

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

**Eighty-second Session
May 24, 2023**

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 4:35 p.m. on Wednesday, May 24, 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

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senatorial District No. 1
Assemblyman Philip P.K. O'Neill, Assembly District No. 40

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Heidi Chlarson, Counsel
Spencer Jones, Committee Secretary

OTHERS PRESENT:

Ondra Berry, Major General, The Adjutant General of Nevada, Nevada National Guard
Michael Dayton, Office of the Lieutenant Governor
Cheryl Price
Elyse Monroy-Marsala, Nevada Chapter Associated General Contractors
Terry Graves

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CHAIR FLORES:

I open the hearing on Assembly Bill (A.B.) 465.

ASSEMBLY BILL 465 (1st Reprint): Revises provisions governing the state militia. (BDR 36-1192)

ONDRA BERRY (Major General, The Adjutant General of Nevada, Nevada National Guard):

The intent of A.B. 465 is twofold. It changes the eligibility criteria for the Adjutant General and the Assistant Adjutant Generals to be from Nevada. It also changes the age requirements for membership in the Nevada National Guard to conform with federal and service regulations. Statute authorizes the Adjutant General and two assistant Adjutant Generals to be selected from commissioned officers of any component or service of the Armed Forces of the United States. This means they may be selected without ever having lived or served in Nevada or been a member of the Nevada National Guard. This bill requires the Adjutant General and two Assistant Adjutant Generals to be selected from commissioned officers of the Nevada National Guard.

Regarding the age requirements, statute establishes Nevada National Guard as a body of enlisted personnel between the ages of 17 and 64 and commissioned officers between the ages of 18 and 64. Nevada law conflicts with service regulations and U.S. Code. This bill will align the *Nevada Revised Statutes* with federal law and service regulations. This bill will ensure the senior leaders selected for the Nevada National Guard are from Nevada and understand the unique homeland challenges and military needs of the State. It will also simplify and align with the requirements for service in the Nevada National Guard with the U.S. Code and service regulations.

SENATOR PAT SPEARMAN (Senatorial District No. 1):

As Lieutenant Colonel Pat Spearman, retired U.S. Army Military Police Corps, one of the reasons why A.B. 465 is so important is because at General Berry's level, it is always tenuous as to whether the National Guard Bureau will call him to Washington, D.C. If this bill does not pass, then the conflicting regulations will cause confusion.

SENATOR KRASNER:

What are the age requirements this bill would adopt?

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MAJOR GENERAL BERRY:

It depends on the service. If a person is in a specialty field, like a doctor or dentist, the Army, Air Force or Navy can give him or her a waiver up to 70 years old. But as the Adjutant General, I can ask for a waiver up to 62 years old. I cannot even ask for a waiver beyond that. Under the U.S. Code, you can be asked to serve longer. During times of war, the Armed Forces were allowing specialty fields to come into the military after aged 50. It depends on the service, what is going on at the time for our Country and the need of the service. That is why A.B. 465 requires Nevada to conform with U.S. Code because the rules are flexible and State law does not conform right now.

SENATOR SPEARMAN:

One of the other tools available at the federal level is a stop-loss. It allows the military to stop a service member from retiring if there is a shortage.

MAJOR GENERAL BERRY:

The Nevada National Guard wants to ensure we develop a force that this State will be proud of and can continue to serve in the way that our citizens so deserve. We have a promilitary state. This bill is to ensure that we stay aligned with U.S. Code and have the most qualified senior personnel to lead one of the greatest military organizations in the entire United States.

CHAIR FLORES:

I close out the hearing on A.B. 465 and I open the hearing on A.B. 514.

ASSEMBLY BILL 514 (1st Reprint): Revises provisions governing public buildings. (BDR S-1193)

ASSEMBLYMAN PHILIP P.K. O'NEILL (Assembly District No. 40):

This bill is about honoring our State employees and recognizing the hard work they do. This bill proposes to rename the headquarters of the Nevada Department of Transportation (NDOT) to the Garth F. Dull Building. Several of his family members wished to speak but due to short notice, they were not able to be here.

Garth was a true testament to State service and demonstrated how hard work can bring success. While he was born in Douglas, Wyoming, Nevada was his home for most of his 81 years. Garth began working for NDOT in 1960, where he started off painting the lines on the streets. In 1962, he was drafted into the

United States Army where he spent three years serving his Country in Germany. Upon his return, he resumed his career at NDOT where he became the first graduate of the Engineering Training Program. In 1975, Garth was promoted to Chief of Road Design and served as Deputy Director. Garth would eventually be promoted to the Director, ending a decades-long climb of leadership positions. He retired in 1995, capping off more than 30 years of service to Nevada.

Garth was a great leader who served his State and his Country with a sense of humor and quick wit that endeared him to his coworkers and his family. He traveled extensively with his wife Cheryl for almost 34 years, and he was a devoted father to two daughters, Cheryl and Sydney. He had five grandchildren, Mackenzie, Cameron, Kyle, Cole and Landon, and one greatgrandchild, Declan. Garth, unfortunately, passed away on April 18, 2021, but he remains an inspiration to us all, particularly to State employees. He was an example of what can be done if you work hard, keep sight of your job, get educated and move forward.

Renaming the building he spent so many years working at is the perfect way to memorialize his service and show appreciation to our State employees for the work they do. State workers are the backbone of everything we do in public service. They are the ones who get the job done, and Garth Dull was one of the best. He started from humble beginnings and worked hard earning the respect of his colleagues and rising to the top of his department.

It is not unusual to name State buildings after various employees. Several of them were named after governors including Richard Bryan, who has submitted a letter in favor of this naming. The campus building in Las Vegas is named after a Director of Parole and Probation. It is not unusual to have somebody beside the Governor have a building named in one's honor, particularly with the service record that Garth has.

SENATOR GOICOECHEA:

I worked with Garth extensively when I was a county commissioner. He was one of the few who would tour the rural counties, doing road projects and talking to county commissioners about what he was doing and proposing. It is a well-deserved honor.

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MICHAEL DAYTON (Office of the Lieutenant Governor):
Lieutenant Governor Anthony Stavros supports A.B. 514 for all the reasons mentioned by Assemblyman O'Neill.

CHERYL PRICE:
I am the proud daughter of Garth Dull. My family and I would be honored if this bill passes. I support A.B. 514.

ELYSE MONROY-MARSALA (Nevada Chapter Associated General Contractors):
We support A.B. 514. Garth was remembered fondly by many of our members as a man of integrity with a true desire to ensure Nevada had good safe roads. This is a well-deserved honor. True servants beget other servants. What Cheryl did not tell you was she worked for the Public Employees' Retirement System of Nevada. Cheryl was proud to serve, as her dad did.

TERRY GRAVES:
I support A.B. 514.

CHAIR FLORES:
I close out the hearing on A.B. 514 and move on to public comment.

SENATOR OHRENSCHALL:
It has been a pleasure serving you this Session, Mr. Chair. You have been fair to everyone here, Democrat or Republican. You entertained all of my ideas, and gave us all the opportunity to craft good policy. Some chairs do not want a lot of participation, and you are not one of them. We are lucky to have you, and hardworking is an appropriate descriptor for this Committee.

CHAIR FLORES:
I close public comment. Before we adjourn, I would like to entertain a motion to do pass A.B. 465.

SENATOR GOICOCHEA MOVED TO DO PASS A.B. 465.

SENATOR DALY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR FLORES:

Having no further business, the Senate Committee on Government Affairs adjourns at 4:57 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