

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

**Seventy-Fourth Session
April 13, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:05 a.m., on Friday, April 13, 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 Claborn
Assemblyman Pete Goicoechea
Assemblyman Ruben Kihuen
Assemblyman Harvey Munford
Assemblywoman Bonnie Parnell
Assemblyman James Settelmeyer
Assemblyman Lynn Stewart
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Assemblywoman Francis Allen, Assembly District No. 4



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Rusty McAllister, President, Professional Firefighters of Nevada
Gary Wolff, Business Agent, Nevada State Law Enforcement
Officers' Association
Susan Fisher, representing the Washoe County Employees' Association
Tommy Ricketts, President, Las Vegas City Employees' Association
Ronald P. Dreher, Government Affairs Director, Peace Officers
Research Association of Nevada
Penny Rasmussen, President, Washoe County Employees'
Association
Robert Burdick, Executive, Director, Washoe County Employees'
Association
Oran McMichael, Area Field Services Director, Nevada American
Federation of State, County and Municipal Employees
Bobby Wartgow, Deputy Fire Chief/EMS, East Fork Fire and
Paramedic Districts
Julie Whitacre, Director of Government Relations, Nevada State
Education Association
Claudette Enos, Director of Human Resources, City of Las Vegas
Dr. Bryn Lapenta, Interim Assistant Superintendent, Washoe
County School District
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs'
Association
Vinson W. Guthreau, Government Affairs Coordinator, Nevada
Association of Counties
Dr. Craig Kadlub, Director, Government Affairs, Clark County
School District
Randy Robison, representing the City of Mesquite
Ted Olivas, representing the City of Las Vegas

Chair Kirkpatrick:

[Roll call] [Quorum present]

We need to rerefer Assembly Bill 572. There is a huge fiscal note on this bill of \$400,000.

ASSEMBLYWOMAN PIERCE MOVED TO REREFER
WITHOUT RECOMMENDATION ASSEMBLY BILL 572 TO
WAYS AND MEANS.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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ASSEMBLYMAN GOICOECHEA MOVED TO REFER WITHOUT
RECOMMENDATION ASSEMBLY BILL 603 TO WAYS AND
MEANS.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

We will now start with Assembly Bill 257.

Assembly Bill 257: Establishes a career incentive program to provide salary increases to certain emergency medical technicians, firefighters and peace officers who complete certain educational requirements. (BDR 23-828)

Assemblywoman Francis Allen, Assembly District No. 4:

The original bill was a law enforcement officer tuition reimbursement plan and incentive pay program. During this session's current climate of possible loss of surplus, it is important to cut the bill back to only a law enforcement tuition reimbursement plan. We do have a conceptual amendment ([Exhibit C](#)).

Rusty McAllister, President, Professional Firefighters of Nevada:

We have worked on this bill with Assemblywoman Allen. Initially it had an extremely large fiscal note because it provided an incentive pay program and tied into the Public Employees' Retirement Systems (PERS). This has all been stripped out of the bill in the conceptual amendment that Assemblywoman Allen

presented. Now it is down to a tuition reimbursement program for public safety officers in the State of Nevada. Those entities that already have tuition reimbursement programs in place would not be affected. Only those entities that do not have some form of tuition reimbursement for public safety officers would be affected by this bill. This cuts the fiscal note drastically.

Gary Wolff, Business Agent, Nevada State Law Enforcement Officers' Association:

I could not have said it any better. We also support the bill.

Chair Kirkpatrick:

Ms. Allen, you are just looking for an "amend" and a "rerefer with no recommendation" to Way and Means. Is that correct?

Assemblywoman Allen:

Yes, that is correct.

Chair Kirkpatrick:

Since we do not have the amendment at this time, and we have a large work session, we would have to get it to the floor by 8:45 a.m. We will hear our next bill and put your bill on the work session for today.

Assembly Bill 337: Revises provisions governing collective bargaining between local government employers and employee organizations. (BDR 23-873)

Assemblyman Jerry Claborn, Assembly District No. 19:

There have been many changes to this bill. In your packet you will find an amendment ([Exhibit D](#)).

Assemblyman Goicoechea:

I had better make a disclosure. My wife is a Chief Deputy Assessor as well as an Administrative Assistant. It will not impact her any differently than anyone else. I will vote on the bill.

Susan Fisher, representing the Washoe County Employees' Association:

As you can see in the proposed amendment ([Exhibit D](#)), we are proposing removal of the language regarding the simple majority in subsection 6 of Section 3, on page 4 of this bill. What the Washoe County Employees' Association is interested in putting in is under Section 2, subsection 2 (u) where it starts out, "Policies for the transfer and reassignment of employees." You will hear some explanation later regarding excluding police officers. I do not know if it is in your package, but we are in favor of excluding that language because local governments need to have the capability of transferring peace officers around as

they need to, as a public safety issue. We will state for the record that from now on, when you hear that issue, we are in support of the peace officers' adding that language back in.

We would like to add an additional amendment to Section 2 subsection 2 (v) "Fair Share." We negotiate for the benefits for the employees, all of the employees who are eligible to join the Employees' Association benefit, whether they are members of the Association or not. We are not asking to force them to join the Association, nor are we asking to collect an assessment from them on an ongoing basis because they are benefiting from the Association's efforts on their behalf. What we are asking for is those costs directly related to that particular bargaining period be divided among all of the employees who are eligible to join the Association as a one-time assessment. I have provided a sheet labeled Estimated Fair Share Figures ([Exhibit E](#)). These figures are estimates based on our last negotiating period. The total costs came to \$7,150. We have about 1,600 eligible Washoe County employees who could join the Association. If you divide the \$7,150 by 1,600 employees, it comes out to \$4.47 per employee. This would be a one time charge to help us recoup our costs for the negotiations that these employees benefit from whether they are members of the Association or not. That is our primary intent with this amendment that we would like in the bill.

Tommy Ricketts, President, Las Vegas City Employees' Association:

I provided, and the minutes will reflect on Assembly Bill No. 69 of the 73rd Session, a similar breakdown according to fair share. I also provided in the 2003 72nd Legislative Session the same type of document based on the current costs.

Let the record reflect we wholeheartedly support this bill. From the start I was very interested. Attorneys that I deal with should be able to have some sort of opportunity to belong to a bargaining unit. They are in a difficult situation, being at-will employees. Sometimes, due to no fault of their own, they are unable to accomplish what their employer may want, but still do not have any rights. I think this bill goes a long way there.

We support the opportunity to have enabling language. If some sort of a fair share agreement can be negotiated with the employer and the employee association, that opportunity should be there. Some examples that I included in my prior testimony regarding this when it was a bill showed that it is no different from the building contractors—if you do not belong to the Association you do not pay dues. You reap the benefits from everything they do, and you are not paying. You could extend that example all across the board. There are

a lot of examples and a lot of history; it does not have to be with the Association or with the employer.

If there is an opportunity, I would like to put a (w) in Section 2, subsection 2, where the fair share language was suggested, and also add job descriptions. With over 400 job descriptions in our collective bargaining agreement, one of the problems we are currently facing is not having a mandatory subject to bargain on and denying us the opportunity to negotiate some sort of language so that there is a 50/50 split in what we are doing. The only thing that is a mandatory subject for bargaining is salary. What we run into is an expanded job description that is not negotiated. Neither is there a mechanism to get both parties on the same page or to force them to do things in the best interest of the taxpayers. The only opportunity that we do have is to negotiate salaries which, instead of creating entry-level jobs, create jobs that become of interest to the taxpayers of public employees.

Assemblyman Settelmeyer:

With regard to line 31, page 2, of the proposed amendment, the concept of "fair share," are you saying whether or not an employee is a member of that Association, he is going to be mandatorily required to pay the assessment?

Susan Fisher:

We would ask them to pay it one time. They do not have to pay the ongoing Association dues, which in Washoe County are \$5.00 every pay period. It would be for the one-time bargaining period, which is typically every three or four years. If they had been required to pay this during our last bargaining negotiations, it would have been \$4.47.

Assemblyman Settelmeyer:

My question is, "Are you asking them or are you telling them they have to?"

Susan Fisher:

In this instance we would be saying, "You are going to pay."

Tommy Ricketts:

I see this as enabling language—anything that can be negotiated between an employer and an employee association—it can be minor, it can be major. Currently, what has been provided in the past is an actual law or language that says you have to do this or you do not have to do that. There is a split, and nobody is trying to force anyone to join; nobody is trying to say you cannot under *Nevada Revised Statutes* (NRS) 288.140(2). That has already been established. The Nevada Supreme Court, in *Cone v. NSEU* [*Cone v. Nevada Service Employees Union* 116 Nev. 473, 473 (2000)], said there is a mutual

obligation that the organization has the responsibility to represent everybody. Likewise, the employee has a mutual obligation to pay his fair share. I think, based on the spirit of that language, my goal would be to keep that in plain sight and also come up with something that was fair, equitable, and beneficial to everyone.

Assemblyman Christensen:

If you could help me understand why, if you were an at-will employee, you would be at a disadvantage.

Tommy Ricketts:

What this bill is asking for is that attorneys be allowed to be members of an employee association. Currently, yes, as a private sector employee in the State of Nevada, you would be considered an at-will employee the same as in the public sector if you are not covered under a collective bargaining agreement. My understanding and interpretation of the bill is that for attorneys, there would be some enabling language allowing them to belong to an association and have some grievance rights and also the opportunity to protect themselves based on the decisions they make in the best interests of their employer.

Assemblyman Goicoechea:

I think this flies in the face of the right-to-work law. I think there should be some type of enabling legislation, rather than the mandatory, "you shall" participate. I believe in Nevada's right-to-work law, and I think this erodes it. I do not know what kind of language we can come up with that would give the employee that kind of flexibility.

Chair Kirkpatrick:

Do you have any suggestions, Ms. Fisher or Mr. Ricketts?

Susan Fisher:

We have had, in the past, some employees who voluntarily contributed to the Association. They can do that. We strongly feel, because we are spending time and resources to negotiate on their behalf, even though they do not belong to the Association and we are not asking them to belong, they should pay their fair share.

Tommy Ricketts:

We are not asking for anybody to agree with the principle of what is being proposed. We are not asking for anything else than the opportunity to add this to the laundry list of items: if an employee association in the State of Nevada, representing public employees under NRS 288, and the government employer can come up with something, this is an area where there is an opportunity to

negotiate. Whatever those parameters may be is up to the employee association and the employer. There are a lot of guidelines, and there are a lot of other states that have this. At this time I would not ask the Committee to agree or to disagree with the philosophy, but just agree to provide us with the opportunity to act in the best interest of both the employees and the taxpayers. If something is reachable, we would have the opportunity to reach it; currently that opportunity is not there. The Nevada Supreme Court suggested in *Cone v. NSEU* that the Legislature should enact something to allow this to be codified into law.

Chair Kirkpatrick:

Are there any other questions or comments?

Assemblywoman Pierce:

Are you basing this on the court decision of *Cone v. NSEU* on the summary page ([Exhibit F](#)) where it says, "We see no discrimination or coercion, however, in requiring non-union members to pay reasonable costs associated with individual grievance representation, and therefore conclude that the union did not violate the aforementioned statutes?" Is this something that you gave us that talks about what you are talking about now?

Tommy Ricketts:

Yes, there are a multitude of cases reflecting the philosophy of non-member employees bearing the same obligation with member employees under NRS 288. We have to give representation to everyone, whether a member or a non-member. The Nevada Supreme Court has ruled that unions can charge a fee for that; however, it is not a mandatory subject for negotiation, and we are asking for enabling language.

Assemblywoman Pierce:

What the bill does is say that this can be part of negotiations, but it does not say you can go out tomorrow and charge everybody. It says that you can bring this to the table if you so choose.

Tommy Ricketts:

Yes, it is enabling language. It would be very hard, in this right-to-work state, to go in and get something as drastic as forcing somebody to pay anything that is outrageous. That is not the intent of this bill.

Chair Kirkpatrick:

I am asking Mr. McKenna if he would let us know what this all boils down to.

Scott McKenna, Committee Counsel:

Yes. I would say briefly, and having had a chance to review the *Cone* decision, the manner in which Mr. Ricketts has described it is completely accurate. Even in a right-to-work state such as Nevada, what this decision appears to say is that a fair-share agreement is entirely permissible, provided that you are not saying you must be a member of the union.

Assemblyman Goicoechea:

Technically, then, there is nothing in this bill that can be construed to require that anyone who does not want to join has to join. If a group does organize and some employees do not belong, but the majority does agree that there should be a fair-share concept, can they then impose that fair-share fee on the non-members?

Chair Kirkpatrick:

I am going to refer that to Mr. McKenna because he is our legal counsel, and I would rather have it from him. He is who we stand behind.

Scott McKenna:

Perhaps the proponents would set me straight on this if I am mistaken. I had been under the impression that the whole purpose of a fair-share agreement is to make sure that the people who opt not to belong to the union, but who are benefiting from its activities, are also paying to support it.

Tommy Ricketts:

I want to make sure that it is understood that the Las Vegas City Employees Association and the Washoe County Employees Association are the two independents roughly representing the same number of employees in both ends of the State. The reason we are at the table today is not for any underlying position to more unionize the state. However, we survive on a very tight budget. We represent roughly 1,500 employees, and we have very tight budgets of union negotiation. The employees who chose not to belong also receive the benefits of Union negotiation. Therefore, that cost should be spread equally. We are not trying to get rich or to force someone to do something that is unconstitutional. We think there should be an opportunity, like in any business, to recover some of those costs in a fair and equitable manner.

Assemblyman Goicoechea:

What you are saying is that the union or the organization should have the ability to capture part of their expenditures. On the flip side, I am saying this is a right-to-work state, we have a number of shops that are represented by unions, and there are individuals there that do not belong to those unions and do not pay any kind of union dues. I understand that there is no free lunch, but the

bottom line is, under Nevada's right-to-work law, a free lunch is a possibility. I think we are flying in the face of that with this legislation.

Tommy Ricketts:

I can tell you that, in the decision of *Cone v. NSEU*, there are several references where the appellants did bring this issue to Local Government Employee-Management Relations Board (LGEMRB) and also to District Court. The question that came up in one of the arguments was, is this a violation of NRS 613, Nevada's right-to-work law? All three, the (LGEMRB), the District Court, and the Nevada State Supreme Court said no, it is not. To make it clear for the record, if the enabling language were there, I do not think any of us would be successful in changing Nevada's right-to-work law or getting something so drastic enacted that it might force someone to do something that might be unconstitutional.

Assemblyman Goicoechea:

With this \$4.74 assessment fee, because the non-members did get a service, even though they did not belong to the association, they would be required to pay this fee.

Tommy Ricketts:

We are not asking this Committee or the Legislature to approve any language or concept, other than the opportunity to have some enabling language to try to come up with a reasonable solution to a problem.

Susan Fisher:

We are not going to retroactively go back to try to collect this fee. When we go into bargaining the next time, what we propose to be able to have as one of the items on the list of things that we bargain for with management is the right to fair-share with the employees. We are asking that, and whatever that amount is will be divided among all the employees.

Assemblyman Goicoechea:

Could it also be a component in this negotiation, that management would pay the fee?

Susan Fisher:

No, I am seeing heads shaking behind me.

Assemblyman Claborn:

Let us not forget that this is a right-to-work state, and we are not changing that. When we go into a negotiation, this could be one of the items on which we could negotiate. If we happen to win, we are still in a right-to-work state. The right-to-work would supersede all actions. This legislation would give us the opportunity to bargain for it, but there might be another way that the union negotiators that want it would be able pay their fair share. All we are asking for is a shot at asking our employees to bargain with us.

Chair Kirkpatrick:

I will now move on to a discussion with those who are in favor of A.B. 337. Please remember to be mindful of the time, please do not be repetitive, and stick to the merits of the bill.

Ronald Dreher, Government Affairs Director, Peace Officers Research Association of Nevada:

We are in support of A.B. 337 and also neutral, to a degree. On page 3 of the bill, Section 2, lines 20 through 23, the concern we have is the removal of the word, "transfer." Representing law enforcement officers and discipline discharge cases over a period time, we found that there is a difference between the words "assign" and "transfer." By removing the word "transfer," then a transfer for discipline could occur and has occurred. Over the past several years we have had two arbitrations, and almost went to arbitration in another case when an employee was transferred for disciplinary purposes...

Chair Kirkpatrick:

Let me stop you right there. You are in support of the bill, but you are offering an amendment, is that what you mean?

Ronald Dreher:

I am not trying to amend the bill. We just ask that you leave in the words "or transfer." From the law enforcement perspective, it has a drastic impact on disciplinary matters. If you could go back to current language with NRS 288.150(3)(a), that is the management rights section of the collective bargaining bill, and that is the concern we have. We do not have a problem with the rest of it, and what I have heard from the Washoe County Employees' Association and the Las Vegas City Employees' Association is they do not have a problem supporting that. As I mentioned, our biggest concern from the law enforcement standpoint would be removing the words "or transfer."

Chair Kirkpatrick:

Which section are you referring to in Section 2?

Ronald Dreher:

It is Section 2, lines 20 through 23, where it is trying to delete the words "or transfer." We are asking that the current language remain.

Penny Rasmussen, President, Washoe County Employees' Association:

We, too, are in support of this bill.

Robert Burdick, Executive Director, Washoe County Employees' Association:

One of things that was brought up here was how enforcement of this fair-share bill would work. I would hope that during the negotiation process we could come up with some unique ideas on how it is going to work. That would be part of the negotiation process. From our point of view, we would like to see every person who benefits from the negotiations and the contract administration be required to support it at the minimum level that we have discussed, which is less than \$5.00 per negotiating session. During negotiations we would figure out how we would enforce that, either through management or through the Association.

Gary Wolff, Business Agent, Nevada State Law Enforcement Officers' Association:

With any luck, we will get collective bargaining, and we would be very happy to be part of this bill.

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

We are offering a "me too" because, currently, we do not have a dog in this race, but we would like to support the effort on behalf of local government.

Chair Kirkpatrick:

Is there anyone that is neutral that would like to speak on this bill?

Bobby Wartgow, Deputy Fire Chief/EMS, East Fork Fire and Paramedic Districts:

While we are basically neutral on the bill, I had the same concerns that the police officers have brought up. We presently do transfer/reassign employees almost on a daily basis based on certification levels, experience, department needs, as well as various Occupational Safety and Health Administration (OSHA) and Nevada Administrative Code requirements. These transfers are done to cover areas of concern or address staffing shortages. Our comment is if the "transfer" language is taken out of the bill, as it presently reads, then we would ask for the same exclusion that the police officers are asking for.

Julie Whitacre, Director of Government Relations, Nevada State Education Association:

We, too, are neutral on the bill, but we would like to go on record in support of deletion of number 6 in Section 3.

Chair Kirkpatrick:

Is there anyone that would like to speak in opposition of this bill? We will go down to Clark County first.

Claudette Enos, Director of Human Resources, City of Las Vegas:

I will address the fair-share issue. Philosophically, similar to Assemblyman Goicoechea, I do not have an issue with the associations collecting a fee. The concern has to do with having this issue at the bargaining table. It seems that it could and should be an issue between the leadership of the association and its membership. I have no problem, whatsoever, if there were enabling legislation that allowed for the association to set a fee schedule and charge the members and/or non-members of the association for services received from that association. However, bringing that issue to the bargaining table and adding yet another layer in an already difficult bargaining atmosphere oftentimes would be difficult, and we would be in opposition to that portion of the bill for that reason.

We are also in opposition to that portion of the bill which removes attorneys from the definition of administrative employees. Attorneys becoming members of the same bargaining unit as the employees that they represent is problematic, as oftentimes has happened with other supervisors. In addition, the attorneys are hired to represent their entity, the entity for which they work, whether it be a local government or county government. By virtue of being members of a bargaining unit certainly they have the potential for being in an adversarial relationship with their employer and the individuals that they are hired to represent. So, for those reasons, we would be in opposition to A.B. 337.

Dr. Bryn Lapenta, Interim Assistant Superintendent, Washoe County School District:

In regard to the expansion to all employees in Section 2, subsection 2 (u) and the removal of the word "transfer" in Section 3, subsection (a), we feel that "transfer" is a part of management practice. A prudent manager will place the best person for the position into the assignment.

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

I come forward to voice our concerns in regard to the issue of "transfer." On page 3, lines 14 and 15, if there is going to be an exception, it needs to be an exception for peace officers, and I hear from our firefighter brothers that they also need it. Down in lines 20, 21, 22 and 23, the verbiage needs be retained as it was before. In order for us to manage properly in a public safety environment, we need to have that ability.

Vinson Guthreau, Government Affairs Coordinator, Nevada Association of Counties:

My membership has asked me to oppose A.B. 337, for many of the reasons that were stated, given the reassignment provision and the transfer provision. We, at the Nevada Association of Counties, believe managers need to have the ability to manage their employees, and that involves transferring and putting people in the correct positions.

I want to address the fair share. Since I just received this amendment this morning and haven't had a chance to review it or talk to my membership about it, we do not necessarily have a position yet. I know there are amendments out there to take out emergency workers, but there are other services that county and local government deliver that need to be done in a timely manner. One of the examples given to me was public works. People need to be able to deliver services, and sometimes that requires transferring people to other areas that they are not necessarily assigned to. With that, we stand in opposition to the bill.

Chair Kirkpatrick:

Is there anyone else that would like to speak in opposition to this bill?

Dr. Craig Kadlub, Director, Government Affairs, Clark County School District:

We, too, are opposed to the deletion of the transfer language in lines 21 and 22 on page 3.

Chair Kirkpatrick:

Does anyone else have any questions? [There were none.] With that, I will have the bill sponsors come back to the table. Is there anything you would like to have the last say on?

Susan Fisher:

We are fine with leaving the words "or transfer" in the bill. The way it has been explained to us is it is a necessary piece of the bill and we are supportive of that.

Tommy Ricketts:

I would echo Ms. Fisher's comments; there is no problem in allowing "or transfer" to stay in.

Chair Kirkpatrick:

Does anyone have any questions?

Assemblyman Claborn:

I echo Ms. Fisher and Mr. Ricketts testimony as well.

Chair Kirkpatrick:

With that I am going to close the hearing on A.B. 337. We will now move on to our work session.

Assembly Bill 257: Establishes a career incentive program to provide salary increases to certain emergency medical technicians, firefighters and peace officers who complete certain educational requirements. (BDR 23-828)

ASSEMBLYMAN SETTELMAYER MOVED TO AMEND AND
REREFER TO WAYS AND MEANS WITH NO RECOMMENDATION
ASSEMBLY BILL 257.

ASSEMBLYWOMAN WOMACK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Ms. Joiner will start with Assembly Bill 122 in the work session document.

Assembly Bill 122: Revises provisions governing systems used for reporting emergencies in certain counties. (BDR 20-380)

Amber Joiner, Policy Analyst:

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

You can see the language is attached in a mock-up. This concept was proposed in parts by Mary Walker, representing Carson City, Douglas, Lyon, and Storey Counties; also, Bob Bass of AT&T of Nevada; and Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN PARNELL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 122.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Pierce will do the floor statement.

Our next bill is Assembly Bill 301.

**Assembly Bill 301: Revises the qualifications for the office of county sheriff.
(BDR 20-539)**

Amber Joiner:

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

Chair Kirkpatrick:

I have received some concern on the ten years. I was wondering if anyone is willing to change to five years.

Assemblyman Munford:

I have some concerns with running for any office. I think there should be no qualifications other than maybe age, residency, and those types of things. Even for the President of the United States, there are no qualifications for that position. All you have to be is 35 and a natural born citizen. Where do the qualifications come in to run for sheriff? I have some trouble with that.

Assemblyman Christensen:

To back up what was said before, I agree with that sentiment, but in the spirit of compromise, my thought is that ten years is too long. You may find a candidate with very unique skills—maybe some military training. I say at least bring it down to five years. Five years would make it more doable. In the general interest of the bill, the whole idea is that the voters are putting in someone who has some experience and some kind of record so that the voter can make an educated choice.

Assemblyman Claborn:

I think that everyone should be able to run in a free election and for this reason I cannot support this bill, but I would like to reserve my right to vote yes on the floor. Today my vote will be no on this bill.

Assemblywoman Pierce:

I am good with the five years and I will support the bill.

Assemblyman Stewart:

I would like to make the motion to reduce the ten years to five years.

Assemblywoman Parnell:

That then leads me to a question in the amendment. If we are changing the ten years to five years, what are we doing about the "must attain the Police Officers Standards and Training?" Does that stay in with the five years?

Tommy Ricketts, President, Las Vegas City Employees' Association:

Yes, it stays in.

Assemblyman Goicoechea:

I want to clarify that the five years does not pertain to those counties under the 100,000 population.

Assemblyman Settlemeyer:

Do we have two different amendments on the table now, or are we taking each amendment omnibus with the five years and below the 100,000 population.

Chair Kirkpatrick:

Actually we have three different amendments on the table.

Assemblyman Stewart:

I think we can combine the amendments.

Chair Kirkpatrick:

Mr. McKenna, did you want to clarify if the five years applies to 100,000. My understanding was it did not apply to the 100,000.

Scott McKenna:

I do not believe that it does. I can take another look at it if you would like.

Assemblyman Claborn:

I believe this would encompass where I live in Las Vegas and it is still a free election, right? Would it not be a free election for anybody in Washoe or smaller counties? I think it should be a free election for everybody, and I am still voting no. I think everybody should have the chance to be elected whether one lives in Las Vegas or a small place.

Chair Kirkpatrick:

Ms. Joiner, could you please clarify a few things for those of us who are here?

Amber Joiner:

I would like to clarify that the maker of the motion may want to restate. I verified with Mr. McKenna that the two amendments do not appear to conflict. The stand-alone of Mr. Goicoechea's would be that counties under 100,000 would require only P.O.S.T. certification. The way the five years has been discussed, it would affect only the other counties, but it would be up to the maker of the motion to clarify whether that is what he intended or not. If you wanted the five years to apply to all of the counties, then Mr. Goicoechea's amendment would not be relevant, they would conflict.

Assemblyman Stewart:

Madam Chair, the former.

Assemblywoman Parnell:

Reading this bill was very confusing. What is required over 100,000 and what is required under 100,000. Just make it very clear on the record because as it reads it does not say that.

Assemblyman Christensen:

Do we need that number of years of experience provision? Was there something specific that happened in Elko that drove this activity?

Chair Kirkpatrick:

I believe it was Clark County that drove it. The bill's sponsor stated we would not want our judges not to have qualifications.

Assemblywoman Pierce:

I support this bill as amended. I think being a sheriff takes a particular set of skills we would like them to have so we are choosing between candidates with skills that address themselves to the particular job.

Assemblyman Claborn:

I have been in Las Vegas since 1977, and I cannot recall anybody that did not have police experience that was elected as sheriff. I would have to have somebody tell me we elected a sheriff in Las Vegas that never had any experience. I do not think that is going to happen. I do not care where you live, you should have a right to run. The next time, when we run for election, they might be telling us we need to have five years of college before we can run for office. I want to keep the elections open for everybody. Mr. Munford hit it right on the nose when he said that the people are smart enough to know if a

layman came in that never had any experience as a pilot, you would not want him flying an airplane. The *Constitution* gives us the right to run for election. I realize some of the other elected offices, like the Attorney General, require experience. I understand that, but being the sheriff is a little bit different.

Assemblyman Beers:

A point of clarification, the current sheriff that was elected in Clark County had police experience, his opponent did not.

Chair Kirkpatrick:

There is a motion on the floor by Mr. Stewart.

ASSEMBLYMAN STEWART MOVED TO ACCEPT THE TWO AMENDMENTS TO ASSEMBLY BILL 301, THE FIRST AMENDMENT CHANGING TO FIVE YEARS, AND THE SECOND AMENDMENT REFERRING TO UNDER 100,000 AND DO PASS ASSEMBLY BILL 301 AS AMENDED.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN, CLABORN AND MUNFORD VOTED NO.)

Mr. Horne will do the floor statement.

Our next bill will be Assembly Bill 470.

Assembly Bill 470: Prohibits the Governor or any other state officer or employee from binding the State to the requirements of an international trade agreement without authorization by the Legislature. (BDR 19-1280)

Amber Joiner, Committee Policy Analyst:

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

There were some questions yesterday when this was on the work session regarding the constitutionality and also the Governor's role as opposed to the Legislature's. You should have a letter on your desk—it is not in the work session document—regarding that topic. ([Exhibit J](#))

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Bobzien:

When this bill first came up, I had some pretty severe heartburn with it—what the State's role could be in terms of international trade agreements. It is important to realize that Nevada has a lot going for itself as a state when it comes to the global market place. I would be really nervous about doing anything that attempts to impede what we do economically. I believe Ms. Pierce is correct in expressing concern that our ability as a Legislature to deal with the issues that face our constituents could be negatively impacted. I do believe it is valuable to start this discussion, and I will be supporting this measure.

Chair Kirkpatrick:

Is there any other discussion? [There were none.] Do I have a motion?

ASSEMBLYWOMAN WOMACK MOVED TO DO PASS
ASSEMBLY BILL 470.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Pierce will do the floor statement.

We are now moving on to Assembly Bill 513.

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

Amber Joiner, Committee Policy Analyst:

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

There were several amendments proposed. There is a mock-up in your work session document.

The first concept was proposed by Randy Robison, representing the City of Mesquite, to add the reorganization of the general improvement district (GID), not just the creation of a new one, to the provisions of the bill.

The second concept was proposed by Michael Hillerby, which is to add the provision that the board of county commissioners of any county may be, at its option, ex officio on the board of trustees of any district organized after October 1, 2007.

I should clarify that the first amendment is the first mock-up in your work session document. The second amendment has its own separate mock-up which was provided during the original hearing. Amendment 3 also has its own page. It would allow both existing and new GIDs to have a seven-member Board of Trustees only if the GID is located within a county that has a seven-member Board of County Commissioners. This concept was proposed by Assemblyman Settlemeyer. The fourth amendment, which was proposed by Mary Walker, also has its own page in the back and retains the current five-member governance of existing GIDs for counties under 400,000. The fifth amendment was provided by Michael Alonso of Jones Vargas. You can see some of the handouts that were proposed during the original hearing on this topic.

Assemblyman Settlemeyer:

I would like to combine amendments 3 and 4, if Ms. Walker agrees with me, by changing amendment 3 slightly. It would say, "so that a General Improvement District may have a seven-member Board of Trustees only if that General Improvement District is located within a county that also has a seven-member Board of County Commissioners." This requirement would apply only to new or reorganized GIDs.

Randy Robison, representing the City of Mesquite:

It seems that proposed amendment 3 with the language, "only if the General Improvement District is located within a county that has a seven-member board," covers amendment 4. I do not know if you need to restate that.

Assemblyman Settlemeyer:

We are also trying to add into our change the concept that it applies only to new or reorganized GIDs. I thought we had discussed this previously; if we have not, then I apologize. I thought we were okay with the concept that this was for new or reorganized GIDs.

Randy Robison:

That is correct. Amendment 4 seems to be a restatement of the county application.

Chair Kirkpatrick:

Let me just clarify because we are not accepting all the amendments that are listed on the page, we are trying to see if amendment 3 could quantify amendment 4.

Assemblyman Settlemeyer:

If I could reiterate what this does, it takes the population concept out of the game, and if another county ever chooses to go from a five-member board to a seven-member board it gives it the ability to also take their GID, if it wants to reorganize, to a seven-member board. That is what we are doing without a population issue. There are some desires within the Legislature to get away from population-specific type legislation.

This puts us in the providence that, if your county has a seven-member board, and you want to reorganize from a five-member GID to a seven-member by encompassing other areas, it addresses the issue. It would be an elimination of Ms. Walker's amendment because her amendment is a population-cap specific one. Thus, we would get rid of only amendment 4 and keep amendment 3 by addressing her concern that it be applicable only to new or reorganized GIDs. Obviously, if you are going from a five-member board to a seven-member board, you are reorganizing.

I did not mean to confuse anyone in any way, shape, or form; I am trying to eliminate amendment 4 by doing this, and Ms. Walker seems agreeable to the concept of getting rid of the population-cap specific, if it is okay with you since it is your bill.

Randy Robison:

I understand now, and that is the conversation that we had earlier. If the intent is to add reorganization so that it retains the spirit of amendment 4 without the population cap, that makes sense to me.

Chair Kirkpatrick:

Legal, are you clear on that?

Scott McKenna:

Yes, Madam Chair.

Chair Kirkpatrick:

Is there any further discussion on this? [There was none.] If not, I am looking for a motion on Assembly Bill 513 that provides for amendments 1, 2 and 3.

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
AND INCLUDE THE AMENDMENTS 1, 2 AND 3 THAT ARE IN THE
MOCK-UP ON ASSEMBLY BILL 513.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Settelmeyer will do the floor statement.

We will move on to Assembly Bill 514.

Assembly Bill 514: Makes various changes to the Charter of the City of Las Vegas. (BDR S-1381)

Amber Joiner, Committee Policy Analyst:

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

Chair Kirkpatrick:

Is there any discussion on this bill or on any of the amendments?

My feeling on amendment 1 is that if we establish a salary commission, the Legislature should pick the commission because then it is fair and unbiased. I also feel we should allow for the Traffic Hearing Master because this will expedite the process.

I know there were concerns about "expressly granted," and I agreed with that so we took that out and narrowed it down a bit to the three things they had wanted originally: affordable housing, the hearing master, and there was one other thing. Their powers would still be somewhat limited.

Yesterday I received the amendment from the judges saying they were all in agreement. Unfortunately, due to the fact that my staff and I have worked tirelessly on this, and we have done this bill seven times, I was not willing to accept their amendment.

Assemblyman Munford:

What is the position on the Chief Judge?

Chair Kirkpatrick:

Honestly, after the circus we endured and since none of the judges could come to an agreement, yesterday I rejected their amendment even after they all

agreed because I felt it was too late. Ms. Joiner and I have been here until midnight every night as has Mr. McKenna; I felt the judges waited too long.

Is there any discussion?

Assemblyman Settlemeyer:

I would appreciate some discussion from Clark County since I am not familiar with the City of Las Vegas Charter. The only concept I had is on the salary commission; maybe it should say they should not meet more than once a year.

Ted Olivas, representing the City of Las Vegas:

It is not our intent to have the salary commission meet on a yearly basis. They, too, are elected officials, and I do not believe there is a mindset on their part to have this done on a yearly basis. In fact, the discussion has been that it probably would not be done more than, potentially, every five years. They, too, have to answer to the taxpayers.

Assemblyman Settlemeyer:

Then let us stick in, "provided the salary commission may be convened as often as necessary to conduct business, but no more than once a year." This way if they meet every five years, great, but they do not have the authority to meet every six months.

Ted Olivas:

That is fine.

Assemblyman Goicoechea:

I do not know if we can do that just because we have the legislative oversight. We would hope they would not be meeting weekly. My concern is once you convene this salary commission, you might well have to meet three or four times in ...

Assemblyman Settlemeyer:

Mr. Goicoechea, what I am putting forward is the commission convenes, and when they settle, if it takes them three or four days, fine, but they do not get to do it every month. That is all I am trying to say. I just put that out for discussion, but if it does not work, then I will withdraw it.

Chair Kirkpatrick:

Let me ask Legal because I wonder whether the commission would have to recess and then come back. How would that work? If you say not more than once a year, would they then have to recess in order to come back to keep with the open meeting law?

Scott McKenna, Committee Counsel:

Yes.

Assemblywoman Parnell:

If we look at the original language in the bill, it says the salary commission must meet at least once every five years and remain silent on the rest of it. I am more comfortable with the original language.

Chair Kirkpatrick:

On the salary commission, Ms. Parnell has discussed we keep the original language that says the commission must meet at least once every five years, and to have the elected body be appointed by the Assembly.

So far on the amendments, we would accept amendment 1 with (a) and (b); (c) would change to the original language. Was everyone okay with (d)? That brings us to (e). I am looking for some direction on (e).

Assemblywoman Pierce:

I still have some concerns about (e). I am not supportive of it.

Assemblywoman Parnell:

It seems to me that we do not need (e), it is redundant. They already have the authority to do everything that is in (e).

Chair Kirkpatrick:

The consensus is to delete section (e).

Assemblyman Munford:

Yes, Assemblywoman Parnell said it well, they already exercise those powers.

Chair Kirkpatrick:

The last part, Mr. Beers, on amendment 2.

Assemblyman Beers:

I support amendment 2.

Chair Kirkpatrick:

I am not going to support amendment 2, only because of the circus that I endured. I am not going to reward them.

Assemblywoman Pierce:

I support amendment 2, the current system seems archaic, and this seems like a better idea.

Assemblyman Christensen:

I support amendment 2, not because of the circus, but because I think the calm parts of the arguments that the judges made, made sense.

Assemblyman Munford:

I also support amendment 2 because it is more democratic and it should not be in the hands of one person consistently.

Assemblywoman Womack:

I support amendment 2 because I am glad that they are all agreeing on something.

Chair Kirkpatrick:

Actually, I think they did end up agreeing.

Ted Olivas:

What you have in this package today is not what they collectively agreed to. I have a signed document that I could provide to the Committee members which clarifies what they did agree to, and that was they have an election every two years. That is not what it says in your package. I just wanted to clarify that.

Assemblyman Beers:

I say we accept and amend their agreement.

Chair Kirkpatrick:

Are you saying amend to the two year election?

Assemblyman Christensen:

I read the proposal from Judge Kolkoski, and it seemed to make sense to me. Let us roll with what they proposed.

Chair Kirkpatrick:

I am looking for a motion that amends A.B. 514—it allows for amendment 1(a), 1(b), and 1(c) and goes back to the original language with the salary commission meeting at least once every five years. Amendment 1(d) allows them to have hearing commissioners, 1(e) would be deleted, and amendment 2 would stay as is.

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS WITH AMENDMENTS 1(A), 1(B),1(C) GOING BACK TO THE ORIGINAL LANGUAGE, 1(D), 1(E) WILL BE DELETED, AND AMENDMENT 2 REVISED TO THE PACKET AGREEMENT THAT THE JUDGES ALL SIGNED.

Mr. Beers, would you be willing to withdraw your motion at this time, and we will accept each amendment first?

Assemblyman Beers:

I withdraw my motion.

Chair Kirkpatrick:

With that I will take a motion to accept amendment 1(A).

ASSEMBLYMAN CHRISTENSEN MOVED TO ACCEPT AMENDMENT 1(A).

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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ASSEMBLYMAN CHRISTENSEN MOVED TO ACCEPT AMENDMENT 1(B).

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

ASSEMBLYWOMAN PIERCE MOVED TO ACCEPT AMENDMENT 1(D).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

ASSEMBLYWOMAN PARNELL MOVED TO DELETE (E) OF
AMENDMENT 1.

ASSEMBLYWOMAN WOMACK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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ASSEMBLYMAN CHRISTENSEN MOVED TO ACCEPT
AMENDMENT 2 AS STATED IN THE WORK SESSION DOCUMENT.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED. (CHAIR KIRKPATRICK VOTED NO.)

Chair Kirkpatrick:

Mr. Beers will do the floor statement.

We will now move on to Assembly Bill 527.

Assembly Bill 527: Revises provisions governing the planning for and funding of
redevelopment and affordable housing. (BDR 20-143)

Amber Joiner, Committee Policy Analyst:

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

I understand that there have already been changes to the mock-up.

Scott McKenna, Committee Counsel:

The present mock-up indicates the entire deletion of what had been sections 1 through 15 of the bill with the only remaining section amending NRS 278.349. Inadvertently, in my zeal to create this amendment, I omitted what had been the former sections 8 through 12 of the bill, which provides a mechanism pursuant to which aggrieved parties may appeal to the Nevada Tax Commission disputes regarding property assessments at the local level, and I believe the intent was to keep that in the bill.

Chair Kirkpatrick:

In sections 8 through 12 there are a couple of changes as well?

Amber Joiner:

If Section 8 remains in, then there would be some additional changes. There has been a request that on line 32 on page 11 of the original bill the words "natural person" be removed; therefore, it would be only partnership, corporations, associations, or other businesses or legal entities who are aggrieved that could take the action.

Additionally, it was requested by the Department of Taxation, on page 11 line 36, it also appears elsewhere, that the provision for "within 30 days" be removed and in place of that it be provided that "at the next available meeting," instead of "within 30 days."

I believe these are the only two changes to Section 8. I did find the other reference, it is on page 13, where "30 days" would be changed to "the next available meeting."

ASSEMBLYMAN SETTELMAYER MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 527.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS
ABSENT FOR THE VOTE)

Chair Kirkpatrick:

I will do the floor statement.

We will move on to Assembly Bill 529.

Assembly Bill 529: Clarifies the applicability of regulations of the State Fire Marshal concerning building codes. (BDR 42-375)

Amber Joiner, Committee Policy Analyst:

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

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 529.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN SETTELMAYER
VOTED NO.)

Chair Kirkpatrick:

I will do the floor statement.

We will now move on to Assembly Bill 439.

**Assembly Bill 439: Makes various changes relating to developing and
maintaining affordable housing. (BDR 22-1302)**

Chair Kirkpatrick:

You should have a mock-up ([Exhibit O](#)). This was Assemblyman Conklin's and my bill on the affordable housing. This will need to go to Ways and Means as it has the tax in it.

We have said that the *Nevada Revised Statutes* are to address affordable housing needs. Cities and counties need to implement a housing plan that is included in their master plan. It allows for local government to be able to buy land at not more than 10 percent of the appraised value. This is where the Bureau of Land Management (BLM) comes in.

It also allows for streamlining the process so that we can actually move forward more quickly if the county or city is maintaining and developing affordable housing. The county or city's master plan will be required to maintain an inventory of existing affordable housing in the community. The ten cents is part of the real estate transfer tax that is already set aside for the affordable housing. This is part of the bigger package of the interim committee. We want to leave the term "affordable" in on page 4, line 24. We realized that this goes back to the master plan. It needs to include all housing because that is what the master plan does. It is "affordable existing housing."

The whole point of the bill is that local government has to determine what they have so that we can figure out what they need more of or less of.

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 439 WITH THE UNDERSTANDING THAT PAGE 4,
LINE 24, IS LEFT IN, AND WITH A REREFER TO WAYS AND
MEANS.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

Meeting adjourned [at 10:05 a.m.]

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 13, 2007

Time of Meeting: 8:05 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 257	C	Assemblywoman Allen	Conceptual Amendment for A.B. 257
A.B. 337	D	Susan Fisher	Amendment for A.B. 337
A.B. 337	E	Susan Fisher	Estimated Fair Share Figures
A.B. 337	F	Tommy Ricketts	Court Document on Cone Versus NSEU
A.B. 122	G	Amber Joiner	Work Session Document
A.B. 301	H	Amber Joiner	Work Session Document
A.B. 470	I	Amber Joiner	Work Session Document
A.B. 470	J	Amber Joiner	Letter from Brenda Erdoes
A.B. 513	K	Amber Joiner	Work Session Document
A.B. 514	L	Amber Joiner	Work Session Document
A.B. 527	M	Amber Joiner	Work Session Document
A.B. 529	N	Amber Joiner	Work Session Document
A.B. 439	O	Chair Kirkpatrick	Mock-up Amendment