session, was vetoed.

In reviewing the volume of bills referred to this Committee over the last 10 years, the most it ever received was 142. There can be a large variation from session to session.

As of last Thursday, 25 prefiled bills had been referred to the Committee. As of today, 28 bills have been referred. Appendix A of the Brief contains a listing of the prefiled bills available last week.

The Senate Committee on Government Affairs has broad oversight of State and local government administration and structure. Overall, the Committee has jurisdiction over approximately 124 chapters in 18 titles of the *Nevada Revised Statutes* (NRS). Those titles and chapters are defined in Rule No. 40 of the Senate Standing Rules.

The last piece to discuss is the updated 2020 population tables contained in Appendix C of the Committee Brief. They include populations for cities and counties. When reviewing legislation or previous or existing statute referencing the size of a city or county, these tables will be helpful in determining which jurisdictions or entities are referenced in those measures.

CHAIR FLORES:

I will move on to the three bill presentations. We will take them in order. I will open the hearing on Senate Bill (S.B.) 2.

SENATE BILL 2: Revises provisions relating to emergency management.
(BDR 36-237)

MELISSA FRIEND (Emergency Management Program Manager, Division of Emergency Management/Homeland Security, Office of the Military):

The State Disaster Identification Coordination Committee (SDICC) was added to NRS 414 in 1997, revised after the Las Vegas tragedy of October 1, 2017, and again in 2021 in an effort to streamline the reunification and identification of victims during a crisis, disaster, public health emergency or other health event.

In the 2021 revision, some of the law was deleted due to miscommunications in agency conversations with external partners. Senate Bill 2 seeks to add language deleted in error regarding information shared between agencies. The bill also adds language protecting any member of the SDICC from civil action in the disclosure of information done in good faith.

The Division of Emergency Management (DEM) is aware of a friendly amendment submitted by Clark County ([Exhibit E](#)). The DEM has been in contact with Clark County and is in support of that amendment.

SENATOR DALY:

I would like clarification on the section of the bill which refers to a political subdivision. Statute defines a political subdivision as a city or a county.

I am not sure of Carson City's legal distinction, whether it is a county or a city. Sometimes, it is a county; sometimes, not. Does your definition need to include Carson City in a different reference? Other sections of NRS include every county and Carson City.

I am looking at the list containing the population of cities. It covers all charter cities and general law cities. Does your definition of political subdivision include tribes, towns and other jurisdictions beside cities? The NRS definition creates a problem in the bill. Can you comment?

JON BAKKEDAHL (Deputy Administrator, Division of Emergency Management/Homeland Security, Office of the Military):

Political subdivision relates to the 17 counties in which Carson City is included as a county. It can also translate to incorporated cities. Tribal nations can opt in to any of our available programs including the SDICC as well as use of the coroner and two medical examiners at either end of the State.

SENATOR DALY:

I understand they can opt in; however, the statute refers to political subdivisions with a specific definition. How can you include the rest of the jurisdictions based on that definition? Perhaps a process allows that, but I did not see it in statute.

MR. BAKKEDAHL:

We formally recognized the 17 counties as our political jurisdictions. The cities can work through the counties to get to the DEM. The primary definition would be for the 17 counties.

SENATOR DALY:

Nevada Revised Statutes 414.038 defines a political subdivision as a city or a county.

MR. BAKKEDAHL:

That is correct.

SENATOR DALY:

How do you include the tribal councils? Do you go any lower than charter or general law cities? Would that include Schurz? I do not see Schurz included as a general law city. Schurz would also have a tribal relationship.

MR. BAKKEDAHL:

Because the tribal nations are sovereign, they are not included in our direct statutes and regulations. They can access any of our programs or statutes through the county emergency manager. We have two liaisons who work

directly with all the tribes to incorporate any needs they may have, including the SDICC processing committee.

SENATOR DALY:

I want to ensure that people would not be liable if they inadvertently disclosed confidential information in an emergency. The language is "Except as otherwise provided in NRS 414.280." What is provided otherwise in NRS 414.280? I do not understand that reference. I do not see anything in NRS 414.280 that makes anything public.

MR. BAKKEDAHL:

I did not catch everything you said. Could you repeat that, please?

SENATOR DALY:

Section 5, subsection 4 of the bill states "Except as otherwise provided in NRS 414.280," this information is confidential. *Nevada Revised Statutes* 414.280 has no reference to that. I do not understand the reference in the bill, "except as otherwise provided." As I understand it, everything is confidential in NRS 414.280.

MR. BAKKEDAHL:

I will have to get back to you on that.

SENATOR OHRENSCHALL:

Section 2, subsection 2 of the bill, talks about an emergency or a pandemic and sharing information about persons who appear to have been injured or killed. For those who survive but were injured, would HIPAA waivers be needed to share their information? I understand you are trying to reunify people with their loved ones and, for those who did not survive, trying to make sure there is proper burial. Is there a concern with sharing information about injuries or contracting an illness during an emergency?

MR. BAKKEDAHL:

For any survivor, we would have to follow HIPAA rules. If someone had died, then HIPAA would not be in place for that individual.

For reunification purposes, we would not need that person's information. Only name and location would be needed to connect that through law enforcement with the reunification center wherever that may be.

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CHAIR FLORES:

Senator Daly asked a question on section 5, subsection 4 regarding the language "Except as otherwise provided in NRS 414.280." Heidi Chlarson, Counsel, may have an answer to his question.

HEIDI CHLARSON (Counsel):

Section 1 of the bill amends NRS 414.280. Page 3, line 1 of the bill allows for the information to be shared upon request of a political subdivision. In drafting the bill, we wanted to clarify in section 5 that the information is confidential. However, an exception in NRS 414.280 makes certain information shareable upon request of the political subdivision. That is what Senator Daly was asking about.

SENATOR KRASNER:

Does this apply to an emergency such as COVID-19?

MR. BAKKEDAHL:

Yes, it would. This would be used in any of our stated emergencies or disasters impacting people who need to be identified or reunified upon request of the jurisdiction.

SENATOR KRASNER:

Does it only apply to emergencies? If there was a Statewide gonorrhea outbreak, would that constitute an emergency where information would need to be shared among the counties?

MR. BAKKEDAHL:

That would not come under our authority unless there was a State or federal emergency declaration. That would fall to public health. It would be a different agency and a different set of regulations.

CADENCE MATIJEVICH (Washoe County):

Washoe County supports S.B. 2. It would assist in reunification and identification in emergencies and disasters. Washoe County's emergency management and medical examiners' offices have indicated this would help them in those efforts.

We also understand an amendment is coming from Clark County, [Exhibit E](#). We support that as well.

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JOANNA JACOB (Clark County):

Clark County opposes the strict application of these rules and is proposing a friendly amendment to the bill, [Exhibit E](#). The Clark County Fire Department and the Clark County Office of Emergency Management supports the intent of this bill.

The coroner's office was added in the proposed amendment because it is a first responder. After the 1 October shooting in Las Vegas, family members searching for loved ones came to the coroner's office. Any clarification added to the bill to allow location and name information would help us respond to their communities.

The University Medical Center of Southern Nevada also supports this bill.

VINSON GUTHREAU (Nevada Association of Counties):

The Nevada Association of Counties is not opposed to the bill but supports the amendment proposed by Clark County. The clarifying language in the amendment provides flexibility to our counties to come together, especially when responding to mass tragedy events or anything that may impact their communities.

CHAIR FLORES:

I will close the hearing on [S.B. 2](#) and open the hearing on [S.B. 3](#).

[SENATE BILL 3](#): Revises the membership of the Nevada Commission on Homeland Security. (BDR 19-236)

MR. BAKKEDAHL:

[Senate Bill 3](#) addresses the membership of the Nevada Commission on Homeland Security, which is chaired by the Governor. The Commission was created by the Nevada Legislature in 2003 to establish a group to provide advice and counsel to the Governor on homeland security, coordinate Nevada homeland security concerns and recommend funding from the State Homeland Security Grant Program.

In the 2021 Legislative Session, the Division of Emergency Management was transferred from the Nevada Department of Public Safety (DPS) to the Office of the Military. When this happened, the seat on the Commission designated for DEM, Department of Public Safety was retained by DEM, Office of the Military

in compliance with statute. This bill would allow the Governor to add an employee from DPS to the Commission. This has been discussed, agreed upon and supported by DPS.

SENATOR DALY:

Before the transfer, was a person from DPS on the Commission?

MR. BAKKEDAHL:

Yes, the Division of Emergency Management, Department of Public Safety, had a seat on the Commission.

SENATOR DALY:

The bill says an employee of the Department of Public Safety. That seems quite broad. Other appointees must meet certain requirements. Is there an assumed base of knowledge or capability to qualify for that position? Is that how it was worded before? Would any criteria be looked at? Are there criteria we do not know about?

MR. BAKKEDAHL:

It was left vague during discussions between the DPS and the DEM. The DPS would choose a member from any one of its agencies, such as the Nevada Threat Analysis Center, Division of Parole and Probation or the Investigation Division. The Department Director would appoint the appropriate person to be the member on the Commission.

SENATOR DALY:

Many people in the Department of Public Safety could be on the Commission. Should a department head, a division deputy or someone with experience be the appointee? Should the bill say the Governor will select the member from recommended employees?

MR. BAKKEDAHL:

I agree with you that it should not be so vague. Perhaps, it could be an appointee of the Director of DPS with a public safety perspective. The position may not be who we want as the chair. The chair could be someone with more experience from another agency or at another level within the agency. It would be appropriate for the Director to designate the appointee for the Commission.

CHAIR FLORES:

Robert W. Dehnhardt, State Chief Information Security Officer, Enterprise IT Services Division, Nevada Department of Administration has submitted neutral written testimony on S.B. 3 ([Exhibit F](#)).

We will close the hearing on S.B. 3 and open the hearing on S.B. 5.

SENATE BILL 5: Authorizes the Division of Emergency Management in the Office of the Military to use money in the Emergency Assistance Account for certain additional purposes. (BDR 36-239)

JARED FRANCO (Chief Financial Officer, Division of Emergency Management/Homeland Security, Office of the Military):

The Emergency Assistance Account (EAA) was created during the 1997 Legislative Session as a subaccount within the Disaster Relief Account. It was subsequently incorporated into law as NRS 414.135. In addition, regulations were developed and adopted into *Nevada Administrative Code* 414. The Division of Emergency Management is established in NRS 414.040 and is provided with the authority to administer the EAA.

Funds in the EAA provide supplemental emergency assistance to State and local governments that are severely and adversely affected by a natural, technological or man-made disaster. Additionally, these funds are available to assist the DEM with administrative costs associated with managing an emergency or disaster.

This bill will clean up the language in NRS 414.135 to ensure no confusion on the authority of the DEM—in communication with the Governor's Office—to cover any expenditures incurred before, during and after an emergency or disaster without the need for a declaration of emergency. Many incidents do not rise to the level of an emergency declaration but still have incurred costs that need to be covered by the EAA.

A similar bill draft request (BDR) has been submitted by the Joint Interim Standing Committee on Health and Human Services, BDR 36-335.

BILL DRAFT REQUEST 36-335: Revises provisions relating to emergency preparedness. (Later introduced as S.B. 168.)

When that BDR becomes a bill, we would like to work with the Joint Interim Committee for best language and possibly drop one of the bills to ensure our efforts are coordinated.

CHAIR FLORES:

Thank you for telling us about that duplicate effort.

SENATOR DALY:

Revisiting the language in section 1, subsection 3, paragraph (c) of S.B. 5, are there any examples of the types of expenses or a situation that is not a declared emergency in which we incur expenses? The language is there, but a creative person could justify anything and use the funds for unrelated training or to buy new equipment.

MR. FRANCO:

The most recent example of an undeclared emergency would be when an inmate convicted of a quadruple murder escaped from prison. The Division asked the Nevada National Guard to use its helicopter to search for the escapee.

In that instance, David W. Fogerson, Chief of the Division of Emergency Management, worked with the Governor's Office to get approval to pay for the Nevada National Guard from the EAA. That incident did not rise to the level of an emergency declaration but was considered a reason for DEM to use that account.

SENATOR DALY:

You must go through a process to request authority to use the EAA. How is this decision made? Where is the check and balance? No one is going to do anything nefarious. However, when the language is there and human nature being what human nature is, I am always skeptical.

MR. FRANCO:

This language would put the authority with the administrator of the appointed entity. The administrator would work with the Governor's Office before spending any money on a potential emergency or incident.

The EAA is comprised of a small amount of interest from the Disaster Relief Account. On average, it is only about \$150,000 every fiscal year.

SENATOR DALY:

I want to make sure there is a review somewhere and funds go where they are designated.

The example you gave was legitimate. Most people would understand and agree if there is a review process. If you went over budget, you would have to go to the Interim Finance Committee (IFC).

MR. FRANCO:

Every quarter the IFC requires DEM to submit a report on the funds expended from the EAA. The report contains the costs incurred and the balance left for every quarter throughout the fiscal year, which is also a check and balance for that account.

SENATOR DALY:

That answers my concerns about oversight and the checks and balances.

SENATOR GOICOCHEA:

I hope there is \$250,000 in the EAA so you can respond to an emergency. In the past, you have sent a helicopter to investigate an incident. The fund is there, you can go out, service the incident, come back and not worry about paying for it. We will argue afterward about who pays for it and if it was legitimate.

This is a good program. The Division of Emergency Management has done a great job. You must be able to order an action without waiting three days until everyone finally gets around to acting on it.

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CHAIR FLORES:

We will close the hearing on S.B. 5.

I want to recognize some veterans joining us today who have served our Country and thank them for their service. We often have the opportunity and privilege to work alongside you. I intend to continue that relationship.

Having no further business to come before the Senate Committee on Government Affairs, this meeting is adjourned at 4:34 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator Edgar Flores, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
	C	2	Senator Edgar Flores	Senate Government Affairs Committee Rules 2023
	D	2	Jered McDonald	Senate Committee on Government Affairs Brief 2023
S.B. 2	E	3	Melissa Friend	Proposed Amendment, Joanna Jacob, Clark County
S.B. 3	F	9	Senator Edgar Flores	Neutral Letter, Robert W. Dehnhardt, Department of Administration