

Minutes
Nevada State Emergency Response Commission (SERC)

Legislative Committee Meeting

Thursday, April 21, 2022 at 9:00am

1. CALL TO ORDER

Dennis Nolan called the meeting to order at 9:31am.

2. ROLL CALL, CONFIRM QUORUM, AND INTRODUCTIONS

Roll was taken of members and a quorum was present.

3. PUBLIC COMMENT

Mr. Nolan called for public comment. There was none.

4. REVIEW SERC NEVADA REVISED STATUTES (NRSs) AND NEVADA ADMINISTRATIVE CODES (NACs)

1. Nevada Revised Statutes

- a. NRS 459.735.1 – ‘General Fund’ being used and 459.735.5 – ‘Highway Fund’ being used. Is this a conflict?

After discussion it was decided there is no conflict.

- b. NRS 459.742.4 – does the SERC still do this and 459.742.8 – should ‘Division of Emergency Management’ be changed to ‘Department of Public Safety’?

Mr. Nolan made a motion to have staff find out if the ‘Telecommunications Group of the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration’ still exists; if yes correct the name and if no delete the name from the sentence. Richard Brenner seconded the motion which was approved unanimously.

Tami Beauregard reminded Mr. Nolan to do NRS 459.742.8.

Discussion ensued with regards to adding the State Fire Marshal and keeping Division of Emergency Management.

Ms. Beauregard read the suggested changes to NRS 459.742.4 to be: ‘adopt regulation, setting forth the manner in which the State Fire Marshal, Department of Public Safety and/or Department of Emergency Management shall’.

Mr. Nolan made a motion to accept the changes as read by Ms. Beauregard. David Sellen seconded the motion which was approved unanimously.

- c. NRS 459.755 – add language allowing the SERC to establish regulations governing the use of contingency account funds to reimburse LEPCs for hazardous materials spill clean-up.

Nathan Hastings advised the statute allows for contingency funds to be used by local agencies involved in a hazardous materials spill cleanup, but it does not give the SERC any guidance, principles, rules or policy as to the process to accomplish this. Mr. Hastings added the SERC should ensure the counties have adapted their ordinances authorizing their legal representatives to initiate an action to recover the funds, if the county receives funds, those funds can go back into the SERCs contingency funds, if the SERC did use money from the contingency funds to help the local agency.

A discussion ensued with regards to what the SERC can do when there is a hazardous materials spill and what the statute should be changed to.

It was decided to refer this agenda item to the full SERC for discussion on the direction the SERC would like to go.

- d. NRS 459.773 – does the Fire Marshal still do this?

Ms. Beauregard noted the Fire Marshal advised they continue to do this task in the statute.

Mr. Hastings requested the Committee discuss the statements made by the Washoe County LEPC with regards to the changes requested by the Bylaws Committee to the LEPCs Bylaws. Ms. Beauregard read the email chain between herself, Kelly Echeverria, Mr. Hastings and Wade Carner with regards to the Washoe County LEPC Bylaws and whether or not the SERC has the authority to request the specific changes. Ms. Beauregard reviewed the process of how the LEPC Bylaws were reviewed by SERC staff, how the information was relayed to the Bylaws Committee and the final decision made by the Bylaws Committee.

A discussion ensued with regards to when and how the Bylaws sample was added to the SERC's website, past practices, what is in the Emergency Planning and Community Right-to-Know Act (EPCRA) law and how the SERC should handle this situation. It was decided to refer this subject to the full SERC for discussion on where the direction the SERC would like to go.

Mr. Nolan advised all the recommend changes to the SERC NACs will be reviewed with a motion taken at the end of discussion.

- a. NAC 459.99121 add 'membership list' and 'Commission Bylaws' into the language.

The Committee had no issue with the above noted changes.

- b. NAC 459.99123 change 'emergency plan' to Hazardous Materials Response Plan'.

Mr. Hastings suggested removing 'an emergency' and the Committee had no issue with the suggested change.

- c. NAC 459.99131.6 add 'Commission Bylaws' into the language.

The committee had no issue with the above noted change.

- d. NAC 459.99132.3 add 'via the Commission' into the language.

The new suggested and agreed to language is 'annually submit to the Commission a copy of its Bylaws and a list of the members of the Local Emergency Planning Committee.

- e. NAC 459.99132.5 add 'at the same time the agenda and minutes become available to the public' into the language.

The Committee had no issue with the above noted change.

- f. NAC 459.99133.1.c add ' via the Commission' into the language.

The new suggested and agreed to language is 'submit the emergency plan to the Commission, for the Planning and Training Subcommittee to review and approve'.

- g. NAC 459.99141.2.b change 'the Department of Public Safety' to 'Homeland Security'.

The Committee had no issue with the above noted change.

- h. NAC 459.99163.2.b change 'the Department of Public Safety' to 'Homeland Security'.

The Committee had no issue with the above noted change.

- i. NAC 459.99183.2 change 'Attorney General' to 'State Controller's Office'.

Mr. Hastings reviewed how this code came to be and the current duties of the State Controller's Office with regards to them being the collection agency for the state.

The new suggested and agreed to language is 'the Commission will submit the matter to the State Controller's Officer, pursuant to NRS ????? to initiate proceedings against the person (Ms. Beauregard to insert the correct NRS number).

- j. NAC 459.99189.1 and 459.99189.2 and 459.99189.3 and 459.99189.6 change 'Executive Director' to 'Administrator'.

The Committee had no issue with the above noted changes.

- k. Add the definition of the 'Legislative Committee', 'Policy Committee', and 'Radiological Committee' to the NACs.

The Committee had no issue with the above noted additions.

Mr. Brenner made a motion to approve the discussed changes to the SERC NAC's. Mr. Sellen seconded the motion. Mr. Hastings noted the motion needs to be a recommendation to the SERC for approval. Mr. Brenner changed his motion to recommend to the full SERC the proposed changes to the SERC NAC's. The motion was approved unanimously.

Ms. Beauregard asked if the motion included the NRS changes. Mr. Brenner made a motion to recommend to the full SERC the proposed language changes to the SERC NAC's and NRS's. Mr. Sellen seconded the motion which was approved unanimously.

5. PUBLIC COMMENT

Mr. Nolan called for public comment. There was none.

A discussion ensued with regards to if the SERC should review other avenues for approving new Commissioners and the decision at this time is to work with Boards and Commissions.

6. ADJOURNMENT

Mr. Sellen made a motion to adjourn the meeting at 12:02pm. Mr. Brenner seconded the motion which was approved unanimously.