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***Work Session
Assembly Committee on
Government Affairs***



February 28, 2003

Legislative Counsel Bureau

ASSEMBLY GOVERNMENT AFFAIRS

DATE: 2-28-03 ROOM: 3143 EXHIBIT G

SUBMITTED BY: SUSAN SCHULLEY

PAGE 1013

ASSEMBLY BILL 3**HEARD: FEBRUARY 5, 2003**

Sponsor: Assemblywoman Dawn Gibbons

Assembly Bill 3 proposes to give public employees up to seven days of paid leave to donate bone marrow or up to thirty days paid leave for an organ donation. Assemblywoman Gibbons proposed an amendment deleting local government employees, thereby limiting the bill to state workers.

Proposed amendments: Attached is a proposed amendment developed with the support of the sponsor in response to several concerns.

Testimony in opposition: Assemblyman Williams expressed concern regarding the possible need for additional leave due to medical complications or medical malpractice.

Fiscal impact: Fiscal notes from the Department of Personnel, the University and Community College System of Nevada, and local governments are attached.

Enc.

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 3

PREPARED FOR ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS
FEBRUARY 27, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) *green bold dashed underlining* is deleted language in the original bill that is proposed to be retained in this amendment.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to public employees; requiring a paid leave of absence of certain duration for public officers and employees who donate bone marrow or certain organs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 281 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 1. *Except as otherwise provided in this section, any public officer or*
4 *employee of the State or any agency thereof, ~~or of a political subdivision~~*
5 *or an agency of a political subdivision must be relieved from his duties to*
6 *donate:*

7 (a) *Part of his bone marrow; or*

8 (b) *All or part of one of his organs.*

1 Any public officer or employee of a political subdivision or an agency of
2 a political subdivision may be relieved of his duties pursuant to
3 subsections (a) and (b) if the political subdivision or agency of a political
4 subdivision, at its own option, elects to conform with this section.

5 2. The leave described in subsection 1 must be granted to a public
6 officer or employee without loss of his regular compensation for such a
7 period as is requested by the public officer or employee but in no case to
8 exceed:

9 (a) With respect to a donation of bone marrow, 7 working days in
10 any 1 calendar year; and

11 (b) With respect to the donation of all or part of an organ, 30
12 working days in any 1 calendar year.

13 3. Except as otherwise provided in subsection 5, the mandatory paid
14 leave described in subsection 2 must not be counted against any annual
15 vacation time, compensatory time or sick leave time that a public officer
16 or employee has accrued.

17 4. To be eligible for the mandatory paid leave described in
18 subsection 2, a public officer or employee must provide to his employer a
19 written, signed statement from a physician or from the administrator of a
20 hospital, attesting to:

21 (a) The fact that the public officer or employee has donated bone
22 marrow or all or part of one of his organs, or is scheduled to make such
23 a donation; and

24 (b) The particulars of the officer's or employee's donation,
25 including, without limitation:

26 (1) The date on which and the time at which the donation took
27 place or is scheduled to take place;

28 (2) The name of the medical facility at which the donation took
29 place or is scheduled to take place; and

30 (3) The name of the physician who harvested or is scheduled to
31 harvest the officer's or employee's bone marrow or whole or partial
32 organ.

33 (c) All information received and the retention thereof shall be in
34 compliance with the provisions of the federal Health Insurance
35 Portability and Accountability Act (HIPPA).

36 5. If a public officer or employee obtains paid leave pursuant to this
37 section but does not ultimately make the donation for which the leave
38 was granted, the employer of the public officer or employee may require
39 the public officer or employee to reimburse the employer accordingly,
40 either through the payment of money or the exchange of another type of
41 paid leave that the public officer or employee has accrued.

42 6. No part of this section prohibits an employee from allowing a public
43 officer or employee to donate his time to another public officer or
44 employee who is donating bone marrow or all or part of one of his
45 organs, or from establishing a voluntarily donated pool of leave from

1 public officers or employees that may include their vacation time,
2 compensatory time or sick leave, that may be donated to a public officer
3 or employee who has exhausted the mandatory paid leave described in
4 subsection 2.

5 67. No part of this section prohibits an employer, after a public
6 officer or employee has exhausted the mandatory paid leave described in
7 subsection 2, from allowing the public officer or employee to:

8 (a) Take unpaid leave;

9 (b) Use annual vacation time, compensatory time or sick leave time;

10 (c) Use time donated by another public officer or employee or from a
11 pool of leave time established pursuant to this subsection or

12 (d) ~~Both (a) and (b) and (c),~~
13 if the employer reasonably believes that the public officer or employee
14 requires an additional period of relief from his duties to recuperate from
15 the donation of bone marrow or all or part of one of his organs.

16 (e) An employee who donates bone marrow or all or part of one of his
17 organs shall be entitled to all the legal rights and protections of existing
18 law as it relates to any untoward medical incident related to said
19 donation.

20 7.8. No period in which a public officer or employee is absent from
21 work to donate bone marrow or all or part of one of his organs, or to
22 recuperate from such a donation, whether the period of absence is paid
23 or unpaid, may be used as the basis for:

24 (a) Reducing the officer's or employee's benefits or seniority; or

25 (b) Terminating the officer's or employee's position.

26 8.9. As used in this section:

27 (a) "Bone marrow" means the soft material that fills human bone
28 cavities.

29 (b) "Organ" means a vascularized human organ, all or part of which
30 is capable of being transplanted from a living human donor to a living
31 human recipient, including, without limitation:

32 (1) An organ such as a kidney, all of one of which is capable of
33 being transplanted from a living human donor to a living human
34 recipient; and

35 (2) An organ such as a liver, lung or pancreas, only part of which
36 is capable of being transplanted from a living human donor to a living
37 human recipient.

38 (c) "Vascularized human organ" means a human organ that
39 requires the continuous circulation of blood to remain useful for
40 purposes of transplantation.

H

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared January 17, 2003

Agency Submitting: Department of Personnel

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Paid Leave Time (Expense)		\$1,150	\$1,533	\$1,533
Total		\$1,150	\$1,533	\$1,533

Explanation (Use Additional Sheets of Attachments, if required)

The projected fiscal expense covers State employees of Executive Branch departments. It does not include, employees of the University and Community College System of Nevada. The projected fiscal impact to departments would be considered an indirect cost. See attached for a detailed explanation of projected costs.

Name Carol L. Thomas

Title Chief Personnel Manager

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date January 31, 2003

The estimated fiscal impact appears to be reasonable

Name John P. Comeaux

Title Director

ESTIMATED FISCAL IMPACT EXECUTIVE BRANCH EMPLOYEES PAID LEAVE TO DONATE ORGAN OR BONE MARROW*

Estimated Cost of Paid Leave for Organ Donations

Estimated Annual Employee Donations:

Current Number of Employees	14,387.16
Divided by Current Nevada Population	2,197,424
Multiplied by the Average Number of Nevada Donations	20
Subtotal: Estimated Annual Employee Donations	<u>0.13095</u>

Estimated Cost of Paid Leave:

Average Salary Per Day	\$170
Multiplied by 30 Days	30
Multiplied by Estimated Annual Employee Donations	<u>0.13095</u>
Subtotal: Estimated Cost of Paid Leave for Organ Donations	\$668

Estimated Cost of Paid Leave for Bone Marrow Donations:

Estimated Annual Employee Donations:

Current Number of Employees	14,387.16
Divided by Current Nevada Population	2,197,424
Multiplied by the Average Number of Nevada Donations	111
Subtotal: Estimated Annual Employee Donations	<u>0.72675</u>

Estimated Cost of Paid Leave:

Average Salary Per Day	\$170
Multiplied by 7 Days	7
Multiplied by Estimated Annual Employee Donations	<u>0.72675</u>
Subtotal: Estimated Cost of Paid Leave for Bone Marrow Donations	\$865

Estimated Annual Cost of Paid Leave for:

Organ Donations	\$ 668
Bone Marrow Donations	<u>\$ 865</u>
Total Annual Cost	\$ 1,533

Fiscal Expense:

FY 2002/03	\$ -
FY 2003/04 (nine months)	\$ 1,150
FY 2004/05	\$ 1,533
Future Biennia	<u>\$ 1,533</u>

*See Attachment A: Statistics Used to Estimate Fiscal Impact

**STATISTICS USED TO ESTIMATE FISCAL IMPACT OF EXECUTIVE BRANCH EMPLOYEES
PAID LEAVE TO DONATE ORGAN OR BONE MARROW
ATTACHMENT A**

STATISTICS				
Average Executive Branch Employee Salary*(1/13/03)			\$	44,415
Average Executive Branch Employee Salary Per Day*(Average Employee Salary/261 days)			\$	170
DONATIONS, POPULATION, & EMPLOYEES	2002	2001	2000	3 Year Average
Nevada Organ Donations (provided by Organ Procurement and Transplantation Network)	16	24	20	20
Nevada Bone Marrow Donations calculation = ((USA average annual donations/USA population) x NV population)	114	111	107	111
USA Bone Marrow Donations (annual average provided by Blood & Marrow Transplant Information Network)	15,000	15,000	15,000	15,000
Nevada Population (provided by U.S. Census Bureau, preliminary 2002 provided by Nevada Demographer)	2,197,424	2,106,074	1,998,257	
USA Population (2000 and 2001 provided by U.S. Census Bureau, 2002 calculated based on 1.2 % increase over 2001)	288,214,450	284,796,887	281,421,906	
Executive Branch Employees (adjusted FTE does not include elected officials, seasonal, temporary or university and community college system employees)	14,387.16			

* Does not include employees in the University and Community College System of Nevada.

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared February 12, 2003

Agency Submitting: University and Community College System of Nevada

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Total				

Explanation (Use Additional Sheets of Attachments, if required)

As proposed, BDR 23-147 would require all public employers, including the University and Community College System of Nevada, to allow its employees time off from their assigned duties in order to donate bone marrow or become a "living human donor" of a kidney, lung, or pancreas. A maximum of 7 days would be provided for a bone marrow donation, and a maximum of 30 days would be provided for an organ donation. The measure requires that the employee's seniority not be compromised during the absence, and that the employee not suffer a loss of regular compensation.

Based upon information concerning Nevada's bone marrow and organ donations, it appears that on a statewide basis approximately 20 individuals will donate organs, and approximately 111 individuals will donate bone marrow during the course of a year. In order to determine the fiscal impact of allowing the UCCSN employees time off to participate in the medical procedures, we calculated the average daily rate for a UCCSN employee (i. e. the average annual salary of UCCSN's current professional and classified employees is \$49,529, plus \$8,915 in fringe benefits based on a blended fringe rate of 18 percent, bringing the total annual salary to \$58,444, which, assuming 260 working days in a year, equates to an average daily rate of \$225). Based on the calculated average daily rate of \$225, we estimate the cost of a single incident of an organ donation (maximum of 30 days) would be \$6,750. We estimate the cost of a single incident of a bone marrow donation (maximum of 7 days) would be \$1,575. We also assume that the hiring of additional temporary employees would not be necessary in order to "backfill" the duties of the employees donating bone marrow or an organ.

Name Ginny Wiswell

Title Budget and Finance Coordinator

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date February 19, 2003

Agency analysis is reasonable.

Name John P Comeaux

Title Director

LOCAL GOVERNMENT
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared February 20, 2003

Agency Submitting: Local Government

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Total				

Explanation (Use Additional Sheets of Attachments, if required)

Local governments reported varying impacts for this bill. The impacts to local governments would result from the costs to pay a temporary replacement or substitute teacher while an employee was on bone marrow or organ donation leave. A temporary replacement would not always be required but may be necessary in some instances. Additionally, local governments that pay employees for unused sick leave may have to pay more to an employee who would have been required to use normal sick leave balances before the provisions of this bill. Obviously, the cost to any local government would depend on the number of bone marrow and organ donors that elect to use the leave and the type of employees that elect to use the leave.

For local government responses, see attached

Name Rick Combs

Title Deputy Fiscal Analyst

**A.B. 3
BDR 23-147**

Nevada League of Cities reported the impact could be \$22,223 if 10 percent of FTEs took advantage of the additional leave provide in the bill.

Counties:

Carson County - \$6,000 per year.
Churchill County - \$5,586 in FY 2004; \$5,865 in FY 2005.
Clark County - less than \$100,000.
Douglas County - \$1,750 to \$10,000 per year for one employee.
Elko County - \$3,000 to \$13,000 per year.
Esmeralda County - Bone marrow provisions would have no impact; organ donation provisions would impact small offices in an undetermined amount.
Eureka County - No impact.
Humboldt County - \$5,939 per employee who uses the leave.
Lander County - Bone marrow provisions \$1,500 per occurrence; organ donation provisions \$6,200 per occurrence.
Lincoln County - Unknown.
Lyon County - \$145,293 in FY 2004; \$148,926 in FY 2005.
Mineral County - Did not respond.
Nye County - Did not respond.
Pershing County - Unknown.
Storey County - Did not respond.
Washoe County - Did not respond.
White Pine County - \$40,000 per year

School Districts:

Carson City School District - Cost of substitute teacher, if needed, could be absorbed in the operating budget.
Churchill County School District - No impact.
Clark County School District - \$33,000 per year for estimated six employees per year.
Douglas County School District - \$2,765 per employee for bone marrow leave; \$12,650 per employee for organ donor leave.
Elko County School District - \$6,200 per year for estimated 2 employees per year.
Esmeralda County School District - No significant impact.
Eureka County School District - \$4,700 in FY 2004; \$4,900 in FY 2005.
Humboldt County School District - Indicated an impact of \$352 per employee per day.
Lander County School District - \$1,500 each year.
Lincoln County School District - No impact.
Lyon County School District - Minimal impact.
Mineral County School District - \$3,710 in year in which leave is requested.
Nye County School District - \$2,350 for a certified substitute for an organ donor and \$525 for a certified substitute for a bone marrow donor.
Pershing County School District - \$60 to \$594 for a bone marrow donor; \$60 to \$2,550 for an organ donor.
Storey County School District - Negligible impact.
Washoe County School District - Approximately \$11,500 per year based on 4 bone marrow donors and 1 organ donor.
White Pine County School District - \$3,047 per year for one of each type of donor.

ASSEMBLY BILL 137

HEARD: FEBRUARY 21, 2003

Sponsor: Assembly Committee on Government Affairs (on behalf of the Office for Consumer Health Assistance)

Assembly Bill 137 reduces the reporting requirement for the Bureau of Hospital Patients from quarterly to annually, and directs the report be sent to the director of the Legislative Counsel Bureau for distribution to legislative committees.

Proposed amendments: None

Testimony in opposition: None

Fiscal impact: None

ASSEMBLY BILL 153**HEARD: FEBRUARY 26, 2003**

Sponsor: Assembly Committee on Government Affairs (on behalf of the Department of Administration)

Assembly Bill 153 proposes to eliminate the \$250 cap on petty cash accounts and allow the limit to be set by the Board of Examiners or its clerk. Further, the bill permits the Board of Examiners or its clerk to determine when an emergency exists, and to permit an expenditure from the Emergency Fund.

Proposed amendments: The Chair proposes an amendment changing the cap for petty cash accounts of state agencies from \$250 to \$500 (page 1, line 5 of the bill).

Testimony in opposition: None

Fiscal impact: None