

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

**Seventy-Fourth Session  
April 9, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:05 a.m., on Monday, April 9, 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/](http://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](mailto: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 Joe Hogan, Assembly District No. 10

Minutes ID: 901



**STAFF MEMBERS PRESENT:**

Amber Joiner, Committee Policy Analyst  
Scott McKenna, Committee Counsel  
Cheryl Williams, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Susan Fisher, representing the Washoe County Employees Association  
Cindy Patterson, Court Clerk for the Washoe County District Court  
Penny Rasmussen, President, Washoe County Employees Association  
Ronald Dreher, Government Affairs Director, Peace Officers Research Association  
Oran McMichael, Area Field Services Director, Nevada, American Federation of State, County and Municipal Employees  
Gary Wolff, Nevada Law Enforcement Officers' Association  
Joe Edson, representing the Progressive Leadership Alliance of Nevada  
James Penrose, representing the Nevada Corrections Association  
Tracy Taylor, State Engineer

**Chair Kirkpatrick:**

[Roll Call] [Quorum Present]

We will start with Assembly Bill 515.

**Assembly Bill 515:** Clarifying that certain judicial employees are local government employees who have the right to join or refrain from joining an employee organization. (BDR 23-1379)

**Susan Fisher, representing the Washoe County Employees Association:**

This bill clarifies what we believe should already be clear in statute under *Nevada Revised Statutes* (NRS) 288, which says any local government employee has the right to join an association. They do not have to join, but they do have the right to join if they so wish.

An issue has arisen in Washoe County where certain Washoe County employees who are employed by the courts are not allowed to join the Association. We would just like to clarify this in law.

**Cindy Patterson, Court Clerk for the Washoe County District Court:**

I would like to give you a little background on our attempts to join the Washoe County Employees Association. We did meet as a group four years ago and took a straw vote to see how many people would be interested in joining the Association. There were approximately 60 employees at the meeting. Everyone voted in favor. Subsequently, 47 employees voluntarily paid dues for a year after the meeting in an attempt to join that Association. We also filed a lawsuit that is in limbo right now. We are hoping this is the avenue to get us into the Association.

Currently, the problems that we are experiencing are that: we are going through a pay and study period, and without representation, we are forced to do this. We are not trained, educated or qualified to do this kind of work, but we have been put in a position to have to do it since we do not have representation. We also have a committee that has created a procedure and policy manual. It is actually a work manual. Unfortunately, that committee consists of just court employees and a judge, and the judge has a person from the District Attorney's Office who guides him in his decisions and input in the meeting. The employees that do not belong to an association have us. We need representation. We need someone who is trained in these matters, someone that can give us guidance, let us know what we are doing, what we do right, and what we need to fix. This is the reason we want to join the Association.

**Assemblyman Stewart:**

You said that 65 employees were at the meeting and voted to join, how many of the total amount of employees were not in attendance?

**Cindy Patterson:**

At that time, there were about 120 employees. Some of them were confidential employees who were not eligible to join.

**Penny Rasmussen, President, Washoe County Employees Association:**

Besides representation to our members, we also have four scholarships, two of which we offer to the children of the employees, and two we offer to our own members. We offer them an accidental death and dismemberment policy, discounts, and other reasons why the employees want to join.

If you get in trouble and you are arrested and you go before a judge and you are entitled to have representation by an attorney, if you cannot afford one they will provide one for you, but yet the Washoe County employees that are assigned to the courts that go before a judge are not entitled to a representative, and we feel strongly they should have one.

**Cindy Patterson:**

The impact on the judges as well as the other people we work with at the County Court would be minimal. We would still work at the direction of the judges, we would still have to observe all rules and regulations that we do now in preparation of work.

**Assemblyman Settlemeyer:**

I talked with Ms. Fisher regarding an issue dealing with this bill. I agree that they should be represented in agreements and things of that nature. The only concern that I have is that a judge is somewhat unique compared to another government employee because they are elected. In that respect, do we have the ability to make sure that a judge can transfer an employee in their office they feel is problematic and may jeopardize a reelection bid?

Do we have the ability to allow them to transfer that person at their own discretion? If they feel that person is not a good fit for them, he may jeopardize the judge's ability to be reelected. They are in a unique situation compared to a regular person in a governmental entity. I want to make sure that they have the ability to transfer them at their will to another department.

**Cindy Patterson:**

We have a progressive discipline policy in place should any behavior come to the point where it would jeopardize an election. That would definitely be something that a person could be disciplined for. We have also had transfers made at a judge's request because personalities were conflicting and things of that nature.

**Assemblyman Stewart:**

Is it my understanding that the judicial employees are the only ones in local government who are not currently allowed to join the Association?

**Cindy Patterson:**

I am assuming you mean justice court employees, district court employees, and employees at the Jan Evans Center, the juvenile probation officers. Clark County employees that are assigned to their court do belong to Service Employees International Union (SEIU) right now. There are some smaller counties who do not have associations, but it is more because they have never tried to form an association. Municipal Court employees do belong to an association; the ones in Clark County belong to the City of Las Vegas Employees' Association.

**Chair Kirkpatrick:**

Does anyone else have any questions? Is there anyone else that would like to speak in favor of A.B. 515?

**Ronald Dreher, Government Affairs Director, Peace Officers Research Association:**

We are asking your support for A.B. 515 for the following reasons. There are many elected officials in this State who have employees under them that do collective bargaining under NRS 288. The most predominate is the Sheriff. I have been representing law enforcement officers for a number of years including some civilian organizations in the City of Reno.

At this point *Nevada Revised Statutes* (NRS) 288.050 is what you are being asked to amend and is quite clear when a classified employee is considered a local government employee under this Chapter. Some of the problems that have developed over the past couple of years with the judicial branch are that it has been difficult for them to have collective bargaining in the sense that we believe the other local government employees already have it.

This bill would amend that to make it clear that these employees are classified within that branch, and still have the same rights that the rest of us have. It is more due process. Assembly Bill 601 that is coming up will talk about state employees, but for local government employees NRS 288.050, NRS 288.140 and NRS 288 are the collective bargaining statutes for local government employees. This bill is a matter of equity, providing all employees in the State have the same rights. I am asking your support for these employees that should have the same rights as the rest of us to collectively bargain, and to have the same due process right as everyone else.

**Oran McMichael, Area Field Service Director, Nevada, American Federation of State, County and Municipal Employees:**

We agree with Mr. Dreher and his comments. This is a group of employees that needs protection.

**Gary Wolff, Nevada Law Enforcement Officers' Association:**

We also agree and feel it is a basic right of all the people of this State.

**Chair Kirkpatrick:**

Are there any questions? Is there anyone else that would like to speak in favor of A.B. 515? [There were none.] Is there anyone who is neutral on? [There were none.] Is there anyone opposed to A.B. 515? [There were none.] Is there anyone in southern Nevada that would like to speak?

**Assemblyman Stewart:**

The judges in Clark County interpret the law that their employees are allowed to join a collective bargaining group, and in Washoe County the judges interpret the law that they are not allowed. Is that correct?

**Susan Fisher:**

Yes, that is correct and I would like to add that not all of the judges in Washoe County are opposed to this; in fact, we have a copy of a memo that was written back in 2000 from Judge Brent Adams who said he fully supports this.

**Assemblyman Stewart:**

This would allow those who want to join, to join. Those that do not want to join, would not have to, it would not be a majority vote or anything like that?

**Susan Fisher:**

That is affirmative.

[Letter of Support for A.B. 515 ([Exhibit C](#)).

**Chair Kirkpatrick:**

There is a motion on the floor.

ASSEMBLYWOMAN PARNELL MOVED TO DO PASS  
ASSEMBLY BILL 515.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Kihuen will do the floor statement.

I will now open the hearing on Assembly Bill 601.

**Assembly Bill 601: Provides for collective bargaining for certain state employees. (BDR 23-1147)**

**Oran McMichael, American Federation of State, County and Municipal Employees:**

Assembly Bill 601 is a bill that would recognize state employees in the collective bargaining process. It would give state employees an opportunity to engage in a discourse on wages, hours, benefits, and working conditions.

The bill designates an exclusive representative to enter into negotiations with the executive department in respect to these issues. Currently 25 states including Louisiana allow some form of collective bargaining and collective negotiations. As you have just heard, local government has that right and ability. These employees spend better than half of their day either preparing to get to work, being at work, or returning home from work, but they have no ability to have any input to the terms of that half of their day.

I have just passed out to you a report ([Exhibit D](#)) that was written for Robert Rike. It is entitled, "Local Management Cooperation Critical to State and Local Government Success." There was a study of 50 public workplaces that found labor-management cooperation and employee participation in the public sector leads to dramatic improvements in quality, costs, and delivery of service. This was announced by the U.S. Department of Labor.

The report goes on to state that it is evident from these findings that employee involvement and labor-management cooperation represent a high-potential strategy for meeting the demands on state and local government.

One of the participants, May Abramson, stated that by "working together, we can cut red tape that contributes to the public's low opinion of government today. Citizens are our customers, and they deserve the best service that we can provide."

In every case where there was a collective bargaining relationship related to a service-focused partnership, the task force found that there were fewer grievances and contracts were negotiated more quickly. Usually, contracts were shorter, more flexible and focused on service responsibilities.

Employees usually know the most about how to get a job done. If you create a way for them to be involved, and do not rely on top-down approaches, and then combine their talents with the priorities of elected officials, you can find resources you did not know you had and solve problems that have been in the way for years.

The goal of labor-management relationships is for union and management to strive for a sound and constructive relationship, which fosters effective resolutions of issues. I think we can cite to you numerous examples in numerous departments, particularly in corrections, which had there been a negotiated process in place, would have saved the state hundreds of thousands of dollars in lawsuits the State lost.

The negotiation process is designed to promote the balancing of rights with the interests of employees, and for the union and management to foster a two-way flow of communication.

Collective bargaining is fairly common. The provision of binding arbitration is less common and it is a part of this bill, especially for State classified employees. Eleven states have provisions for arbitration to settle unresolved negotiations with state classified employees. Arbitration is compulsory in four states, Connecticut, Iowa, Vermont, and Rhode Island. Three states have mandatory fact finding with voluntary arbitration. Four states offer voluntary arbitration, Hawaii, Maine, Minnesota, and Montana. Significantly, two of those states with structured arbitration processes for state employees have built in safeguards to avoid unnecessary costs.

There are three experiences that come to mind when we talk about collective bargaining. Experience in both the public and private sectors demonstrates that protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing and decisions, has three beneficial effects. One, it safeguards the public interest; two, it contributes toward excellence and services, improvement in efficiency, and the creation of high performance work places by fostering the implementation of model progressive work practices; and finally, it encourages the amicable settlement of disputes between employees and their employers.

As a side note, the right to union representation and collective bargaining is a basic human right. Free trade unions were instrumental in the fall of communism in the Eastern Block, and the development of democratic governments through the world.

In testimony today on a privatization measure I told you, "If it is not broke, do not fix it." Committee members, this time, "It is broke," and "we have to fix it." We urge your support for A.B. 601, to give the state employees the same rights and the same decencies, which local governments in the State of Nevada currently enjoy, so that they might be able to negotiate their wages, hours, benefits, and working conditions.

**Assemblywoman Parnell:**

If you were to look not only at the issues with the correction officers, but other cases that resulted in lawsuits because a resolution was not found, how much would the state have saved? This ties very much into a bill that was presented last week. Do you have a figure as to how much in the last biennium we could have saved the State if we would have had collective bargaining?



**Oran McMichael:**

I do not have a figure, but I can provide that to you.

**Assemblyman Claborn:**

I am not going to talk to you about State money or how much the State of Nevada would lose. I am going to talk you about human rights. I wholeheartedly agree with A.B. 601 or any other bill that would make it better for any of our employees of the State of Nevada, or in the City, County or State government. I want to commend you for bringing this bill forward, it was the right thing to do, and you can count on Jerry Claborn to support your bill.

**Oran McMichael:**

Presently State employees are in the position to do collective begging, and we need to be brought to the 21st Century along with those in the private sector, as you stated.

**Assemblyman Claborn:**

I certainly agree with that, and you have a constitutional right to do that. That is the whole point.

**Chair Kirkpatrick:**

Does anyone else have any questions?

**Assemblywoman Parnell:**

We heard the bill concerning Washoe County employees, and that all local governments have collective bargaining. They are all represented. School Districts et cetera. It is funny because last session we had a bill regarding teacher pay, pay for performance, and a lot of people were queasy that the legislation asked for the Teacher's Association to sit at the table with management of the school district's to come up with a program. People thought that might weaken the process, and I spoke to school superintendents about it in late summer. After they had their first opportunity to hand out those pay for performance checks, they thought it was one of the greatest experiences they had as a school superintendent. To work with the teachers, identify what showed growth with students, and be able to turn around and share that success with all of their employees, was very rewarding. We have to get away from the mentality that when you have the Union and management together, that you cannot win because oftentimes that is when we do win.

**Assemblyman Beers:**

One of the key points I heard in A.B. 515 was that the employees had the right to chose to join or not to join. Would this bill give the State employees that same right?

**Oran McMichael:**

Yes, under the State Constitution here in Nevada, Nevada is still a right to work state. Therefore, this would be voluntary for all organizations, unions, associations, and voluntary organizations, and the employees would have the right to choose.

In addition the bill gives the employees the ability to have an election if a majority of those employees wish to be represented by an exclusive organization.

**Assemblyman Settlemeyer:**

You are indicating an entity or a person has a right to not become part of the collective bargaining agreement. Would they have to pay a fee to the union if they were not part of that agreement?

**Oran McMichael:**

In our bill, no, we do not require a fee. They would be impacted by any negotiated settlement, although there is not a provision to collect a fee or have any imposition on anyone that wishes to not be a party of the organization.

We would hope most employees would recognize we provide a service to them. There is no provision in the bill that would require a fee of any sort for any employee that is not a member.

**Chair Kirkpatrick:**

Are there any questions?

**Assemblyman Goicoechea:**

As one of the few Republicans on the Assembly side, I think it was last session, or the session before where they did vote for collective bargaining for state employees. I believe it is a case of being right and fair. All local governments have the ability to bargain, and we are not willing to grant that to state employees. It is an inequity that we need to address. I will be voting in favor of this bill.

**Oran McMichael:**

This bill passed out of the Assembly last session, unanimously twice, but it failed to receive a hearing on the Senate Committee side.

**Chair Kirkpatrick:**

Does anyone else have any questions or comments?

**Assemblyman Settelmeyer:**

I believe I have to disclose that my sister is a State employee, but I do not feel this bill would affect me or her differently in anyway.

**Chair Kirkpatrick:**

With that, we are going to move on with the people that would like to testify in favor of this bill. Is there anyone that would like to speak in favor of A.B. 601?

**Joe Edson, representing the Progressive Leadership Alliance of Nevada:**

We want to go on record as supporting A.B. 601, and we urge your support. The Progressive Leadership Alliance of Nevada (PLAN) has a long history of supporting workers rights in the State of Nevada including the right to organize. We consider this a basic right of all working people, and we feel especially for the hard working State employees of Nevada who seem to be more and more at the mercy of the prevailing political winds these days. We feel this is an important basic right. As stated by Mr. McMichael, collective bargaining works, it is good for the employees, for the public, and ultimately for the State of Nevada.

**Gary Wolff, Nevada Law Enforcement Officers' Association, Communication Workers of America 911:**

Mr. Dreher, of the Peace Officers Research Association of Nevada (PRAN), has asked me to put into the record that they strongly support this legislation.

For my testimony I will tell you I have been representing State law enforcement for many years in this building. Probably the biggest sore spot that we have is the fact that as a group, we are denied the one thing that the legislative body has given to every State employee in this State.

I would also like to point out that every year the Committee sees us sitting in here with bills that could have easily been handled through a collective bargaining unit. We estimate up to 60 percent of the bills we bring in here could be easily handled through collective bargaining, and would further reduce your workload.

The other thing I would like to point out to you; last session you had 139 police officers that were left out of a pay raise and you are addressing that again this session. Simply because everyone was in a hurry to get the pay package out, 139 people lost two years of pay simply because we could not do it as a collective bargaining issue. This is a good bill. It will streamline the whole system. It does save money. Think about it, rather than doing all this, you would be doing collective bargaining.

**James Penrose, representing the Nevada Corrections Association:**

Unfortunately, I am not as familiar with the bill as I should be. I certainly agree with the comments that I heard earlier about the general principles relating to collective bargaining. We would urge your support of the bill.

**Chair Kirkpatrick:**

Are there any questions? [There were none.] Is there anybody else that would like to testify in favor of A.B. 601? [There were none.] Is there anybody that is neutral on A.B. 601? [There were none.] Is there anybody that is opposed to A.B. 601? [There were none.]

With that, I will close the public hearing on A.B. 601.

ASSEMBLYMAN BEERS MOVED TO DO PASS  
ASSEMBLY BILL 601.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Claborn will do the floor statement.

**Chair Kirkpatrick:**

We are going to move into our work session. Ms. Joiner will walk us through the work session document.

First of all, I need to disclose on A.B. 50 that my step-daughter's husband is now a police officer. I do not believe that it will affect what he does or what I do. I will be voting on this bill.

**Assembly Bill 50: Eliminates the exceptions authorizing the release of the home address of a peace officer by a law enforcement agency in certain circumstances. (BDR 23-146)**

**Amber Joiner, Committee Policy Analyst:**

The first bill in your work session document is Assembly Bill 50 ([Exhibit E](#)).

It was sponsored by Assemblyman Conklin and heard on March 30, 2007. There were two amendments proposed. The first would add the provision that any information such as arrest reports, crime or incident reports, temporary custody reports, witness statements, or 911 call reports are not subject to the provisions of this section. See language attached (concept proposed by Assemblyman Conklin).

The second amendment proposed was to add the provision that each state and local law enforcement agency must adopt a policy and procedure for acceptance of subpoenas upon its peace officers. See language attached (concept proposed by the American Civil Liberties Union of Nevada and Nevada Attorneys for Criminal Justice).

**Chair Kirkpatrick:**

Is there any discussion on A.B. 50?

**Assemblywoman Parnell:**

I want to clarify that amendment one was also the amendment proposed by the Press Association.

**Assemblywoman Pierce:**

The testimony I heard on this bill was that this bill corrects something that to the proponent's knowledge has never actually happened. I am not in support of this bill.

**Chair Kirkpatrick:**

Is there any other discussion on this bill? Ms. Joiner, there is a need for a little clarification.

**Amber Joiner:**

To clarify the question, I believe it was about the second amendment. The second proposed amendment in the third page of your work session document would require that each state and local law enforcement agency adopt a policy and procedure for the acceptance of subpoenas upon officers. It would require one centralized location, specified hours that the subpoenas would be accepted, no less than five separate occasions per week, and that the procedure would be posted publicly and made available to the public.

**Assemblyman Settlemeyer:**

Would that second amendment create somewhat of an unfunded mandate?

**Scott McKenna, Committee Counsel:**

This admittedly would be something of a "guesstimate," but establishing an address where something could be received, I doubt that would probably reach the financial threshold to constitute an unfunded mandate.

**Assemblyman Goicoechea:**

My concern is anytime you have law enforcement agencies and different groups coming up with a separate policy, I do not think it is what we want. Douglas County will say one thing; Elko will have a different policy. I agree

with the maker of the motion, we are probably better off with just the first amendment.

**Assemblywoman Parnell:**

That was my concern as well. If I look back at A.B. 50, it is a one-page short bill doing something very specific that we now have the Press Association okay with. When I look at the second amendment it expands the intent of the original piece of legislation.

**Chair Kirkpatrick:**

Is there anymore discussion?

ASSEMBLYMAN ATKINSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 50 WITH AMENDMENT 1 ONLY.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE VOTED NO.)

Mr. Conklin will do the floor statement.

We will move on to our next work session item and Assembly Bill 160 ([Exhibit F](#)).

**Assembly Bill 160:** Revises provisions relating to annexation by cities in certain counties. (BDR 21-848)

**Amber Joiner, Committee Policy Analyst:**

[Read bill summary from work session document ([Exhibit F](#)).]

**Assemblyman Goicoechea:**

I just want to make sure that I read the bill correctly. This only pertains to counties over 100,000 and under 400,000.

**Assemblyman Christensen:**

To my colleague from Eureka, I remember that you had concerns in some areas that it may stretch 100 miles when you have 30 contiguous properties, but with the population cap, does that take care of the concern you had?

**Assemblyman Goicoechea:**

Well, yes and no. I represent eastern Washoe County and by the time you got 30 property owners you would be well north of Gerlach, because of the size of

the properties? Could we incorporate language that says, "When the 30 property parcels exceeded 20 miles?"

**Chair Kirkpatrick:**

Is there any other discussion? Mr. McKenna would like to make some clarifications?

**Scott McKenna, Committee Counsel:**

I just wanted to point out that Assembly Bill 160 contains two separate parts. One concerning involuntary annexation, where the governmental entity is instigating it and the second part is relating to voluntary annexation. As Assembly Bill 160 is presently written the involuntary annexation part would apply to all counties other than Clark County. The voluntary annexation part as written in this bill would apply only to Washoe County.

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 160.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Ms. Parnell will do the floor statement.

**Assembly Bill 255:** Revises and creates provisions relating to housing assistance. (BDR 25-140)

**Amber Joiner, Committee Policy Analyst:**

Assembly Bill 255 ([Exhibit G](#)) is sponsored on behalf of the Legislative Commission Subcommittee to study the Availability and Inventory of Affordable Housing. It was heard on March 20, 2007. There were two main amendments proposed.

**Assemblyman Goicoechea:**

Question to staff, is there a fiscal note on this bill? It was rereferred to Ways and Means.

**Assemblyman Beers:**

I have a question to the staff on the military amendment, I do not see the Nevada National Guard, and would they be excluded?

**Amber Joiner:**

When I looked up the definition of Armed Services, my understanding is because this uses dates of active duty, the National Guard would be included. However, if you would like to clarify that in a motion we will make sure that when it goes to drafting that is included. If they were active, it is my understanding that they would be included.

**Chair Kirkpatrick:**

I do believe during the interim Committee that we discussed it at length that was not included. Is there any other discussion?

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 255 AND REREFER IT TO WAYS AND MEANS.

ASSEMBLYMAN SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Ms. Pierce will do the floor statement.

**Assembly Bill 258: Revises provisions relating to the division, exchange or transfer of certain agricultural lands. (BDR 22-701)**

**Amber Joiner:**

[Read bill explanation and proposed amendments from work session document ([Exhibit H](#)).]

**Assemblyman Claborn:**

What you say is that if we accept amendment 1 we might as well accept amendment 2, because they are actually the same thing on the special note?

**Amber Joiner:**

The concept for amendment 1, regarding the loss of exemption if it changes the type of use is also included in amendment 2, but amendment 2 does some additional things, like new commercial buildings and also conforming to local zoning and master plan laws.

**Chair Kirkpatrick:**

Is there any other discussion?

**Assemblyman Goicoechea:**

The second amendment would not qualify if it was a new commercial building or a residential dwelling. I am having a hard time seeing why that is in there



because clearly that was not the intent of the legislation. Again, it has to be agricultural exempt and fit that criteria, and I just want to ensure that local zoning or planning regulations do in fact, supersede this.

**Amber Joiner:**

To clarify, there is also a mock-up in your work session document. On page 3 of the mock-up it talks about when it would lose the exemption and I believe the adding of commercial buildings and residential dwellings was to further clarify when the exemption would be lost. But, yes, if it loses the agricultural designation then it would lose the exemption. Essentially local zoning laws would supersede in this case, meaning that in order to qualify for this it would have to conform with those local laws before it would be allowed the transfer.

**Assemblyman Goicoechea:**

If local ordinance or zoning laws require that this be a 40-acre parcel instead of a 10 acre parcel then that would be completely acceptable?

**Amber Joiner:**

That is correct.

**Chair Kirkpatrick:**

Is there anymore discussion?

ASSEMBLYMAN CLABORN MOVED TO AMEND TO DO PASS  
ASSEMBLY BILL 258 WITH AMENDMENT NO. 1 AND  
AMENDMENT NO. 2.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Carpenter will do the floor statement.

**Assembly Bill 285:** Revises provisions governing the adjudication of water rights. (BDR 48-913)

**Amber Joiner, Committee Policy Analyst:**

[Read bill explanation and proposed amendments from work session document ([Exhibit I](#)).]

**Chair Kirkpatrick:**

Is there any discussion?

**Assemblyman Goicoechea:**

As I look at the amendments proposed by the State Engineer, I am wondering why he ended up at 250 acre-feet versus ...

**Tracy Taylor, State Engineer:**

Originally I talked about using a number higher than that. Discussing it with Susan Lyn, they were comfortable with a number of 250 acre-feet, but what we are trying to do is limit the amount of applications that we have to re-notice. A perfect example is the desert land entry where the amount of time that it takes to grant that application or deny that application is dependent on whether the Bureau of Land Management (BLM) allows them a right of entry, and that can take them years to figure out.

Those applications are normally protested, and we want to eliminate that burden of re-noticing desert land entry applications. Desert land applications are usually for more than 250 acre-feet, but as far as being limited to an inter-basin transfer that would eliminate the desert land entry situation.

There are also rights; a perfect example may be in a basin between Carson Valley and Eagle Valley where there now is a lot of growth of small commercial projects that may be considered under this, if there is not some sort of limitation on the amount of acre-feet being transferred. What we are trying to capture is the big inter-basin transfers to re-notice. I do not want to add this extra workload to the State Engineer by requiring so many notices.

**Assemblyman Goicoechea:**

I agree with that, but typically a Desert Land Entry (DLE) would be in excess of 480 acre-feet. I am concerned as to why we are down to 250 acre-feet, maybe you could explain a little further a transfer between Eagle Valley and the Carson Valley, or why you figure you need to get down to the 250 acre-feet. If we are truly looking at DLEs, seven years is great, as I did some research on it, and typically most desert land entries take up to seven years to be approved, so I concur with changing from the five years to the seven years.

**Assemblyman Bobzien:**

I have some concern about the seven years amendment that Mr. Goicoechea touched on, but could you give us your rationale for seven years rather than the five years.

**Tracy Taylor:**

As we go through our pending applications, and determine how many we do, a big question is whether this is retroactive and are they existing applications that have been pending longer than five year or seven years. The numbers go way

up when you go from five years to seven years. It goes way up when you look at whether it is 250 acre-feet or 500 acre-feet, so is the amount worth the work that it entails, is what I am looking at.

**Assemblyman Bobzien:**

Way up? I know you may not have an exact number, but maybe you can give us an estimate that we can consider.

**Tracy Taylor:**

No limitations for over five years would be up around the 2,000 number, limitations of 500 acre-feet would be around the 180 number, and the limitations of 250 acre-feet would be around the 250 number. These are the existing ones that I would have to re-notice.

But, to go a little further on the small number, an example would be a small commercial project or a 7-11 store or a strip mall where the point of diversion is in Carson City and the place of use is in Carson Valley. Those are two different basins, they are connected, and there usually is not a protest with them. So, by having some number there, you limit those.

**Assemblyman Bobzien:**

We have our numbers, five years with no limitation; you are looking at 2,000 applications. Five hundred acre-feet, we are looking at 180 applications. What about the numbers with the seven years?

**Tracy Taylor:**

I do not know if I have that number, but another limitation that makes that number go way down is an inter-basin transfer. That brings that number way down. It is just not easy to come up with a computer run when it transfers basins. Those other numbers I can come up with easily, but not the inter-basin transfers. The inter-basin transfers makes that number go way down.

**Assemblyman Settlemeyer:**

I appreciate the amendments. I think it will seriously reduce the fiscal note. I still question who gets to pay for the re-advertisement. Is that the person who puts in an application?

**Tracy Taylor:**

The amendment that was not proposed by me would limit the publication cost. I would put it on my website and send a letter to the County Commissioner. The only cost there would be the letter to the County Commissioner.

**Assemblyman Settlemeyer:**

I agree with the previous concept of taking of the inter-basin transfers. I do not believe that is the focus of what we are after. We are interested in basin transfers out, even though, unfortunately, it still affects my county, since my county is pretty much in some respects merged with Carson City.

**Chair Kirkpatrick:**

I am getting the consensus that there are still a lot of unanswered questions, so I am going to pull the bill back from the work session and maybe later this week we can get all of our questions answered.

If there are any last minute questions we should get them out now so that Mr. Taylor can get the answers for us.

**Assemblyman Goicoechea:**

This is to Legal. Is there anyway we can put this in place and make it retroactive? How do we pass any law and make it retroactive? This is a concern.

**Scott McKenna:**

Actually, with the prospectiveness or retroactivity of laws, there often is not a problem with retroactivity as long as it specifically stated what is occurring in the terms of the required legal process. The process that is gone through when a bill is heard by the Legislature may be all the process that is required, and in this case it would seem to me that the degree to which it is retroactive would give people more of a chance to be heard, not less, so I would not really perceive a problem with that.

**Assemblyman Goicoechea:**

I am not sure that I understand it yet. We have got a backlog in the State Engineer's Office. Technically, are we saying if he has an application that has been in there four years and six months then it hits the five year threshold or worst case scenario, or if it is at six years and six months and we are going to hit this seven year threshold then that would apply, but what do we do with those that are beyond the seven years? Does that mean that the State Engineer automatically re-notices them right now?

**Scott McKenna:**

If the three criteria were met, the number of years has expired, be it five or seven years, that there is also a list of things the State Engineer has not done in that time, which either granted or rejected the permit or held a hearing. Basically the State Engineer would have not done any of those things in that period to trigger the requirement, and further the application would have to

involve an inter-basin transfer. The five and seven year periods, whichever is chosen could be said to be arbitrary, but some amount of time would have to be picked, which would leave it as such until that amount of time has expired. The requirement to open the new period of protest is not triggered.

**Assemblyman Goicoechea:**

The seven year number on inter-basin transfers that have not been heard or any action taken on is around ...?

**Tracy Taylor:**

I cannot give you a number, but with the limitation of 250 acre-feet and the seven years, and the inter-basin transfers, I can give you names of projects.

**Chair Kirkpatrick:**

Any other questions for Mr. Taylor, so that he can get all of these questions answered?

**Assemblyman Bobzien:**

It would be very helpful, Mr. Taylor if you could give us a quick spread sheet of what we are looking at based on these different permutations. I think there is a real interest on the Committee to make this a meaningful piece of legislation while at the same time recognizing the workload that you do. So if you could get this information to the Committee members as soon as possible, it would be very helpful. Also, if you could include with thresholds, without thresholds, five year, seven year, et cetera.

**Chair Kirkpatrick:**

How fast can you get that together?

**Tracy Taylor:**

Tomorrow morning.

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

[Not Heard]

**Assembly Bill 331:** Makes various changes relating to the conservation of water. (BDR 48-915)

**Amber Joiner, Committee Policy Analyst:**

[Read bill explanation and proposed amendments from work session document ([Exhibit J](#)).]

**Assemblywoman Pierce:**

Does this apply to all water agencies?

**Amber Joiner:**

I believe that it does.

**Assemblyman Goicoechea:**

The basic difference between the first and the second amendment is in the first amendment the State Engineer pretty much has to come forward and provide accuracy of that plan. Is that correct?

**Amber Joiner:**

That is correct. My understanding is that the phrase in the original bill that required the evaluation of the plans would remain in the first amendment.

**Assemblyman Goicoechea:**

We were discussing the previous bill and talking about the workload on the State Engineer and now we are going to give him more work by requiring within 30 days of the submittal of any conservation plan he evaluate and ... I guess I am arguing that maybe the second amendment makes more sense.

**Chair Kirkpatrick:**

I did speak with Mr. Taylor about this, and they are already required to give a conservation plan so this is moving this from one area to another, so 30 days was acceptable. The water agencies are already currently required to do that. This is just a matter of where it is going to be posted, and how it is going to be available to the public.

**Assemblyman Goicoechea:**

The big difference between the two amendments is that the first amendment is far more restrictive, and I might be wrong about that, but it looks like in the first amendment the State Engineer has to go through it in 30 days and correct it for accuracy and approve it.

The second amendment, in subsection 5 where it says "to the extent practicable," and then he shall post it on the Internet and carry it out, but it does not really require that he step forward and verify those. The verification of some of these water plans if you are going to do it statewide would be somewhat cumbersome.

**Chair Kirkpatrick:**

One of the discussions that we had on what the bill said was that it had to go to his counterpart, and then go to him, and then go to another person before they could do anything with it. One of the things we talked about is cutting out the middle man so that they could go directly to the person that does it and get it posted for the public.

**Tracy Taylor:**

Actually, the water planning section is a section under my supervision under the Division of Water Resources, so to write letters back and forth between my staff was not needed. As far as review of the conservation plan, there are numerous items in this statute that say "must be in the plan." We go through that plan and we make sure that every one of those items is addressed.

The local purveyors of the counties are better at deciding what type of conservation plan they have. We just make sure that every item in the statute is addressed reasonably, and then in 30 days if something is not addressed we will notify them and let them know they need to address whatever that conservation item is.

**Assemblyman Goicoechea:**

You do not feel that the first amendment puts any more pressure on you and your staff than the second amendment?

**Tracy Taylor:**

I want to be on the record that I am not looking at rate structures and defining which ones are good and which ones are bad. I am just making sure that they are addressed in the plan.

**Assemblyman Goicoechea:**

And, you do not feel that you are required in the first amendment to evaluate the accuracy of the plan?

**Tracy Taylor:**

I do not know if I looked that much at the first amendment. I liked the amendment and your idea was practicable, I like that terminology, and it makes it clear.

**Assemblyman Goicoechea:**

It gives a little more wiggle room to the State Engineer's office because the first amendment is somewhat shorter; it leaves it a little more open-ended as far as what could be inferred.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO  
PASS ASSEMBLY BILL 331 WITH THE SECOND AMENDMENT.

**Assemblywoman Parnell:**

I am curious as to whether or not the second amendment was okay with the sponsor of the bill; was there discussion with Mr. Hogan?

**Chair Kirkpatrick:**

Mr. Hogan, have you seen the second amendment?

**Assemblyman Joe Hogan:**

No, I have not.

**Assemblyman Goicoechea:**

I withdraw my motion at this time.

**Assemblywoman Parnell:**

On the motion that Assemblyman Goicoechea has now withdrawn, I have to say on the second amendment I really like Section A. It is just a statement about conservation and I would like to see that remain in the bill.

**Assemblyman Bobzien:**

I am disagreeing slightly Assemblywoman Parnell. I think the statement and the intent about recognition of communities and reductions of water consumption is good, but I am nervous about the actual gallon amount being put in there.

**Chair Kirkpatrick:**

We will pull this bill back until tomorrow.

**Assemblyman Goicoechea:**

I was just going to reinforce that. If the bill sponsor has not seen the amendments, he needs to look at the amendments. To Ms. Parnell, I do not see where that is in either of the amendments, so we would be amending the amendments if we are going to put that conservation language of 200 gallons back in.

**Assemblywoman Parnell:**

My suggestion was to honor both my colleague from the south and the one from Washoe County. I agree with putting numbers in legislation, but I do not know why we cannot leave or remove the statement regarding the Legislature recognition of other communities, and the reductions of water consumption, period, and not identify the gallons.



**Assemblyman Bobzien:**

Maybe we could get a head shake from Mr. Taylor if his objection to that section was purely based on the gallon figure.

**Tracy Taylor:**

Yes, it was the gallon figure.

**Chair Kirkpatrick:**

This bill will be pulled back. I will get together with Assemblyman Hogan today so we can answer any questions. We will move on to the next bill.

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

**Amber Joiner, Committee Policy Analyst:**

[Read bill explanation from work session document ([Exhibit K](#)).]

ASSEMBLYMAN GOICOECHEA MOVED DO PASS  
ASSEMBLY BILL 358.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED.

Mr. Manendo will do the floor statement.

**Assembly Bill 373: Revises provisions governing general improvement districts.  
(BDR 25-388)**

**Amber Joiner, Committee Policy Analyst:**

[Read bill explanation from work session document ([Exhibit L](#)).]

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS  
ASSEMBLY BILL 373.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Grady will do the floor statement.

**Chair Kirkpatrick:**

I will try to get those bills on the work session for Wednesday, so if you have any questions we will get those answered tomorrow.

Is there any public comment at this time? Is there anything from the Committee? Meeting adjourned [at 9:32 a.m.]

RESPECTFULLY SUBMITTED:

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Cheryl Williams  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** April 9, 2007

**Time of Meeting:** 8:00 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 515	C	Susan Fisher	Letter of Support
A.B. 601	D	Oran McMichael	Labor Management Report
A.B. 50	E	Amber Joiner	Work Session Document
A.B. 160	F	Amber Joiner	Work Session Document
A.B. 255	G	Amber Joiner	Work Session Document
A.B. 258	H	Amber Joiner	Work Session Document
A.B. 285	I	Amber Joiner	Work Session Document
A.B. 331	J	Amber Joiner	Work Session Document
A.B. 358	K	Amber Joiner	Work Session Document
A.B. 373	L	Amber Joiner	Work Session Document