

Minutes

Nevada State Emergency Response Commission (SERC)

Policy and Legislative Committee Meeting

Wednesday January 11, 2017 10 a.m.

Tele-Conference

Phone-in # 775-687-0999 Carson City

702-486-5260 Las Vegas

Participant's Collaboration Code: 47516

Carson City

State Emergency Response Commission
107 Jacobsen Way, Room 51
Carson City, NV

Committee Members Present: Richard Brenner-Chair, Susan Crowley, Paul Enos, Matthew Griego

Committee Members Absent: Stacey Giomi

Staff Present: Stephanie Parker, Denise Uber, Nathan Hastings

1. CALL TO ORDER

Mr. Brenner called the meeting to order at 10:15 a.m.

2. ROLL, CONFIRM QUORUM AND INTRODUCTIONS

Members and staff introduced themselves as above. A quorum was present.

3. PUBLIC COMMENT

Mr. Brenner asked for Public comment, there was none.

4. APPROVAL OF THE POLICY COMMITTEE DECEMBER 18, 2015 AND NOVEMBER 29, 2016 MINUTES

Ms. Crowley motioned to approve the November 29, 2016 and December 19, 2015 minutes of the Policy and Legislative Committee meeting, Mr. Enos seconded. Mr. Hastings commented that the minutes of November 29 reflected two members as present, but who did not attend. Ms. Crowley amended the motion to reflect the members that were present and those that were absent. Motioned passed unanimously.

5. REVIEW OF THE FOLLOWING SERC POLICIES

The committee reviewed SERC Policy 8.12, the appeal process, which has been on hold for updating of the regulations. The committee was still in agreement to wait until regulations are in place before revising that policy. Also reviewed was SERC Policy 8.13, wherein the statutes say electronic signatures are acceptable using faxes and email. Further discussion

led to whether or not the hard copies of the applications need to be mailed to SERC in 30 days. Ms. Parker said she would like the Policy changed to read-only mailed in 30 days if requested by SERC staff. Mr. Brenner said let's make that change. Ms. Crowley made a motion to recommend to the SERC that the language be changed to read that only hard copies be submitted if requested by staff. Mr. Enos seconded, motion was unanimous. Ms. Parker mentioned the item regarding the LEPC's needing to follow state purchasing requirements since it was on the agenda. Mr. Brenner asked if it was in policy 8.13; Ms. Parker said it was in SERC Policies 8.2 and 8.2a which the committee had put on hold. Ms. Crowley asked if LEPC's needed to follow state purchasing rules, Ms. Parker said yes unless their own local policy is more restrictive. Mr. Brenner asked if this should be on the next agenda, Ms. Parker said yes.

6. DEVELOP A DRAFT RECCOMENDATION OF A POLICY FOR UTILIZATION OF THE CONTINGENCY ACCOUNT FOR HAZARDOUS MATERIALS COSTS

Mr. Brenner said that Ms. Parker had worked on a policy after the last meeting which included several ideas. Mr. Hastings read NRS 459.748 through 773, which said SERC shall administer the account for hazardous materials incidents but the Statute does not indicate how that can be done or not done. The Commission is given pretty wide discretion for reimbursement from the contingency account. Statute says the funds are available for reimbursement of hazardous material incidents. Mr. Enos asked if we could put in some requirements to see if the local entity is eligible. Ms. Crowley asked if we really have the authorization to place requirements on reimbursements for costs? Mr. Hastings said there needs to be put into policy a set of standards for reviewing the eligibility of requests, showing what has and has not been done by the local entity. For policy reasons we would like to make a requirement, so we need the authority if SERC shall be administering the account. Mr. Hastings read NRS 459.755 where money from the contingency account may be expended to cover these types of costs. Anyone who has been given authority could establish requirements. So requirements for eligibility verses requirements for having to approve everyone who comes before the SERC. The Statutes do not expressly authorize SERC to enact any regulation or policy on what a local government needs to bring to the SERC. Mr. Hastings will continue to do more research on this matter, before moving forward recommendations are made to the full SERC. The legal question needs more work. No action was taken at this time.

7. UPDATE ON NEVADA ADMINISTRATIVE CODE 459 REVISIONS

Mr. Brenner said Ms. Parker had sent out information on what has happened in the past and updates from LCB on the NAC and a workshop. Ms. Parker said there is no hard deadline or timeline; it just depends on when it arrives on the drafter's desk, what they have on their plate, the depth/amount of changes being requested among other factors. They cannot guarantee when it will be completed, there also may be an additional charge. Mr. Hastings said we are in the queue, and will not time out, Ms. Parker confirmed we will not time out however shared concern over a process that should not take over a year to complete. Ms. Crowley asked if we could add to it, Mr. Hasting said we need the NRS to provide the authority to add anything that is not already included in statute and would need to begin the process if adding to what was not discussed at the previous public workshops and that applies to what is already in the revision. Mr. Hasting said we probably could. Ms. Crowley asked if we needed another workshop, Mr. Hastings answered it depends on the full SERC response. Ms. Parker commented that she has not received and responses on the

revisions except her discussions with Mr. Brenner.

Ms. Parked asked if there was anyone who has not reviewed it to date. Mr. Brenner said more time is needed.

8. PUBLIC COMMENT

Mr. Brenner called for public comment; Ms. Parker asked if there were any other policies that needed review, then asked if 8.2, 8.5 and 8.8 be put on the next meeting agenda. Mr. Nolan said Senator Manendo is on the transportation committee now and may be able to assist with some NAC, NRS remedies to take back to the Legislature like a friendly amendment to reimbursement requests for recovering expenses related to hazardous materials incidents as described in NRS 459.

9. ADJOURNMENT

Ms. Crowley motioned for adjournment, Mr. Enos seconded. Meeting was adjourned at 11:50am.