

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

**Seventy-fourth Session  
May 28, 2007**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II at 1:20 p.m. on Monday, May 28, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Warren B. Hardy II, Chair  
Senator Bob Beers, Vice Chair  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Dina Titus  
Senator Terry Care  
Senator John J. Lee

**GUEST LEGISLATORS PRESENT:**

Assemblyman David R. Parks, Assembly District No. 41

**STAFF MEMBERS PRESENT:**

Candice Nye, Assistant to Committee Manager  
Eileen O'Grady, Committee Counsel  
Michael J. Stewart, Committee Policy Analyst  
Erin Miller, Committee Secretary

**OTHERS PRESENT:**

Gary Wolff, Nevada State Law Enforcement Association  
Danny Coyle, State of Nevada Employees Association/American Federation of  
State, County and Municipal Employees, Local 4041  
Todd C. Rich, Director, Department of Personnel

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Oran McMichael, American Federation of State, County and Municipal  
Employees  
Sean Gamble, Builders Association of Western Nevada  
Vinson W. Guthreau, Nevada Association of Counties

CHAIR HARDY:

We will open the hearing on Assembly Bill (A.B.) 445.

ASSEMBLY BILL 445 (2nd Reprint): Revises provisions regarding state  
personnel. (BDR 23-1048)

ASSEMBLYMAN DAVID R. PARKS (Assembly District No. 41):

Assembly Bill 445 simplifies the issue of creating a series of occupation groups with the Department of Personnel. It establishes a new category of occupational groups: Category 13. It puts all Peace Officer Standards and Training (POST) certified peace officers into that category. Over time, certain issues have occurred with certain categories of employees, and we find that we have left a group out. This bill will simplify issues regarding peace officers because it will put all POST-certified state employees under the 13.000 series of occupational groups.

There is another subsection that was added dealing with the final decisions of the Employee-Management Committee. It makes those decisions binding and allows for the Employee-Management Committee and the employee to petition the court for enforcement of those decisions.

SENATOR RAGGIO:

We have had this laundry list of occupations eligible for the occupational groups. Do some of these positions fit into other areas already in statute? Where have these positions been falling otherwise?

ASSEMBLYMAN PARKS:

Many of the positions have had different title codes. This bill is putting them all into one heading.

SENATOR RAGGIO:

Would they come out of these other categories?

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ASSEMBLYMAN PARKS:  
That is my understanding.

SENATOR RAGGIO:  
How do the people in these occupations feel about the change?

ASSEMBLYMAN PARKS:  
I am aware of no opposition.

SENATOR RAGGIO:  
Section 2 of A.B. 445 is present law. How does this change the law regarding grievances?

ASSEMBLYMAN PARKS:  
Under existing law, the grievance can be appealed for a final decision and the decision could be ignored.

SENATOR RAGGIO:  
By whom could it be ignored?

ASSEMBLYMAN PARKS:  
It would be the Employee-Management Committee.

SENATOR RAGGIO:  
That is existing law. How does the new language change it?

ASSEMBLYMAN PARKS:  
This bill would make the decision binding.

GARY WOLFF (Nevada State Law Enforcement Association):  
This is our system and we have had it forever. If you prevail in the Employee-Management Committee, a department can decide to do nothing with the decision. This bill would allow the Employee-Management Committee to tell a department that the Committee can petition a court to enforce the decision. It does not change the right to a judicial review. When the Employee-Management Committee rules against an employee, the department uses that as a final decision. However, if the Committee rules against the department or makes a decision they do not like, they will do nothing. This bill will most likely stop

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litigation because if everyone knows the Committee could petition the court, the departments will carry out their facts and findings.

SENATOR RAGGIO:

The makeup of the Committee will still be the same.

MR. WOLFF:

That is correct, and they are all appointed by the Governor.

CHAIR HARDY:

Most of the employees going into Category 13 will be coming from Category 11, which deals with public safety occupations.

MR. WOLFF:

Over the years, different departments decided they needed to have enforcement personnel. Public safety incorporates many of those officers. However, the Department of Motor Vehicles still has enforcement officers with police officer status. Throughout the state, most regular police officers are being trained as Category I peace officers. This bill will create less problems for personnel and law enforcement when occupational and related studies are done. The Department of Agriculture has their own police officers as does the Department of Business and Industry. When the departments put their budgets together, there are different enforcement officers in different areas. Most employees are from Category 11, but some are spread out.

DANNY COYLE (State of Nevada Employees Association/American Federation of State, County and Municipal Employees, Local 4041):

I sat on the Employee-Management Committee. Some personnel in regulatory positions are not POST-certified. There was difficulty in deciding under which classification they would fall. The addition of putting all POST-certified personnel under one classification facilitates the processing of the issues and grievances.

ASSEMBLYMAN PARKS:

The positions we are looking at moving are in the 100, 700, 1.000, 1.100 and 1.200 personnel class series. They are spread out. The fiscal note placed on this bill by the Department of Personnel has been removed.

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TODD C. RICH (Director, Department of Personnel):

I have presented written testimony ([Exhibit C](#)). There are about 66 different titles that would be incorporated in this bill. Approximately 400 incumbents would be affected.

SENATOR RAGGIO:

I want to ensure we are not doing something with unintended consequence. If we process this bill, I do not want people who fall under these categories angry that we did this. Do you have reasonable assurance that this will not happen?

MR. RICH:

I do not have an answer. My staff supports this bill. It would make things more equitable.

ORAN MCMICHAEL (American Federation of State, County and Municipal Employees):

We represent employees in the various classifications. We have surveyed our members and received no opposition to the bill. There should not be any opposition to the change.

CHAIR HARDY:

Section 2, subsection 4 says the decision of the Committee appears to be final. Final is not the same as binding.

EILEEN O'GRADY (Committee Counsel):

I will look into that.

SENATOR RAGGIO:

Is it accurate to say there is no fiscal note from the Department of Personnel on the second reprint of A.B. 445? There is a fiscal note dated March 26 indicating a cost of \$25,506.

MR. RICH:

We show a fiscal note in that amount with all costs being indirect to the Department. We are willing to absorb that. We are not asking for additional funding to cover the amount.

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CHAIR HARDY:

I want to ensure we are only providing some mechanism for the decision to be enforced. Could Committee Counsel look into that? We will close the hearing on A.B. 445 and open the work session. Let us look at Senate Bill (S.B.) 84.

**SENATE BILL 84 (2nd Reprint)**: Revises provisions governing certificates pertaining to the subdivision of certain buildings. (BDR 22-377)

CHAIR HARDY:

There is an amendment to this bill to expand the provisions of the bill to all counties and not just Clark County. I have spoken to representatives of some counties, and there appears to be no objection.

SENATOR CARE:

Someone from one of the counties wanted to make sure it only applies to Clark County. There was an objection.

CHAIR HARDY:

Sean Gamble, Builders Association of Western Nevada, had opposition. She asked that it only apply to Clark County, but the Assembly had that removed.

SEAN GAMBLE (Builders Association of Western Nevada):

We still object.

CHAIR HARDY:

Does the Committee desire to fight the issue?

SENATOR CARE:

Only Clark County was asking for this. I have no idea what happened on the Assembly side.

CHAIR HARDY:

Why did the Assembly put that in?

VINSON W. GUTHREAU (Nevada Association of Counties):

This bill was to apply to all counties, not just Clark County. The amendment was introduced in this Committee by Sean Gamble. We did not outright oppose the amendment; we said we would be fine with S.B. 84 either way. When the bill went to the Assembly, Assemblyman Bob Beers did not understand why it

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did not apply to all counties and asked that it be put back in. We do not have any objection.

SENATOR LEE MOTIONED TO CONCUR WITH AMENDMENT NO. 797 TO S.B. 84.

MOTION FAILED FOR LACK OF A SECOND.

SENATOR BEERS MOVED TO NOT CONCUR WITH AMENDMENT NO. 797 TO S.B. 84.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR LEE VOTED NO.)

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CHAIR HARDY:  
Let us move to S.B. 92.

**SENATE BILL 92 (2nd Reprint)**: Revises certain provisions pertaining to the regulation of firearms by local governments. (BDR 20-45)

CHAIR HARDY:  
The Assembly adopted Amendment No. 789 that changes the definition of "firearms" to be more consistent with the Clark County definition.

SENATOR TOWNSEND MOVED TO CONCUR WITH AMENDMENT NO. 789 TO S.B. 92.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:  
We will move to S.B. 101.

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**SENATE BILL 101 (1st Reprint)**: Amends the Charter of the City of Sparks.  
(BDR S-335)

CHAIR HARDY:

The Assembly adopted Amendment No. 746 which adds that a public hearing must be held before the Sparks City Council may employ a special counsel. It would not require it to be on an agenda.

SENATOR TOWNSEND MOVED TO CONCUR WITH AMENDMENT  
NO. 746 TO S.B. 101.

SENATOR BEERS SECONDED THE MOTION.

THEY MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:

Let us move to S.B. 117.

**SENATE BILL 117 (2nd Reprint)**: Exempts certain contracts entered into by the Board of Trustees of the Reno-Tahoe Airport Authority from certain requirements. (BDR S-809)

CHAIR HARDY:

The Assembly adopted Amendment No. 747 to limit the exempted contracts to those that relate to the construction of an integrated in-line explosive detection and security screening system for checked baggage. The amendment also adds a sunset clause requiring that the provisions expire July 1, 2009.

SENATOR RAGGIO:

The original bill was better, but I will go along with it.

CHAIR HARDY:

It sunsets in 2009 which will not be an issue in terms of the time frame given to us by the Reno-Tahoe Airport Authority.

SENATOR RAGGIO MOVED TO CONCUR WITH AMENDMENT NO. 747  
TO S.B. 117.



SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED.

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CHAIR HARDY:  
Let us move to S.B. 136.

**SENATE BILL 136 (1st Reprint)**: Designates the month of May of each year as Archeological Awareness and Historic Preservation Month in Nevada. (BDR 19-213)

CHAIR HARDY:  
The Assembly adopted Amendment No. 680 to recognize the importance of the Springs Preserve in southern Nevada.

SENATOR TITUS MOVED TO CONCUR WITH AMENDMENT NO. 680 TO S.B. 136.

SENATOR TOWNSEND SECONDED THE MOTION.

SENATOR RAGGIO:  
What is the difference?

CHAIR HARDY:  
The bill as drafted mentioned a few projects. They added Springs Preserve.

SENATOR RAGGIO:  
Why did we single out one thing?

CHAIR HARDY:  
We singled out Tule Springs in southern Nevada, and they added Springs Preserve. The bill is broad so I do not know why they added it.

SENATOR TITUS:  
They added it to highlight the opening of the park that is coming to the Springs Preserve and to coincide with planned activities.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:  
We will move to S.B. 140.

**SENATE BILL 140 (1st Reprint)**: Revises provisions relating to the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations. (BDR 27-609)

CHAIR HARDY:  
The Assembly adopted Amendment No. 781 that adds a requirement that a progress report be submitted to the 75th Session of the Legislature.

SENATOR RAGGIO MOVED TO CONCUR WITH AMENDMENT NO. 781 TO S.B. 140.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:  
We will move to S.B. 157.

**SENATE BILL 157 (2nd Reprint)**: Revises provisions governing the appointment of a public guardian and the management of the office and cases of a public guardian. (BDR 20-272)

CHAIR HARDY:  
The Assembly adopted Amendment No. 889 that adds the word "and" to the criteria in order to qualify for a public guardian.

SENATOR RAGGIO MOVED TO CONCUR WITH AMENDMENT NO. 889 TO S.B. 157.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:  
Let us move to S.B. 200.

**SENATE BILL 200 (2nd Reprint)**: Makes various changes relating to redevelopment. (BDR 22-358)

CHAIR HARDY:  
The Assembly adopted Amendment No. 780 which requires that the North Las Vegas Redevelopment Agency report back to the Legislative Commission and the 76th Session of the Legislature.

SENATOR LEE MOVED TO CONCUR WITH AMENDMENT NO. 780 TO S.B. 200.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:  
We will move to S.B. 201.

**SENATE BILL 201 (3rd Reprint)**: Revises provisions governing public works. (BDR 28-526)

CHAIR HARDY:  
There are two amendments that were adopted by the Assembly. Some of the changes are things that are handled on a profession level. It seems like micromanagement.

SENATOR CARE:  
In the amended version of S.B. 201, the estimated cost of "preconstruction services" has been changed to "of construction." Does "of construction" take in

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"preconstruction services" or is that a different item? I have other questions like that.

CHAIR HARDY:

I have questions too. They have adopted a best practices policy manual with this bill. I would prefer not to do that. I would like to go to a conference committee with this.

SENATOR BEERS MOVED TO NOT CONCUR WITH AMENDMENT NO. 796 AND AMENDMENT NO. 1028 TO S.B. 201.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:

We will move to S.B. 203.

**SENATE BILL 203 (2nd Reprint)**: Revises provisions concerning local financial administration. (BDR 20-711)

CHAIR HARDY:

The Assembly adopted Amendment No. 842 that adds additions to the cost of lease in addition to the cost of purchase and makes the fee permissive. It is a consensus amendment.

SENATOR TOWNSEND MOVED TO CONCUR WITH AMENDMENT NO. 842 TO S.B. 203.

SENATOR RAGGIO SECONDED THE MOTION.

SENATOR CARE:

Does this remain exclusive to Washoe County?

CHAIR HARDY:

It does. Nothing in the amendment changes that. Committee Counsel will verify.

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SENATOR RAGGIO:

I do not believe so. This bill was hammered around until an agreement was reached. I would go along with it.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:

I would like to hold S.B. 222.

**SENATE BILL 222 (2nd Reprint)**: Creates the Nye County Water District.  
(BDR S-317)

CHAIR HARDY:

We will move to S.B. 234.

**SENATE BILL 234 (2nd Reprint)**: Revises provisions governing the division of the proceeds of certain taxes. (BDR 22-490)

CHAIR HARDY:

This bill was gutted in the Assembly to take out the portion the City of Las Vegas requested. The Assembly has put in language regarding the school district tax abatements. I support the issue of school district tax abatements conceptually, but it needs to be discussed and considered further.

SENATOR RAGGIO MOVED TO NOT CONCUR WITH AMENDMENT NO. 1032 TO S.B. 234.

SENATOR LEE:

Are we able to look back on some of the good, gutted portions of the bill?

CHAIR HARDY:

That is my intent. I would like to revisit the portion Las Vegas requested. I have not gotten a valid reason as to why it was pulled. It was offered as a floor amendment and never adopted. That may have been an oversight. We need additional discussion on the abatement issue.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:  
We will move to S.B. 307.

**SENATE BILL 307 (2nd Reprint)**: Revises certain provisions relating to state and local governmental purchasing. (BDR 27-782)

CHAIR HARDY:  
The Assembly adopted Amendment No. 748 which narrows the scope to specify who is subject to the new ethics requirements.

SENATOR TITUS:  
The only part it narrows is the portion of the bill that refers to who can be hired. The portions about reporting and taking gifts apply to everyone.

CHAIR HARDY:  
It adds the words "or influence." They have to have an ability to influence the contract.

SENATOR TITUS MOVED TO CONCUR WITH AMENDMENT NO. 748 TO S.B. 307.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:  
We will move to S.B. 320.

**SENATE BILL 320 (1st Reprint)**: Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. (BDR 44-758)

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CHAIR HARDY:

We need to go to conference committee with this because of the population requirements. It could be a substantive change.

Ms. O'GRADY:

There is conflict with an Assembly bill we have already processed.

SENATOR BEERS MOVED TO NOT CONCUR WITH AMENDMENT  
NO. 871 TO S.B. 320.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:

Let us move to S.B. 352.

**SENATE BILL 352 (3rd Reprint)**: Makes various changes relating to the Southern Nevada Enterprise Community. (BDR S-1315)

CHAIR HARDY:

The Assembly adopted two amendments. Amendment No. 676 changed the qualifications of a member of the Southern Nevada Enterprise Community Advisory Board from a State Senator to any member of the Nevada Legislature who represents the Community or his designee. Amendment No. 750 extends the temporary tax incentive for grocery stores through fiscal year 2008-2009. I would like to talk to Senator Steven A. Horsford, Senatorial District No. 4, about the amendments.

SENATOR TOWNSEND:

Would you ask Senator Horsford why it says or his designee under Amendment No. 676 to S.B. 352? If we are going to appoint a member of the Legislature, whether from the Assembly or Senate, they should personally be there.

CHAIR HARDY:

That point is worth going to conference committee.

SENATOR LEE:

I asked that they report their activities to the 75th Legislative Session. Would the report come to this Committee?

CHAIR HARDY:

It would come to the Legislature and be redistributed to the committee of jurisdiction. Once we receive the report, we can take what action we deem necessary.

SENATOR TOWNSEND MOVED TO NOT CONCUR WITH AMENDMENT NO. 676 AND AMENDMENT NO. 750 TO S.B. 352.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:

Let us move to S.B. 497.

**SENATE BILL 497 (2nd Reprint)**: Revises provisions relating to certain public facilities. (BDR 20-1352)

CHAIR HARDY:

The Assembly adopted Amendment No. 783 which makes the funds stay with the park if not used instead of reverting back to the Clark County general fund.

SENATOR LEE:

It also makes the bill specific to that range and not all other parks within the counties and cities.

SENATOR TITUS:

We wanted to limit this to the shooting range.

CHAIR HARDY:

The amendment further limits the measures of the bill to the Clark County shooting range. It also indicated that proceeds from the fund have to be used to pay expenses directly related to the shooting range.



SENATOR LEE MOVED TO CONCUR WITH AMENDMENT NO. 783 TO S.B. 497.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:

I would like to hold S.B. 498 because I need to do more research regarding the amendment.

**SENATE BILL 498 (1st Reprint)**: Revises the authority of certain water and improvement districts to borrow money and incur indebtedness. (BDR 25-964)

CHAIR HARDY:

I would also like to hold S.B. 509 because I need to clarify how far the amendment reaches.

**SENATE BILL 509 (2nd Reprint)**: Makes various changes to provisions relating to state financial administration, the acquisition of property and the construction of public works. (BDR 31-424)

CHAIR HARDY:

We will move to S.B. 516.

**SENATE BILL 516 (3rd Reprint)**: Revises provisions governing the compensation of certain elected county officers. (BDR 20-225)

CHAIR HARDY:

The Assembly adopted two amendments. Amendment No. 895 limits the raises to 3 percent for elected county officials. Amendment No. 1031 has the 3-percent increase apply to the salaries of county commissioners. What does the Committee want to do about the 3-percent raise? We provided a larger increase than that. It came out to about 8 percent.

SENATOR RAGGIO MOVED TO NOT CONCUR WITH AMENDMENT  
NO. 895 AND AMENDMENT NO. 1031 TO S.B. 516.

SENATOR TOWNSEND SECONDED THE MOTION.

CHAIR HARDY:

Jeffrey A. Fontaine, Nevada Association of Counties, brought up the issue that the increase does not extend to the new classification of county commissioners. The conference committee needs to deal with that issue.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR CARE:

Is there a germaneness rule regarding conference committees?

Ms. O'GRADY:

There is a single-subject requirement.

SENATOR TITUS:

If a bill required a two-thirds majority vote to pass, then there is a vote to not concur and then concur and it comes back to the Senate Floor. Does it still require two-thirds majority or just a simple majority vote?

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CHAIR HARDY:

We will have Committee Counsel look into getting the answers to those questions. This meeting is adjourned at 2:12 p.m.

RESPECTFULLY SUBMITTED:

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Erin Miller,  
Committee Secretary

APPROVED BY:

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Senator Warren B. Hardy II, Chair

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