

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fourth Session
April 5, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:03 a.m., on Thursday, April 5, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn Kirkpatrick, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Chad Christensen
Assemblyman Jerry D. Claborn
Assemblyman Pete Goicoechea
Assemblyman Ruben Kihuen
Assemblyman Harvey J. Munford
Assemblywoman Bonnie Parnell
Assemblyman James Settelmeyer
Assemblyman Lynn D. Stewart
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Assemblyman David Parks, Assembly District No. 41



STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Rachelle Myrick, Committee Secretary

OTHERS PRESENT:

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association
Randy Robison, Representing the City of Mesquite
Tim Acker, City Manager, City of Mesquite
Dave Bennett, City Council, City of Mesquite
Mike Alonso, Representing Locnavar, LLC, Reno, Nevada
Brett Scolari, Representing Locnavar, LLC, Reno, Nevada
Alfredo Alonso, Representing Washoe County
Geno Martini, Mayor, City of Sparks
Bob Cashell, Mayor, City of Reno
Michael Hillerby, Executive Vice President, Wingfield Nevada Group
Mary Walker, Representing Douglas County, Lyon County, and Incline Village General Improvement District
Gene Brockman, Vice Chairman, Incline Village General Improvement District
John Hester, Community Development Director, City of Reno
Gary Wolff, Nevada State Law Enforcement Officers' Association
Ron Cuzze, President, Nevada State Law Enforcement Officers' Association
Kevin Ranft, Correction Officer, American Federation of State, County, and Municipal Employees, Local 4041
Darhyl Vann, Chapter President, American Federation of State, County, and Municipal Employees, Local 4041
Joseph Turco, American Civil Liberties Union of Nevada
Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department
Bryn Lapenta, Interim Assistant Superintendent, Washoe County School District
Carl Johnson, Commander, Office of Professional Responsibility, Department of Public Safety
Dan Musgrove, Representing Clark County
Chris Knight, Director, Office of Administrative Services, City of Las Vegas
Oran McMichael, Area Field Services Director, American Federation of State, County, and Municipal Employees

Danny Coyle, Past President and Director, American Federation of
State, County, and Municipal Employees, Local 4041
Danny Thompson, Representing American Federation of Labor
Congress of Industrial Organizations:
Mark Anastas, Interim Director, Department of Personnel, State of
Nevada

[Meeting called to order and roll called at 8:03 a.m.]

Chair Kirkpatrick:

I would like to start with the work session ([Exhibit C](#)).

Assembly Bill 291: Revises provisions governing the use of money deposited in a local governmental fund established to stabilize the operation of the local government and mitigate the effects of natural disasters. (BDR 31-189)

Amber Joiner, Committee Policy Analyst:

To continue the work session from yesterday we will start with Assembly Bill 291.

Assembly Bill 291 expands the purpose for which the money in a rainy day fund may be expended to allow counties whose populations are less than 9,000 to use the money to retire outstanding debt. This was heard on March 23, 2007 and the sponsor was Assemblyman Goicoechea. There was one main amendment and there is a mock-up in your work session document that is a slightly revised version of the mock-up that was presented during the original hearing.

Since the hearing the sponsor has made two revisions to the proposed amendment. As amended, A.B. 291 would allow school districts that receive taxes on net proceeds to set aside a percentage to establish a school district fund for mitigation. Money from the fund may be used by the school district to compensate for a decline in the revenue received from the tax and net proceeds during the two fiscal years immediately preceding the current fiscal year or for the opening or closing of a mine.

In counties whose population is less than 15,000, school districts may use money from the fund if revenues in the current fiscal year are less than 90 percent of the revenues available from the preceding fiscal year. In the original mock-up that was 80 percent. The fund may also be used to retire bonds or outstanding obligations.

There was no testimony in opposition to this measure.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN SETTELMAYER MOVED TO AMEND AND DO
PASS AS AMENDED ASSEMBLY BILL 291.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

Is there any discussion on A.B. 291?

Assemblywoman Parnell:

The bill says there is no fiscal note, but it seems to me that it might need to go to Ways and Means. Is that true? Could we have some clarification on that?

Assemblyman Goicoechea:

I talked to Assemblywoman Smith today, and she feels the same way. I do not have a problem with this bill going to Ways and Means, but I do not agree that it needs to go to Ways and Means because the stabilization fund is already allowable in statute. They have the ability to pull that percentage off. It will not have an impact in Ways and Means. For the comfort of this Committee if they feel it needs to go to Ways and Means, that is fine.

Chair Kirkpatrick:

I think we can send it to Ways and Means.

Assemblyman Goicoechea:

I would like us to pass it out of here with a recommendation. I do not think there is a fiscal impact.

Chair Kirkpatrick:

The good thing is it qualifies to be exempt.

Are there any other discussions? [There were none.]

[Motion was changed.]

ASSEMBLYMAN SETTELMAYER MOVED TO AMEND AND DO PASS AND REREFER ASSEMBLY BILL 291.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

Assembly Bill 296: Makes various changes concerning the lease of certain water rights. (BDR 48-978)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 296 ([Exhibit D](#)) authorizes the lease of water rights used primarily for agricultural purposes, if the lease is for wildlife purposes, or to improve the quality or flow of water. The lease term for such water rights may not exceed ten years.

This was sponsored by Assemblyman Bobzien and heard on March 26, 2007.

There was one amendment proposed during the hearing. The mock-up is the same as in the hearing. What the proposed amendment would do is strike most of the language in the original bill and add new language. As amended, A.B. 296 would declare it the policy of the State of Nevada to allow the temporary conversion of certain agricultural water rights for wildlife purposes or to improve the quality or flow of water.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED ASSEMBLY BILL 296.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

Assembly Bill 298: Makes various changes to provisions concerning school police officers. (BDR 23-1027)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 298 ([Exhibit E](#)) prohibits a person who supervises school police officers from suspending a school police officer without pay until all investigations into a complaint or allegation have been concluded. This would

apply to investigations that could result in punitive action, but it would not apply to investigations into alleged criminal activity.

This bill was sponsored by Assemblyman Ohrenschall and was heard on March 21, 2007.

One amendment was presented during the original hearing to extend the provisions of the measure to all law enforcement agencies, not just school police.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN CHRISTENSEN MOVED TO AMEND AND DO
PASS AS AMENDED ASSEMBLY BILL 298.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

Is there any discussion?

Assemblyman Settelmeyer:

It was indicated, while I was talking to some sheriffs, that the ability to do what we are discussing in this bill is something they deal with in their collective bargaining agreements. I feel that we are interfering and tampering with those agreements. I support the bill but not the amendment.

Assemblyman Goicoechea:

I can support the bill as far as the investigative process. I want to make it clear. You were charged, the investigation is over, and at that point you could be suspended without pay if they actually had a charge in place.

Assemblyman Christensen:

Have other law enforcement bodies expressed concern to you about the effects to them or what would change. My understanding is this is focused on school police because they are falling into a crack that separates them from other law enforcement bodies.

Assemblyman Settelmeyer:

In discussions with a couple of county sheriffs, they indicated the bill is fine in the present form.

The amendment—they gave me an analogy: In a collective bargaining agreement you have a bunch of chips, and you are all figuring out how the chips are

sorted. At the end of the day, they have determined who has this chip and who has that chip. Now we are being asked as legislators to go back in and take one party's chips and move them to the other side. I feel that agreement has already been made by local county officials, and to interfere with that collective bargaining agreement is tampering with the contract. That is why I feel uncomfortable. I feel comfortable with the bill but the amendment takes it to a level that was not discussed.

Chair Kirkpatrick:

The amendment was discussed in great length. My recollection of it was that it was the school police that had the problem. However, to make all officers equal, there were several people that already had policies in place. But to make the language germane with what was already out there...

I do not remember their saying collective bargaining would be part of the problem. I remember they addressed that. I believe that during testimony we grilled them pretty well to figure out what the real problem was.

Assemblyman Claborn:

I can support the amendment.

Assemblyman Beers:

I agree with Assemblyman Settelmeyer. The original bill addresses the problem because the school police would be within the same arrangement as other law enforcement agencies if this bill is passed. It evens the playing field.

Chair Kirkpatrick:

Mr. Adams, do you mind coming up here? Maybe you could help us clarify some of this. During the testimony we said that it does put everyone on an even playing field. Do you recall that?

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

I was not present during that testimony. It is my understanding that the school police do not want to be suspended during an investigation. In local law enforcement that is normally not done unless there is an arrest or an indictment that has been handed down.

Chair Kirkpatrick:

They told us that if it was already a criminal offense, there were policies in place to address that.

Frank Adams:

That is correct in most agencies. There are policies in place to handle that issue.

Assemblyman Settlemeyer:

Is it true that some counties have negotiated this aspect as part of their collective bargaining agreements for the right to do what we are saying they will no longer have the right to do?

Frank Adams:

That is correct. Some bargaining agencies have made that part of their contract. In most agencies that do not have that policy, it is generally a policy that a person is not suspended without pay unless they are indicted or arrested.

Assemblyman Goicoechea:

So you are saying some have negotiated it, but this bill would not impact those agreements?

Frank Adams:

This bill applies strictly to school district police.

Assemblyman Goicoechea:

The amendment makes it apply to all law enforcement.

Frank Adams:

Then I think there is going to be a conflict with some of the previously negotiated contracts.

Chair Kirkpatrick:

I am getting the consensus of the Committee that we should pull this back and clarify some of the questions and answers.

[Upon discussion, motion was rescheduled.]

Assembly Bill 299: Makes various changes to provisions concerning youth shelters. (BDR 20-785)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 299 ([Exhibit F](#)) revises the definition of runaway and homeless youth in order to be consistent with the federal definition provided by the McKinney-Vento Homeless Assistance Act. This measure also requires approved youth shelters to attempt to notify the parent, guardian, or custodian

of the whereabouts of a runaway or homeless youth, instead of requiring actual notice.

There were no amendments proposed for this measure and there was no testimony in opposition. It was heard on March 23, 2007, and was sponsored by Assemblyman Conklin.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS
ASSEMBLY BILL 299.

ASSEMBLYMAN GOICOCHEA SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

Assembly Bill 350: Revises provisions relating to certain cooperative agreements entered into by housing authorities. (BDR 22-981)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 350 ([Exhibit G](#)) was sponsored by Assemblywoman Smith and heard on March 27, 2007.

It authorizes a housing authority that is a party to a cooperative agreement with housing authorities in other states or the federal government to pledge revenues or contribute money to secure the obligations or pay the expenses of the cooperative undertaking. The housing authority may also establish a separate entity to administer the undertaking. The powers of the entity include the authority to contribute money for the purchase of insurance, the authority to borrow money, and the authority to issue bonds and notes.

There were no amendments proposed and there was no testimony in opposition.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN GOICOCHEA MOVED TO DO PASS
ASSEMBLY BILL 350.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

Assembly Bill 380: Revises certain requirements relating to radar guns.
(BDR 40-1188)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 380 ([Exhibit H](#)) authorizes the use of a radar gun that was on the Conforming Product List of the International Association of Chiefs of Police at the time of purchase, even if the gun is no longer on the list.

It was sponsored by Assemblywoman Kirkpatrick and heard on March 30, 2007.

No amendments were proposed and there was no testimony in opposition.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS
ASSEMBLY BILL 380.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

Assembly Bill 463: Makes various changes pertaining to residential establishments and group homes. (BDR 22-534)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 463 ([Exhibit I](#)) was sponsored by Assemblywoman Kirkpatrick and heard on March 28, 2007.

Assembly Bill 463 requires local governments to assist in obtaining information for the Health Division's registry of residential establishments, and expands the registry to include information helpful to police, firefighters, and other emergency services, and broadens the registry to apply to both licensed and unlicensed residential establishments that provide services to four or more persons. This measure also provides that if a county or city requires a permit for residential establishments, then the county or city must ensure that the establishment has secured the necessary state and federal certifications or licenses before granting the permits. If a county whose population is 100,000 or more, or a city in such a county, fails to establish a minimum distance between residential establishments by December 31, 2007, then a minimum distance of 1,500 feet will take effect.

There was one amendment proposed during the original hearing. The mock-up has not changed since the hearing. The amendment changes the minimum distance between residential establishments from between 660 feet and 1,500 feet to between 1,500 feet and 2,500 feet. Additionally, it changes Section 10 of the bill so that if a governing body fails to adopt a minimum distance between residential establishments, the minimum distance will be 2,500 feet instead of 1,500 feet. This is on pages 4 and 5 of the mock-up.

There was no testimony in opposition to this measure.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS AS
AMENDED ASSEMBLY BILL 463.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

Is there any discussion?

Assemblyman Goicoechea:

I want to make sure that we establish that in those counties under 100,000 there would not be a minimum distance requirement unless it was established by the local jurisdiction. Is that correct?

Chair Kirkpatrick:

No.

There are not any group homes in your districts.

Assemblyman Goicoechea:

I wanted to make sure that in the instance they did or would have one, would this then apply?

Chair Kirkpatrick:

Mr. McKenna, would you care to address that?

Scott McKenna, Committee Counsel:

I would clarify that pursuant to what was subsection 4 of *Nevada Revised Statutes* (NRS) 278.021 which will now be subsection 3, this bill does not affect the law in any way with respect to counties under 100,000. It stays absolutely the same.

Assemblyman Settelmeyer:

On the first page of A.B. 463 in our work session document, it says if a county with a population of 100,000 or more fails to set its own minimum distance, then a minimum distance of 1,500 will take effect. You are saying if you are fewer than 100,000 it does not do anything. I think it addresses that concern.

MOTION PASSED UNANIMOUSLY.

Assembly Bill 530: Creates the Office of Ombudsman of Consumer Affairs for Minorities. (BDR 18-1375)

Amber Joiner, Committee Policy Analyst:

Assembly Bill 530 ([Exhibit J](#)) was sponsored by the Assembly Committee on Commerce and Labor and heard on March 30, 2007.

It created the Office of Ombudsman of Consumer Affairs for Minorities within the Consumer Affairs Division of the Department of Business and Industry. This measure also repeals the sunset provision that would abolish the Nevada Commission on Minority Affairs on June 20, 2007, and requires the Ombudsman of Consumer Affairs for Minorities to serve as the Executive Secretary of the Commission. Additionally, \$15,000 is appropriated to the Commission to carry out its duties.

There were no amendments proposed and there was no testimony in opposition.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS AND
REREFER ASSEMBLY BILL 530.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

Assembly Joint Resolution 7: Urges the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Minden and Stead. (BDR R-290)

Amber Joiner, Committee Policy Analyst:

The last measure in your binder for the work session today is Assembly Joint Resolution 7 ([Exhibit K](#)).

It is sponsored by Assemblywoman Parnell and was heard on March 23, 2007.

Assembly Joint Resolution 7 urges the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Minden and Stead.

One amendment was proposed during the hearing by the sponsor which was to include the Battle Mountain airtanker base also in the resolution.

There was no testimony in opposition to this measure.

Chair Kirkpatrick:

Do I have a motion on the floor?

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS AS AMENDED ASSEMBLY JOINT RESOLUTION 7.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

We have one last bill which is Assembly Bill 408. We are going to Rerefer that to Ways and Means. Do I have a motion on the floor?

ASSEMBLYMAN STEWART MOVED TO REREFER WITHOUT RECOMMENDATION ASSEMBLY BILL 408.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

**Assembly Bill 513: Revises provisions relating to general improvement districts.
(BDR 25-1380)**

I am going to open the hearing on Assembly Bill 513.

This was a Committee bill that was introduced regarding provision that has to do with General Improvement Districts (GID).

Randy Robison, Representing the City of Mesquite:

In the City of Mesquite we are members of a GID that is operated by the Overton Power District (OPD). This GID covers the communities of Mesquite, Bunkerville, Logandale, Overton, and Moapa.

Currently our organization is a five-member board with one representative from each of those communities. Over the past several years as our community has grown, and as economic development projects have entered our community, we have worked with all of our local utilities to help further that progress.

As we continue to work with the OPD Board, it has become evident to us that because of the way the board is currently organized, we do not enjoy the representation we feel is appropriate, particularly in terms of the "one man, one vote" principle or general representative democracy. Mesquite has, in terms of the GID population, 60 to 65 percent of the total population, yet we have only one member on the board. We have found that to be inadequate on a number of occasions.

Over the last several years we have endeavored to work with OPD on a number of issues. We have even discussed with them the issues outlined in this bill in terms of the makeup of the board and how we might better manage that representation.

Those discussions have been fruitless to this point, but rather than propose a bill that would be mandatory, what we are attempting to do with this bill is provide options to people who petition the Board of County Commissioners for the reorganization or creation of election areas and GID boards ([Exhibit L](#)). It is permissive in nature, not mandatory.

There is a petition process in statute that allows 10 percent of the voters within a GID to petition their county commission to create election areas within that GID. We are not changing that. We are not compelling people to do that. That is current law. What we are saying is, if the voters decide to do that, we would like to give them some other options. The way we read the statute, the only option they have is for a five-member board. Over the last several years we have discussed with the OPD the possibility of going to a seven-member board. This bill outlines that possibility. It also allows the possibility of a seven-member board but only five election areas, so you could have a multi-member or a two-member election area. That is not unprecedented in our representative system. We have State Senate Districts where we have two Senators that cover the same district and are elected on alternating cycles.

The other provision we wanted to include states that once a petition is forwarded to the county commission, and when the county commission considers that petition, it must be designed to include proportional representation for all of the communities affected by that GID.

If a petition is brought, there are a number of options that people can propose to the board that would provide more nearly equal representation to the taxpayers and citizens who are living within that GID.

Current law allows for a petition process. We are not changing or mandating that. We are not mandating any of these options. If you decide to do something, here are some other options you can exercise as you seek more equitable representation.

You may hear from some people today that the bill applies only to newly created GIDs. That was not our intent. We believe that you could use the petition process to alter or create election areas under current statute. The mock-up you are looking at adds the words "create or reorganize the district or election areas." There is some of that current language in other sections of this same statute when it talks about creating or reorganizing the district. We do not believe that is something new.

We bring this bill to provide us some additional options if and when voters bring a petition to the board of county commissioners seeking more equitable representation on a governing board of a GID.

Tim Acker, City Manager, City of Mesquite:

We believe that at this juncture in Mesquite's history, it would benefit us and the general OPD if we had a fair, more balanced representation. We are somewhat unique when you look at the composite of what has been termed communities. Mesquite is the only incorporated community. Our needs, desires, goals, and our future are somewhat different from other unincorporated areas. We hope to have certified before the State Demographer 17,656 in population in the City of Mesquite. When you look at Moapa and the Moapa Valley combined, their current population before the State Demographer is 7,848. You can see the tremendous imbalance in representation.

Dave Bennett, City Council, City of Mesquite:

It is something that needs to be amended to allow us to have a better proportion of representation on the board.

Assemblyman Goicoechea:

This question is directed to Legal. When does the Board of County Commissioners, by statute, have to relinquish the operation or their function as a board?

Scott McKenna, Committee Counsel:

Could you restate that? When the board of trustees would have to relinquish control?

Assemblyman Goicoechea:

Yes. A board of county commissioners creates a GID. At what point do they have to set the second board? What is that requirement in statute? When does the board of county commissioners have to relinquish in favor of a board of trustees?

Scott McKenna:

I am not sure of the exact date. It would be following the election after the petition process outlined in *Nevada Revised Statutes* (NRS) 318.0952.

Assemblyman Goicoechea:

At the first general election after a GID was created, the board of county commissioners would have to hold that election. I know there are GIDs that have continued longer with the board of county commissioners sitting as the active board. I want to know if it is a violation.

Scott McKenna:

It appears to say it would be the first Monday of January following a biennial election.

Assemblyman Stewart:

Is your intent to create a new board or just to add two members to the existing board?

Randy Robison:

Our intent is to give us options to do either. Add two members or reorganize the current election areas. The answer is yes and no.

Assemblyman Stewart:

Yes to which and no to which?

Randy Robison:

We currently have a five-member board, and one of the options we could exercise is to add two members to the board.

Assemblyman Stewart:

So you would have 60 percent if it worked out the way you want it?

Randy Robison:

Yes.

Assemblyman Stewart:

Also, this gives you the option to create a new board.

Randy Robison:

I do not believe it gives us that authority. I believe that the board of county commissioners is the only one who can create a new board. What we are amending is the section that gives us the opportunity to reorganize the existing board.

Chair Kirkpatrick:

This was enabling legislation in the event you wanted to make a change or not. You may decide in 30 days that you do not need a change.

Assemblyman Settlemeyer:

You are going to allow districts to go from five to seven board members. I worry that sometimes people may not want to fight each other in an election. Such as there is only one more person who wants to be on this board, so we are going to bump this up to a seven person board, so that we do not have to deal with an election.

Let us say that you are at a GID somewhere, and it has only a five-member board. You have two extra people who want to run. I am worried that rather than go through the election process they may cave and say let us go back to the county commissioners and become a seven-member board.

If there is some way to add something in here that says this is only applicable when you are annexing new areas into it, or when you are extending out, therefore you need new opinions on the voting. If we could do that I would be in favor of this bill. Right now as it stands, if you get to walk in and go from a five- to a seven-member board, I am a little concerned.

Assemblyman Goicoechea:

Under existing statute, any time 10 percent of the qualified electors of your district petition, it will still require the 10 percent petition process before you can extend the board or reorganize the board. You still have to have 10 percent of the voters. It would not be two guys deciding they want to expand the board.

Dave Bennett:

In many cases GIDs deal with a single jurisdiction or a single area. In this particular case we are dealing with multiple jurisdictions, multiple townships, the city of Mesquite, and a fairly large geographical area. The service area is 50 to 100 square miles. Mesquite is 35 to 40 miles away from Overton, so we are talking about a large geographical area that will have different growth patterns in different parts of that area over the next few decades. To allow for more flexibility within that large geographical area, it is important for the service area of this GID to become more representative.

Chair Kirkpatrick:

Is there anyone who would like to speak in favor of A.B. 513?

Mike Alonso, Representing Locnavar, LLC, Reno, Nevada:

We support A.B. 513 but have an amendment ([Exhibit M](#)).

As this Committee is aware from previous hearings, the Winnemucca Ranch is the subject of some issues that came up between local governments in northern Nevada over the settlement agreement and a bill that was brought forward on noncontiguous annexation. We understood where that was going so from my client's perspective we were trying to put something conceptual in with the local governments that would work for them and for our project.

I want to make it clear this is conceptual. The City of Reno, City of Sparks, and Washoe County are represented. We are still trying to work through the language, but we have a concept we think could work. What we would do is have a county GID, which is already in the law. The county would turn over control under very specific parameters to a city. We have a population cap in it. It would apply only within an area adopted in the city's sphere of influence. There would be an acreage requirement. One hundred percent of the property owners would have to petition the county for the GID creation. The city would approve the GID service plan and make the applicable findings. Upon request of the city and after approval of the service plan that includes police service, the county would establish the GID and appoint the city council as the initial board of trustees. The city council would approve the budget, business practices, et cetera as the initial board of trustees. Then at some point when electorates reside within the district, the five-member board would be created and this would set forth how that would happen. The amendment also provides for additional services that would have to be provided by the GID. That is conceptually where we are.

Brett Scolari, Representing Locnavar, LLC, Reno, Nevada:

I am here to answer any questions on the language in the amendment as it sits right now.

Alfredo Alonso, Representing Washoe County:

This is a contentious issue. While not perfect, we believe this is a good compromise. It preserves the existing GID law and makes an exception for the area in question, which is a good compromise and does not affect any other issues of this Body.

Assemblyman Goicoechea:

You are talking about creating a GID. The Board of County Commissioners would vacate that position in favor of the Reno City Council. Then because GIDs require district residency for the two board members, when the election occurs, the board would have to roll back to two people who live in the GID. Is that correct?

Mike Alonso:

Because of the background, we have set it up to happen once there are electors within that district. The amendment would provide that the city council still controls the board. There would be five members, and the city would be entitled to appoint three and the other two would be elected from within the district.

Assemblyman Goicoechea:

That would be an exemption from Chapter 318.

Chair Kirkpatrick:

This is not going anywhere today. We will have plenty of time to digest it. Are there any other questions? [There were none.]

Is there anyone else who would like to support A.B. 513?

Geno Martini, Mayor, City of Sparks:

We support this in concept.

Bob Cashell, Mayor, City of Reno:

We support this bill in concept. We have some negotiations we would like to do with Sparks and Washoe County.

Chair Kirkpatrick:

I would like to clarify that you support the bill as a whole and the first amendment?

Bob Cashell:

Yes.

Chair Kirkpatrick:

Does anyone have any questions? [There were none.]

Is there anyone else in favor of A.B. 513?

Michael Hillerby, Executive Vice President, Wingfield Nevada Group:

We support the bill as written in the mock-up form that was presented. We have an amendment to the bill ([Exhibit N](#)).

As the Committee is well aware, Chapter 318 provides for the creation of GIDs to provide and operate a variety of projects. Once those GIDs are created, they must be turned over to a board elected from members of the property holders within the GID.

The exceptions to that are contained in NRS 318.0953. There are some permutations for county sizes in that section, but the GIDs provide emergency medical services, sewer, storm drainage, and water. In that case the county commissioners may remain the board of that GID.

Our proposed amendment would add a new subsection that would provide for newly created, and only GIDs created after October 1, 2007. There is an option that the county government could remain the ex-officio board.

Assemblyman Goicoechea:

The rights for the 10 percent of the electorate in that GID have the ability to petition for the change even though the Board of County Commissioners was the body?

Michael Hillerby:

The option would remain going forward for the county commission. It is only an option for them to allow the county commission to remain the board.

In the future that option to petition for those members to create their own board would exist. At the initial formation of the board this would give the option that the board automatically be turned over to electors from that district.

The petition process could still exist but this would give an option for only those districts newly formed after the proposed date for the county commission to remain the board.

Assemblyman Goicoechea:

You would not have the requirement at the first biennial election after the GID was created to put an elected body in place. The board of county commissioners could continue as the GID board. There was some dissatisfaction to the point that 10 percent of the voters in that GID came forward with a petition saying they had the ability to tell the county commissioners they did not want them to be the board, they wanted their own body. I want to make sure that is maintained.

Michael Hillerby:

I will check to make sure that is an accurate reading.

We understand that every GID in every county of this State has a unique relationship. Those reasons are economical, historical, political, and geographical. We were very careful that this would apply only to newly created GIDs and is an option for the county and property owners to have as they discuss the potential formation.

Mary Walker, Representing Douglas County, Lyon County, and Incline Village General Improvement District:

We support the bill with our amendment ([Exhibit O](#)). We have no problem with the mock-up except for Section 5 since it is statewide. We support our friends in Mesquite and their efforts to resolve their problem.

One of the concerns we have is there may be some unintended consequences when you look at some of the smaller GIDs we have throughout the State. In Douglas County there are 20 GIDs that could be affected by this. We are not talking about a 50-mile long GID. We are talking about very small ones.

The other thing we are concerned about is the cost. You have to pay these people. You add two more elections. In Douglas County if you had 20 GIDs, you would have two more elections for every one of those GIDs. For the small GIDs it would be costly and cumbersome.

We have no problem with the other amendments that were requested. We request that when you deal with the current GIDs in Section 5 in regard to being able to go from five members to seven members, it should be for counties over 400,000 in population, leaving the existing GIDs alone.

Assemblyman Bobzien:

The mock-up with the amendment in Section 1, subsection 3 says it shall appoint five or seven. It makes it clear that there is a choice that can be made.

I do not think there is any dictate that says it has to go to seven members. Am I correct on that?

Scott McKenna:

Yes.

Mary Walker:

The amendment we have is for Section 5. Section 1 deals with new GIDs. Section 5 is our problem. You can have a situation where you have an existing GID, 10 percent of the people circumvent the GID, which is the elected body for that district, and go to the board of county commissioners. Our concern is for the smaller GIDs.

Chair Kirkpatrick:

The 400,000 in population would not be able to work with Reno and Sparks. Is there a reason that you chose 400,000 and not 300,000 for Washoe County?

Mary Walker:

Our issue is also with Incline Village GID. They are in a similar situation. What we could do is work with them and see what we could do. I think it would be consistent with what Reno and Washoe County requested. They were speaking in terms of five members. They are talking about a newly created GID, not an already existing GID. Our amendment would be consistent with that. We would be happy to work with them, and make sure they are comfortable with that.

Chair Kirkpatrick:

With all of these amendments I am going to ask all of you to sit in my office and see which of them might conflict with another.

Gene Brockman, Vice Chairman, Incline Village General Improvement District:

We are getting along just fine with a five-member board and would not like to see that tampered with.

Chair Kirkpatrick:

Is there anyone else in favor of A.B. 513? [There were none.]

Is there anyone who is neutral to A.B. 513? [There were none.]

Is there anyone who is opposed to A.B. 513? [There were none.]

Mr. Robison, if you could come back up, Assemblyman Bobzien has some questions for you.

Assemblyman Bobzien:

As to the concept, how does this differ from what was contemplated with the noncontiguous annexation?

John Hester, Community Development Director, City of Reno:

What it does is allow the cities a way to bridge between providing services in a noncontiguous area and ultimate annexation many years down the road. The other advantage it has over noncontiguous, is in establishing a GID, you keep all of the records of the revenues, the expenditures, and the fund balances, and it ensures that you do not have one jurisdictions taxpayers subsidizing another. It is very advantageous from that perspective.

Assemblyman Bobzien:

The concept references some of the public services that would be covered. I see that police is mentioned but what about fire protection. How does that come into the mix?

Brett Scolari:

In this amendment we have delegated the existing powers under Chapter 318 of NRS which does include fire protection services to this GID that would be set up under NRS 318.116.

Assemblyman Bobzien:

Why are we not designating this in the traditional definition of a county GID? What is the purpose of having the city-sphere connected to this? Is it a bridge to a future connection, or are there issues with the settlement agreement.

John Hester:

The idea is that it is a bridge. It is to allow that bridge for the city to ultimately take over those services.

Chair Kirkpatrick:

Is there not Bureau of Land Management (BLM) land in between the two areas?

John Hester:

In some cases there is BLM land and in some cases there is not. It depends which area you are looking at for each city. For Winnemucca Ranch there is BLM land and there is also a commitment that the two cities and the county have made to work together on a public lands bill. We are land constrained. That is something we will have to deal with in the Truckee Meadows as well.

Assemblyman Goicoechea:

Section 2, subsection 1 of your amendment calls for annexation of this particular parcel. That would not, because of what we are changing in statute, allow for noncontiguous annexation would it?

Brett Scolari:

Let us take Winnemucca Ranch for example. In conjunction with requesting this GID be set up, they would file an application for annexation with the City of Reno simultaneously, which would be put on the shelf until annexation is ripe under existing law. Once that happens, the city can move forward, annex, and then the GID would automatically be merged with the city.

Assemblyman Goicoechea:

You are saying you anticipate the City of Reno—it could be a long time before it could annex under existing law.

Brett Scolari:

It could be a long time until the city is contiguous to Winnemucca Ranch. As we set this up, we are in the sphere. We apply for an annexation, put it on the shelf, let the GID run things until it is ripe for annexation and then it would be merged with the city.

Chair Kirkpatrick:

That is a voluntary annexation, correct?

Brett Scolari:

Correct.

Assemblyman Goicoechea:

Is it critical that you voted the seven members rather than the five? If you could reorganize and maintain that board at five would that work?

Randy Robison:

Let me defer that to my City Manager in Las Vegas.

Tim Acker, City Manager, City of Mesquite:

I think most of the amendments we heard would dovetail and complement what is being addressed here today, which is to try to establish a system of clear represented democracy in these GIDs. I do not think anything alters the potential for any existing GID right now under petition that makes changes and adjustments. The addition of two more potential seats there in a large geographical area covering hundreds of square miles makes sense and we would like that option.

Chair Kirkpatrick:

Are there any other questions? [There were none.]

I will close the hearing on A.B. 513.

**Assembly Bill 358: Revises provisions relating to manufactured homes.
(BDR 22-1193)**

Amber Joiner, Policy Analyst:

Assembly Bill 358 (Exhibit P) was sponsored by Assemblyman Manendo and heard on March 21, 2007.

Assembly Bill 358 changes the required age of a manufactured home that is placed in a location other than on a lot within a mobile home park in counties whose population is 40,000 or more. The manufactured home must be designated by the manufacturer as a 1996 model or newer.

There were no amendments proposed for this measure.

Assemblyman Goicoechea:

I do not know how Douglas County is on the 1996 or newer homes. That is a fairly new home when we are talking about affordable housing in rural areas. The 40,000 in population works great for me but I did not know how Douglas County looked at it.

Chair Kirkpatrick:

Ms. Walker, we are on A.B. 358. Assemblyman Goicoechea would like to get your thoughts on this.

Mary Walker, Representing Carson City, Douglas County, and Lyon County:

I did check with Lyon County. Lyon County is fine with the bill because they are under a population cap. Douglas County does not have a lot of manufactured housing because the land is too expensive. Carson City has some concerns in regard to this. They have had a lot of complaints at their planning department. What happened when this law was originally enacted is they allowed manufactured homes to be placed anyplace within a community, not just in a mobile home park. If you had a subdivision you could have a mobile home right next to you.

The provision was put in that the mobile home had to be five years old or newer so that you did not have 20-year-old mobile homes harming the value of the properties around it.

By changing the statute so it is no longer five years, you are allowing much older mobile homes to go into a subdivision of houses. That is not consistent planning.

Chair Kirkpatrick:

What is the population of Carson City?

Mary Walker:

The population of Carson City is about 56,000. If we could change it to 100,000 in that bill we are good.

Assemblyman Goicoechea:

We talk about affordable housing. A 1996 doublewide is going to cost \$70,000 to \$80,000. This bill would preclude you from buying a lot anywhere. I agree with you, when you move into a subdivision that is a completely different scenario, but this says you cannot buy a one-acre lot in a county that has over 40,000 in population. It might be a five-acre parcel out in eastern Nevada somewhere, and you cannot move that home there. I think we are taking away from affordable housing by doing this. A 1996 doublewide or even a triple wide could be a very expensive home. With this it says you will move it into a mobile home park or you will not own it. I have a problem with that. It would be different if it said subdivision.

Assemblyman Bobzien:

I thought the point of this was that currently there is the five-year threshold, and we are throwing that one out in favor of saying anything 1996 and newer. At this point we are past that five year horizon. We want to make it more relaxed with the intent of making it more affordable.

Scott McKenna, Committee Counsel:

My understanding of the bill was that it would have expanded the models of mobile homes that could be placed on lots outside a mobile home park.

Assemblywoman Womack:

Because of the emails I have received from Henderson, I would be more comfortable with the five-year or newer because as we go forward, the 1996 becomes farther and farther away from the regulation age of the units. The five-year and newer makes more sense to me.

Assemblyman Stewart:

I agree with Assemblywoman Womack.

Chair Kirkpatrick:

I am going to pull the bill back, and we can have further discussions on it. We are going to move on with our agenda.

We are going to open the public hearing on Assembly Bill 336.

Assembly Bill 336: Revises certain provisions relating to peace officers.
(BDR 23-829)

For anyone who is here for Assembly Bill 557, the Governor's office has pulled it from the agenda.

Assemblyman Jerry Claborn, Assembly District No. 19:

Assembly Bill 336 deals with two issues under *Nevada Revised Statutes* (NRS) 289. I was asked to introduce this bill on behalf of the Nevada State Law Enforcement Officers' Association because there is a potential problem under the current law that deals with internal investigations regarding allegations that a police officer engaged in activities which could lead to punitive damages including termination, while at the same time conducting a criminal investigation involving the same alleged conduct.

The second part of this bill deals with the problems associated with the limited jurisdiction of airport control officers assigned to the Las Vegas Airport.

Gary Wolff, Nevada State Law Enforcement Officers' Association:

[Read from prepared statement ([Exhibit Q](#)).]

I hope everyone got a copy of the handout ([Exhibit R](#)). If you go to A-1 and A-2 of the handout it should say "Landmark case, Miranda versus Arizona." We have all heard:

You have the right to remain silent. Anything that you say can and will be used against you in a court of law. You have the right to have an attorney present before any questioning. If you cannot afford an attorney one will be appointed to represent you before any questioning.

Now I want to draw your attention to B-5 in the handout. This is your rights under a criminal act. This is your rights if the same investigation was run concurrently in the same manner by the same agency or even different agencies.

This comes from the Department of Public Safety. It is called an Administrative Admonition Form for Subject Employees. It says:

You are advised that I am authorized by your Division Chief to question you as part of an official Administrative investigation. You will be asked questions related to your actions and/or conduct as they relate to your employment. You are entitled to all of the rights and privileges guaranteed by the Constitution and laws of the United States.

I will stop right there. It says all of the laws entitled to you under the Constitution of the United States. This is an admonition form.

Then when you get into the second part it says:

I further wish to advise you that if you refuse to answer questions, or answer any questions dishonestly, relating to the performance of your official duties, you will be subject to administrative charges which could result in your dismissal from the Department of Public Safety.

This is called Garrity. What it means is if I get into trouble even for a minor criminal violation, I have all of those rights under the Fifth Amendment against self-incrimination. If the department, at the same time, runs an internal affairs investigation, they would tell you that you have to self-incriminate or you can be fired. To us it goes against the grain of a real investigation.

This is what Section 1 of this bill is about. We are asking you to level the playing field. The perception is if you are criminally charged and you have an internal investigation, if there is a leak of information, you have destroyed the fruit of the poisonous tree. You just poisoned the case.

Our thought on this is let the criminal investigation take its course. Once that is done, if it is serious enough, the person will lose his job anyway. If it is not serious, then there was no hurry on the internal investigation.

Chair Kirkpatrick:

Does anyone have any questions? [There were none.]

Ron Cuzze, President, Nevada State Law Enforcement Officers' Association:

Two months ago I walked into a hearing with one of my members at the Department of Corrections. As soon as we walked in, there was one investigator from the Department of Justice doing the criminal investigation.

There was another investigator from the Department of Corrections. We found out they were not going after my person but they wanted to share the information to go after another individual. I told them that was not right.

The second example is with a university police officer in Las Vegas. He was being investigated for a criminal charge. They could not get him on the criminal charge so they sent the same guy that did the criminal investigation to do the administrative investigation. They terminated the police officer because they did not have enough information for criminal charges. These are the things we are talking about.

I am going to move on to Section 2 of the bill. This covers the Transportation Services Authority. When this department was originally formed, this wording was placed in there without a lot of thought. Either you are a police officer or you are not.

These guys are out there every day. A law enforcement officer off duty is still a law enforcement officer. If a law enforcement officer sees a crime committed in his presence, he has to, by statute, take action. This wording is not only limiting; it is very silly.

In Section 3, which covers the Taxicab Authority, there are two types of officers in the Nevada State Taxicab Authority. The uniform that the investigators wear is the exact same uniform that the airport control officers wear. The training the investigators get is the exact same training that the airport control officers get. They can be interchangeable. They can bring one up to be an investigator or he can go back down to be an airport control officer.

The most important thing is when we have the airport control officers restricted to the airport grounds only and there are only two investigators on the clock and several airport control officers on the clock. If one investigator is in Laughlin and the other is downtown, and if there is an accident on Swenson and Tropicana, 500 feet off of the airport grounds, the airport control officer cannot respond to it. That is the biggest thing. We need to save the State money. The Taxicab Authority needs to bring people in on overtime when they have trained people that cannot leave the airport. Why would you want to limit any law enforcement officer in today's world?

Last Session we told several Legislators that a certain incident with an officer being run over might not have happened if there were not restrictions on the airport control officers. The incident started at the airport. The airport control officers were the first there. They stopped at the edge of the airport because

they were afraid to lose their jobs. If they had not, perhaps this officer would be a whole person today.

We are asking that limitations on the Taxicab Authority and the airport control officers be lifted. These guys are trained, and there is no reason to limit our law enforcement officers.

Assemblywoman Parnell:

I am wondering what category the taxicab field investigator and airport officers, defined in Section 2 are. Are they Category 1 or Category 2 officers? What is their designation?

Ron Cuzze:

Their department is a Category 2 department. The officers are trained at the 1 and 2 levels. Most of the Taxicab Authority officers are Category 1 trained. There is really no more Category 2 training. Everyone was trained at 2, but they are all being upgraded.

Assemblywoman Parnell:

I want to make sure that everyone who is being given the same authority by this bill has the Category 1 training. That would be something I would want to confirm.

Ron Cuzze:

Although most of them are Category 1 trained, they are not in a Category 1 department. There is a difference.

Chair Kirkpatrick:

Is there anyone who would like to speak in favor of A.B. 336?

Is there anyone who is neutral to A.B. 336?

Kevin Ranft, Correction Officer, American Federation of State, County, and Municipal Employees, Local 4041:

I support this bill.

Darhyl Vann, Chapter President, American Federation of State, County, and Municipal Employees, Local 4041:

I would like to speak in favor of this bill. There have been many investigations where alleged criminal activity has been suspected. The person has been terminated from duty, the criminal activity has been absolved, and the person remains terminated from duty. That is totally inappropriate.

Criminal activity should be investigated first. Those determinations should be taken care of before anyone is terminated from his job. This is a reoccurring problem.

Chair Kirkpatrick:

Is there anyone who is neutral to A.B. 336? [There were none.]

Is there anyone who is opposed to A.B. 336?

Joseph Turco, American Civil Liberties Union (ACLU) of Nevada:

We are opposed to the bill.

A police officer's job is a privilege not a right. We recognize there are significant dangers in law enforcement. We have afforded, as a society, every right that state and federal law can give to law enforcement officers. They have the benefit of a collective bargaining agreement. They have the benefit of civil service protection. They have the benefit of being protected from incriminating themselves with regard to what is called the Garrity Rule as referred to in previous testimony. It was a case that went all the way to the Supreme Court. It stands for the proposition that anything you are compelled to tell your employer may not be used against you in a criminal prosecution. If you do not answer your employer's questions you can be fired. All of us can.

To disallow the department to investigate a rogue officer can cripple the department's ability to examine his behavior and deal with it accordingly. A criminal prosecution can take years, and we thereby tie the department's hands in its ability to deal with rogue officers.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

The Association takes an exception to Section 1, subparagraph 3. That has to do with dealing with internal investigations at the same time as criminal investigations. We feel that we have a duty and responsibility to the community that we serve that these investigations are done in a timely and effective manner.

Criminal investigations can go on forever. The officer may have done something that is criminal in nature but may also be in violation of department policies and procedures. We need to address those in a timely manner to make sure the community is protected from an officer that may be in violation of those types of policies.

Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department:

We are opposed to this bill. We are opposed to Sections 2 and 3.

I have eight years experience in managing internal affairs cases. It is a timeliness issue. We have a goal of clearing out internal affairs cases within 60 days. Criminal cases can take years.

What no one has mentioned so far is there are different standards of proof. In an internal affairs case, the standard of proof is the preponderance of evidence. In a criminal matter we all know it is beyond a reasonable doubt. We feel that it is important that the internal affairs cases can go on concurrently for the protection of the agency. Garrity versus New Jersey has been around for over 40 years. There have been plenty of lower court decisions and interpretations of it. What it comes down to is internal affairs investigators can have every bit of information that the criminal investigators get. It creates a problem when the compelled testimony is shared with the criminal investigators. We can lose that case, and we normally do, if that was to occur.

We are opposed to an expansion of any police powers in the Clark County area as well as airport control officers allowed to be investigators. We have no problem if that agency changes its title. We are opposed to the expansion of the peace officer status.

Joseph Turco:

I do not have a position on the second part of this bill. May I reserve the right to submit something?

Chair Kirkpatrick:

Yes.

Bryn Lapenta, Interim Assistant Superintendent, Washoe County School District:
The Washoe County School District has concerns with Section 1, subsection 3.

We echo Mr. Adams' and Mr. Flynn's remarks.

Carl Johnson, Commander, Office of Professional Responsibility, Department of Public Safety:

Our role is to do internal investigations. On behalf of the Department of Public Safety when we initiate an internal investigation and we discover criminal activity, we submit that to the Attorney General's Office, which is a separate investigative unit. They either start a criminal investigation or they say they do not see anything. We would like to have the latitude to continue our internal investigations parallel to the criminal investigations in reference to time.

Criminal investigations can go on forever. Once criminal activity is discovered, the employee is placed on administrative leave. That employee can be on

administrative leave for years if we have to wait until the criminal investigation is done. We do not want to do that. We do not want to put any of the divisions or the department in that position.

While that employee is on administrative leave his position control number is held, and the division that is affected cannot fill that position. Usually when it goes to criminal, there is possibly going to be a termination. It has already been mentioned that the burden of proof is different. In an administrative investigation, it is preponderance of evidence. It is policy violations, levels of service violations, and rules and regulations violations. We can do that investigation and be done with it before the criminal investigation is done. We would like to maintain that latitude to be able to do the administrative investigation at the same time as the criminal investigation.

Chair Kirkpatrick:

Is there anyone else who would like to speak against A.B. 336?

Dan Musgrove, Representing Clark County:

It would affect our arson investigators because they have peace officer status. They have to have drivers' licenses for their job to complete their duties. If an officer were to be accused of a Driving Under the Influence (DUI) violation he would have to be put on suspension with paid leave, and the unintended consequence would be his position cannot be replaced while he is in that suspension mode. It would cause operational problems. These things take a long time. It would hurt the individuals more than it would help. We are against A.B. 336.

Chris Knight, Director, Office of Administrative Services, City of Las Vegas:

I echo the comments of the people who spoke before me. Our case has been made.

Chair Kirkpatrick:

Is there anyone else who would like to speak against A.B. 336? [There were none.]

Gary Wolff:

I spent 31 years of my life protecting everyone's rights. I have never understood why a police department pulls out the fangs on one of their officers. They talk about rogue officers. I want to tell you there is a very minute percentage. Police officers overall have a very good track record of being honest, decent people. They do have a unique job. They find themselves continually in situations because of citizen complaints. If an investigation takes years, someone has missed the boat. The departments put people on

administrative leave forever. I am asking you, for the police officers that work the streets, to give nothing different than you give to yourselves and every citizen of the community, the same rights of protection under the Fifth Amendment so they do not have to self-incriminate simply because they are police officers.

Ron Cuzze:

To set the record straight for the ACLU, we do not have collective bargaining contracts. That is why the State's police officers are bringing this forward. If we did, perhaps it would be a different story.

We are not expanding the powers of any police officers. What we are doing is increasing their boundaries. We are pulling away a physical boundary. It assists their department because if these people are allowed to do these investigations and help away from the airport property as well, it would get these taxi wrecks off of Swenson and Tropicana a lot faster. They would not have to wait for an investigator to come from Laughlin or some other place in the county. It will assist the Las Vegas Metropolitan Police Department. It is not going to hurt them. We are not taking anything from them.

Chair Kirkpatrick:

I am going to close the hearing on A.B 336.

I am going to open the hearing on Assembly Bill 445.

Assembly Bill 445: Revises provisions regarding state personnel.
(BDR 23-1048)

Assemblyman Bobzien:

I would like to disclose pursuant to *Nevada Revised Statutes* (NRS) 281.501 that I am employed by the University of Nevada, Reno, which is an agency of the State government. I hold the position of Campus Webmaster. In that capacity I direct the plan, development, and maintenance of the website at the University of Nevada Reno. I am an academic faculty member. In addition, my wife is also employed by the University of Nevada, Reno, and holds the position of Management Assistant. She is a member of the State classified personnel system. Because benefit or detriment occurring to myself or my wife as a result of the passage of A.B. 445 or A.B. 602 is not greater than that occurring to any other faculty member of the university or any other classified employee. I am required to make this disclosure, but I am not required to abstain from voting on this bill.

Assemblyman Kihuen:

I would like to disclose pursuant to NRS 281.501 that I am employed by the Community College of Southern Nevada which is an agency of the State government. I hold the position of Academic Advisor. In that capacity I advise students on their college education. I am an academic faculty member. Because of benefit or detriment occurring to me as a result of the passage of A.B. 445 and A.B. 602 it is not greater than that occurring to any other faculty member of the university or any other classified employee. I am required to make this disclosure but I am not required to abstain from voting on the bill.

Assemblyman Settlemeyer:

I need to disclose that my sister is a State employee but I do not feel it will affect me any differently than anyone else as a result of the passage of A.B. 445 and A.B. 602.

Assemblyman Beers:

I need to disclose that my wife is a student teacher. I doubt that affects my ability to vote on this bill at all.

Assemblyman David Parks, Assembly District No. 41:

Assembly Bill 445 is a personnel bill. It was introduced at the request of the Nevada State Law Enforcement Officers Association. I provided a handout ([Exhibit S](#)). It deals with the creation of a 1300 series personnel classification for those individuals who are P.O.S.T.-certified as law enforcement officers. As you can see in Section 1, number 13, it does correspond with the 1300 series.

The handout shows there are a wide variety of classifications that fit into this category. I would leave it up to the Department of Personnel to make any final determinations as they proceed forward on their work. I am also of the opinion they too are in support of this bill.

Gary Wolff, Nevada State Law Enforcement Officers' Association:

I have been notified this morning for the first time that there is a proposed amendment to this bill. I would like to speak to that if it comes up.

Chair Kirkpatrick:

We do not have an amendment at this time.

Ron Cuzze, President, Nevada State Law Enforcement Officers Association:

We brought this issue to former Director Jeanne Greene several months ago. She agreed this would be a good idea for several reasons.

We had law enforcement officers in various occupational groups, 1, 4, 7, 11, and 12. Last year 184 were left out of a pay raise because they were never in one spot. They were spread out throughout the entire state personnel system.

This will do two things. One, you will be able to identify them. Two, in the past when law enforcement officers were supposed to be getting a pay raise, it was designated that it was supposed to be for all of them but the wording would read everyone in the 1100 group or everyone in the 1200 group. Nurses and gardeners and all kinds of people got the same pay raise or a percentage of what was supposed to be for the law enforcement officers. It was costing the State quite a bit of money.

Section 4 has to do with the Employee Management Committee (EMC). Several recent decisions by the EMC were not followed. What this section does is make it binding. It gives the Committee the avenue to bring their decision to a court to have it enforced if a department or division fails to take their recommendations. The only question I have is a legal question. I am not sure if the second sentence should read "the Committee may petition" or if that should be "the Committee and/or the employee may petition." I will leave that up to the legal people.

Assemblyman Stewart:

Am I to understand that this bill will actually save the State money?

Ron Cuzze:

I believe it will. In the past when we have given the bulk of our law enforcement officers pay raises, they were in the 1100 and 1200 series. Everyone in that series had to get the raise, even though it was designated for police officers. Everyone in the 1100 series includes nurses, dispatchers, et cetera, and the 1200 series includes parole, probation, and corrections. The raise that was supposed to go to police officers also went to everyone in that occupational group.

Chair Kirkpatrick:

Is there anyone who is in support of A.B. 445 who would like to speak?

Oran McMichael, Area Field Services Director, American Federation of State, County, and Municipal Employees:

I am in support of A.B. 445. We would also like to offer an amendment ([Exhibit T](#)).

This amendment attempts to take some language out of Assembly Bill 602, which makes reference to the Employee Management Committee and fold it into

A.B. 445. There are no substantial changes except that it amends some sections. This amendment is to apply sections of A.B. 602, which are applicable and consistent with the intent and purpose of the Employee Management Committee.

The language in Section 1 of this bill is replaced with Section 1 of A.B. 602, which talks about the definition of the Employee Management Committee and the appointment process.

It also adds a seventh member to the Committee. I have a former Committee member here with us who will testify that in cases where there are three-to-three ties, there is no resolution. This will add a seventh person who will be appointed by the Governor or appointed through a process utilizing the American Arbitration Association or utilizing the State Mediation Service.

Section 2 of A.B. 602 replaces Section 2 of A.B. 445.

Chair Kirkpatrick:

I am confused. Can we stay on A.B. 445 and not refer to A.B. 602 at all?

Oran McMichael:

In Section 2 we have eliminated the salary of the Chair of the Committee while incorporating other elements of the Committee. In the section where it says the Chair shall receive a salary commensurate with the Personnel Director we are eliminating that section in its entirety.

Section 1 of A.B. 445 then becomes Section 3 in its entirety. Section 5 becomes Section 6 with the exception of adding a seventh person to the Committee and eliminating the cost of a Chair of the Committee.

We would like to see these changes adopted.

Chair Kirkpatrick:

In A.B. 445 there are two things that you want. One is to delete the salary and to change the makeup of the board. Those would be in your amendment. I cannot see where it addressed them in the original bill. Does it address them?

Oran McMichael:

The original bill has only six members.

Assemblyman Settlemeyer:

I see in the original bill it is set up so you have three people from management and three employees to create equilibrium. I can understand how that could

create a conflict. The question is how do we solve that? The person you are recommending will come from one of the two lists. Is there any way we could create a third party that would be more neutral, not favoring any one side or the other?

Oran McMichael:

There are several methods whereby that could occur utilizing State Mediation Service at no cost and pick a seventh neutral person from a list of names.

Chair Kirkpatrick:

Did we determine who?

Assemblyman Settlemeyer:

I am still going to have to try to figure out a way to come up with a concept of a neutral seventh person. The way that I see it here, they are determining it from the list of management or the list of employees.

Oran McMichael:

If you look at page 1 of the amendment, lines 18 through 25, it says the members of the Committee, pursuant to paragraphs (a) and (b), Section 2, must hold a vote to determine the person to recommend to the Governor pursuant to paragraph (c)...if a majority of the members of the Committee do not agree upon the person to recommend, the Director shall request from the American Arbitration Association, its successor, or a successor organization a list of seven arbitrators who specialize in labor disputes and who are residents of the State.

There may be a cost to the American Arbitration Association. We would be willing to substitute that with State Mediation Services, which I do not think would be an additional cost because they are already on the State payroll.

Danny Coyle, Past President and Director, American Federation of State, County, and Municipal Employees, Local 4041:

I was a member of the Employee Management Committee for 16 years and sat on that board. The three-to-three split between management and the employees often resulted in a tied vote. The tied vote usually ended in no resolution of the grievance. When that happened, no resolution often erred to the benefit of the agency. The grievance was not resolved, and the situation usually persisted.

The seventh member on the Employee Management Committee would do a number of things especially if we had a member of the American Arbitration Association or from the State pool. An arbitrator has an ethical code to remain neutral to evaluate without prejudice one way or the other, even though State

personnel is paying his wages. Because of the ethics of an arbitrator, he is mandated by law and by ethics to render impartial decisions. In the case of a tied vote, the seventh member of the Committee would help to resolve the problem and would save recurring grievances from happening.

I support the bill and I also support the amendment offered by Mr. McMichael.

Assemblywoman Parnell:

We have been trying to fix this since my first session. It is appalling to me that we have situations that are never resolved. Because of the one Employee Management System that we have, we might have an ongoing case that could last a year. I have talked to State employees who have been involved in situations for over a year. During that year they are in a hostile work environment daily. It is inexcusable that we have not come up with a way to have quick resolution to problems that are going on in the workforce in this State. The seventh member is incredibly important, and I would say it is definitely time to look at having a backup to the current system that would allow us to go to an arbitrator when necessary.

Assemblyman Beers:

Quick resolutions are the best. Stalemates do us no help. I am wondering about the need for seven members. Why not five? This bill does have a bit of a fiscal note on it. A smaller number may save us even more time and save us some money.

Danny Coyle:

I would have no problem with five members as long as there is an odd number.

Oran McMichael:

In the interest of the fiscal note, we would like to substitute the State Medication Services for the American Arbitration Association.

Chair Kirkpatrick:

We can make that notation.

Is there anyone else who would like to speak in favor of this bill?

Danny Thompson, Representing American Federation of Labor-Congress of Industrial Organizations:

I support the bill.

Chair Kirkpatrick:

Anyone else who would like to speak in favor of this bill? [There were none.]

Is there anyone who is neutral to this bill? [There were none.]

Is there anyone who is opposed to this bill?

Mark Anastas, Interim Director, Department of Personnel, State of Nevada:
The Governor's office does not support this bill because of the fiscal impact.

Chair Kirkpatrick:
If we change the person, that would change the fiscal note. Do you believe the Governor would then support it?

Mark Anastas:
I do not think he will support it.

Assemblywoman Parnell:
I need some explanation here. If we neutralize the fiscal note why would the Governor still be in opposition to the bill?

Mark Anastas:
The fiscal note looks to be about \$47,000.

Assemblywoman Parnell:
My question was if we neutralize the fiscal note. Did you not say the Governor would still be in opposition to the bill?

Mark Anastas:
The question is how would we neutralize the fiscal impact?

Assemblywoman Parnell:
If we use someone from the state arbitration pool, and if we reduce the number of members to five, you might even have a positive.

Mark Anastas:
The fiscal impact that we are looking at involves the travel time and the cost associated with the Chair. It also has a fiscal impact with respect to adding the new occupational series that has been presented. So going from seven to five really would not have much of an impact at all.

Assemblywoman Parnell:
When we are talking about the State employees having to work in hostile working situations for sometimes over a year, what is the cost of that? What is the cost in lost time taking sick leave because you are in a situation you cannot tolerate? It is high time everyone in this State considers how to get positive

fiscal repercussions for some of what we do. We need to start looking long term. If we can create a working situation which is going to be conducive to better work and better relationships in the long run that is also going to save this State money. This is one that better not end here.

Assemblywoman Pierce:

I have a fiscal note here that says \$25,000 for the biennium. Where does the \$47,000 number come from?

Mark Anastas:

The \$25,600 is for the implementation of the occupational group. The other \$20,600, as the bill was presented, is for the travel expenses over the biennium for the Chair, the supplies associated with that, business cards, and so on. That is based on 26 trips.

Chair Kirkpatrick:

We are on A.B. 445. Is that for A.B. 445? We all believe the fiscal note you are talking about is for A.B. 602.

Mark Anastas:

If I understand the amendment, it was taken out of A.B. 602 and was inserted into A.B. 445.

Chair Kirkpatrick:

That is why I asked to separate the bills. It gets very complicated when we mix the bills together.

Assemblyman Bobzien:

There was some consideration regarding the reduction of the members. Would that reduce the fiscal note?

How does the addition of an occupational class result in an impact?

Mark Anastas:

Let me take the latter question first. What we are talking about, to put an occupational group in, is programming time, disseminating information to all of the affected agencies, but it is mostly computer time for us to make that change. It is in your fiscal note. It has a lengthy list of all the time that will be spent on this.

Assemblyman Christensen:

It is going to cost \$903 for printed materials and a contract computer programmer's labor. What has to be changed by a programmer?

Mark Anastas:

I do not know specifically what it would entail.

Assemblyman Beers:

Rolling A.B. 602 and A.B. 445 together creates an irresolvable fiscal note by simple reduction of a committee number. Would the Governor's office find the fiscal note neutralized if A.B. 602 and A.B. 445 were not rolled in together and A.B. 445 stood alone with the reduction of the committee number?

Mark Anastas:

I am not sure. I know there is a fiscal impact, and I do know that the Governor's office is against it on that basis. We did not have any lengthy discussions on this, so I am not comfortable trying to give you an answer. I do not want to mislead you in any sense.

Chair Kirkpatrick:

Could you bring it back to us?

For clarification, I believe that both bills have to be separated anyway unless we put them together in one bill with one number.

Is there anyone else who would like to speak against A.B. 445? [There were none.]

Is there anyone who is neutral to A.B. 445? [There were none.]

Assemblyman Parks:

My first reaction is that I am surprised that I did not see a copy of the proposed amendment; however, it appears that the Department of Personnel, as well as the Governor's office, is quite aware of it. I also noticed the fact that a fiscal note was put on A.B. 445 and it was only done a very short time ago. I was also unaware of that. There is a limited amount of cost, just \$903 to print materials that would change everything around. The contract computer programming, labor, and the remaining costs are absorbed into an operating department in the normal process of things.

While I can see there is a desire to add A.B. 602 into this bill, I do not know that it is going to lend well to the future of A.B. 445. Assembly Bill 445 pretty well stands on its own. It is a very reasonable request.

In the request that Mr. Cuzze made as to line 5 of page 3 to include the words "or the employee" seems appropriate.

I will say that I support A.B. 602.

Assemblyman Goicoechea:

I realize where you are going with the P.O.S.T. certification, but then you have the agriculturalists as threes and only some of them are P.O.S.T.-certified. Why would we roll them in there anyway?

Assemblyman Parks:

This listing was provided to you because these are classifications that are all P.O.S.T.-certified. They would all then be part of the category 1300 series.

Assemblyman Goicoechea:

Only those agriculturalist threes that are P.O.S.T.-certified. Some of them are P.O.S.T.-certified and some are not, so only the ones that are P.O.S.T.-certified would go into that category?

Assemblyman Parks:

That is correct.

Chair Kirkpatrick:

We are going to close the hearing on A.B. 445.

We have a couple of options for the hearing on A.B. 602. The proponents can have 11 minutes, or we can wait to have the hearing tomorrow morning.

[Proponents elected to postpone the hearing.]

Is there any public comment?

Ron Cuzze:

If you keep A.B. 445 separate, please take into consideration that if it is passed, it will save thousands and thousands of dollars.

Assemblyman Settlemeyer:

I do believe there is a possibility to request a positive fiscal note if you want.

Ron Cuzze:

Yes, I would love to do that.

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Chair Kirkpatrick:

Is there any public comment? [None.]

Is there anything from the Committee? [None.]

[Meeting adjourned at 10:41 a.m.]

RESPECTFULLY SUBMITTED:

Rachelle Myrick
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 5, 2007

Time of Meeting: 8:03 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance roster
A.B. 291	C	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 296	D	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 298	E	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 299	F	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 350	G	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 380	H	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 463	I	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 530	J	Amber Joiner, Committee Policy Analyst	Work session document
A.J.R. 7	K	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 513	L	Randy Robison, Representing the City of Mesquite	Proposed amendments
A.B. 513	M	Mike Alonso, Jones Vargas, Representing Locnavar, LLC	Proposed amendment
A.B. 513	N	Michael Hillerby, Executive Vice President, Wingfield Nevada Group	Proposed amendment
A.B. 513	O	Mary Walker, Representing Douglas County, Lyon County, and Incline Village General Improvement District	Proposed amendment

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A.B. 358	P	Amber Joiner, Committee Policy Analyst	Work session document
A.B. 336	Q	Gary Wolff, Nevada State Law Enforcement Officers' Association	Statement
A.B. 298	R	Gary Wolff, Nevada State Law Enforcement Officers' Association	Handout
A.B. 445	S	Assemblyman David Parks, Assembly District No. 41	Personnel classification list
A.B. 358	T	Oran McMichael, Area Field Services Director, American Federation of State, County, and Municipal Employees	Proposed amendment