

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

**Seventy-Fifth Session
May 7, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:02 a.m. on Thursday, May 7, 2009, 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/75th2009/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 K. Kirkpatrick, Chair
Assemblyman David P. Bobzien, Vice Chair
Assemblyman Paul Aizley
Assemblyman Kelvin Atkinson
Assemblyman Chad Christensen
Assemblyman Ed A. Goedhart
Assemblywoman April Mastroluca
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce
Assemblyman James A. Settelmeyer
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Jerry D. Claborn (excused)

GUEST LEGISLATORS PRESENT:

Senator John Lee, Clark County Senatorial District No. 1
Senator Shirley A. Breeden, Clark County Senatorial District No. 5
Assemblyman Tick Segerblom, Clark County Assembly District No. 9

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Scott McKenna, Committee Counsel
Cynthia Carter, Committee Manager
Michelle Smothers, Committee Secretary

OTHERS PRESENT:

Jacob Snow, General Manager, Regional Transportation Commission of Southern Nevada, Las Vegas, Nevada
Brian McAnallen, Director, Government Affairs, Embarq, Las Vegas, Nevada
David N. Bowers, Assistant City Engineer, Department of Public Works, City of Las Vegas, Nevada
Steve Schorr, Vice President, Cox Communications, Las Vegas, Nevada
Sabra Smith-Newby, Director, Department of Administrative Services, Clark County, Las Vegas, Nevada
Debra Gallo, representing Southwest Gas Corporation, Las Vegas, Nevada
Judy Stokey, Director, Governmental Affairs, NV Energy, Las Vegas, Nevada
Dennis Mallory, Chief of Staff, American Federation of State, County, and Municipal Employees, Local 4041, Carson City, Nevada
David F. Kallas, Director, Governmental Affairs, Las Vegas Police Protective Association Metro, Inc., Las Vegas, Nevada
Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada, Reno, Nevada
Rusty McAllister, President, Professional Firefighters of Nevada, Las Vegas, Nevada
Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional-Technical Employees, Las Vegas, Nevada
James W. Penrose, representing Nevada State Education Association, Carson City, Nevada
Bo Yealy, President, Education Support Employees Association, and representing Nevada State Education Association, Las Vegas, Nevada

Victoria Robinson, representing the City of Las Vegas, Nevada
Nicole Rourke, Director, Intergovernmental Relations, Government Affairs,
Clark County School District, Las Vegas, Nevada
Robert F. Joiner, Government Affairs Manager, City of Sparks, Nevada
Steve K. Walker, Minden, Nevada, representing Carson City, Douglas,
Lyon, and Storey Counties
Paul A. Lipparelli, Assistant District Attorney, Civil Division,
Washoe County District Attorney's Office, Reno, Nevada
Wes Henderson, Government Affairs Coordinator, Nevada Association of
Counties, Carson City, Nevada
Tom Roberts, Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department, Las Vegas, Nevada
Tim Kuzanek, Captain, Special Operation Division, Washoe County
Sheriff's Office, Reno, Nevada
John P. Sande IV, representing Reno-Tahoe Airport Authority,
Reno, Nevada
Sharla Hales, Minden, Nevada, representing Nevada Association of School
Boards, Reno, Nevada
Anne Loring, representing Washoe County School District, Reno, Nevada
J. David Fraser, Executive Director, Nevada League of Cities and
Municipalities, Carson City, Nevada
Sean Gamble, Reno, Nevada, representing North Lake Tahoe Fire
Protection District, Incline Village, Nevada
Mark Anastas, Division Administrator, Recruitment and Retention,
Department of Personnel

Chair Kirkpatrick:

[Roll was called.] We may have to recess if I need to present my bills.

We will open the hearing on Senate Bill 173 (1st Reprint).

Senate Bill 173 (1st Reprint): Provides for the construction of bus turnouts at certain locations in certain counties. (BDR 22-584)

Senator John Lee, Clark County Senatorial District No. 1:

For years I have been working with people who have needs with transportation. We have many people who take the buses and stand on the side of the hot road, needing shelters. We have been working on that for years. We put all the shelter advertising into one group, but they would advertise only in places where they could make money. They would split the revenue with the cities or counties, who would put that money in their general fund. They would never build shelters, so the people on the Strip got all of the service and the people in

our areas did not get anything. This bill is a continuation of trying to work with the Regional Transportation Commission of Southern Nevada (RTC).

As many of you know who travel Charleston, Valley View, Sahara, and similar streets in Las Vegas, if you get stuck behind a bus, it is the most horrible thing in the world. You try to ease out in the middle of an intersection to get around the bus, and you get caught. It is a very dangerous situation. As past chairman of the RTC's Advisory Committee on Bus Bench/Shelter Construction and Maintenance, I was asked by the committee if we could work on this issue of having faster streets, so we would not be putting our citizens in dangerous situations and buses could continue to move and transport without having to stop at these locations.

I will go through the bill. Section 1 of this bill says the RTC is going to designate ten locations for bus shelters. [Senator Lee provided a summary of bus turnout and shelter locations ([Exhibit C](#))]. This does not mean they are going to be codified, but these are the "hot" ten locations where we need to put in bus turnouts. Hopefully, some of these are in your districts. The list was compiled by the RTC. If you have a dangerous situation in your area, you are welcome to get in touch with the RTC and ask them to consider your location. This should be done before the RTC starts planning these turnouts.

We are going to put bus turnouts on land that is owned by the state or local governments, such as the water district, health department, or similar public places. We cannot go in front of 7-Elevens or take private land from people.

On page 2, line 16, "The commission shall fund the construction of a bus turnout built pursuant to this section." In 2002, we voted on what was called Clark County Advisory Question 10. That money has been collected and it is used for transportation issues. These first ten bus turnouts are going to be built with "Question 10" money. It is not going to impact the cities and counties to any real extent. In the future, a portion of the money allocated to a project might go toward a bus turnout, but nothing will come out of their budgets right now.

On page 2, line 30, "Any obstacle that may prevent the completion of the construction of a bus turnout" My goal here is to work with the utilities in the area. We want to move shelters close to existing shelter locations but have input from the utilities, because they have the rights-of-way. If there is a big telephone pole on the corner, we would need to move the shelter. We cannot expect them to move those power lines. Underneath the ground there are power lines as well. We want to work in concert and say, "These are our ten places in your community. What do you have in the ground? What can we

do to put a bus turnout in that area and move this so that it can be done inexpensively?"

They have offered a 50-50 sharing with the utilities to move these things. The utilities are also residents of our community and they know these problems. I want to make them a general partner in what we are doing with these turnouts.

This list, again, is not codified, so it is not guaranteed that these will be the only places. All the entities have representatives on the RTC. Clark County has County Commissioners Larry Brown and Chris Giunchigliani; Las Vegas has Mayor Oscar Goodman and Councilman Steve Ross; North Las Vegas has Councilman Robert Eliason; Henderson has Councilman and potential mayoral candidate Andy Hafen; Boulder City has Mayor Roger Tobler; and Mesquite has Councilman David Bennett. The RTC goes in front of these people and indicates the locations where we would like to build these shelters. If any one of these entities does not like it there, they can voice their opinion and discuss this issue. No one will have this forced on them. They are the ones who pay the RTC salary, and RTC works for them.

In section 4 of the bill, there is a typographical error. It says the commission "may require the county and the three largest incorporated cities in the county to each construct annually one bus turnout." The actual word should be "shall," not "may." After these first ten turnouts are built, every year we will have the commission tell the various cities in Clark County that we need them to build one bus turnout in each of their areas. The commission will give them a few locations that the commission feels will work, and they can give the commission some idea of what will work for them. If every year each entity builds one bus turnout, in ten years we will have real traffic mitigation take place.

On page 4 of the bill language states that "The commission shall compile a list of locations." Just so you know, the commission has citizen volunteers on the bus shelter committee. They make decisions on turnout locations and pass those decisions up to the County Commission or City Councilmen. They in turn look at their list, so there is a vetting that takes place to be sure we put these turnouts in the most advantageous places in their district.

Section 6 of the bill indicates that the first ten turnouts will be built by January 1, 2013. Thereafter, every year, each of these entities will build one turnout, and in the year 2023 this bill expires. Hopefully, by then, we will have it all done. We are excited about the opportunity to finish this project. There would be no reason to continue building bus turnouts where they are not needed. I think there is an amendment being proposed.

Chair Kirkpatrick:

First, if there is anyone in the audience to testify on Senator Horsford's Senate Bill 239 (1st Reprint), he has asked that it be rolled until Monday.

Assemblyman Settlemeyer:

I am not familiar with the "Question 10" funds. Would it be okay to think about amending the bill so that it states that the funds would come from "Question 10"? I am very concerned about unfunded mandates, especially this year.

Senator Lee:

There may be someone who could answer that question.

Chair Kirkpatrick:

I believe we have someone from RTC that could answer your question, Mr. Settlemeyer.

Assemblyman Settlemeyer:

My question was whether we could amend the language to make sure it does not affect the counties but that the funds come from the "Question 10" funds and also the utilities. I would hate to have the utility rates raised because of this.

Assemblyman Stewart:

It is always a pleasure to discuss things with Senator Lee. With your talent for visual aids, I am surprised you did not have some kind of drawing of this. Do you have some dimensions on these turnouts?

Senator Lee:

I do not have those dimensions.

Assemblyman Stewart:

Do you have any ballpark figure on what the dimensions would be?

Senator Lee:

No. I do not have that information. David Bowers is here from the City of Las Vegas, and I know they have the exact lengths and distances. I just know about the challenge and the problem.

Chair Kirkpatrick:

Mr. Stewart, I believe there are specific guidelines on when you put the bus shelter in and there are traffic concerns that have to be figured in with the master streets and highways plan. I believe it has to be a certain distance from the corner before you move the traffic out. It cannot have the egress and

ingress so that you would have a bus that blocks the traffic. There is also a stacking issue.

Senator Lee:

That is correct. The bus has to turn the corner, get into the location, et cetera.

Chair Kirkpatrick:

I believe RTC could give us more detail. There are radius concerns. I just want to be sure I understand. I remember this bill from 2005 when we first started this process. On the "Question 10" dollars, how does that work for the state? The Strip is a state highway. How does it work for Red Rock? Are they included in that? Does it affect those major roads? I thought they had their own plan on how it works. I know the intent is to just make sure it helps the residential and the stop at Tropicana and Arville. I want to verify that it stays out of the Strip's master plan. Going forward, would that include future developments?

Senator Lee:

No. This bill is to work on areas that have already been built and the areas that already have trouble. If someone was master planning somewhere else and the city made them build one of these bus turnouts, that would not count for them. This is for the general area where there is a lot of traffic and no bus turnouts. It would have to be used in those circumstances.

Chair Kirkpatrick:

What about a situation with redevelopment areas as in Henderson where they redid Water Street? Would they be able to count it because it is an older area, although a newer portion of that area?

Senator Lee:

That could come up before the RTC. Henderson could approach them and tell them they were doing this general area and wanted to redevelop and build a bus turnout there. It has to relate to locations where the bus receives and discharges passengers, the number of passengers regularly using the bus stop, and other criteria that they have to meet. Aesthetically, if it would be nice to have it in a certain area, that would be a consideration, but it has to generally be one of the major locations where there are serious traffic issues. That is the way I wrote the bill. If it gets applied that way, that is another question. Ultimately, the RTC will come up with a list every year and decide where they want to put these turnouts.

Chair Kirkpatrick:

I do not have an issue with that. What happens when they change the bus routes and frequency?

Senator Lee:

That brings up a sad story. When I first got involved with the bus shelter situation, there were three people managing these bus shelters, and they would put a shelter in if they could get revenue from it. They would then move the location somewhere else. We had 150 locations where there were signs or shelters that the bus did not go to anymore. Can you imagine someone standing on the street thinking the bus would come? We went through and identified all of those locations. The locations are set now, but they could move. The only reason that would change is if the ridership should change.

Chair Kirkpatrick:

What about the Strip corridor or other areas that have their own plans?

Senator Lee:

That is a delicate situation on the Strip. The goal of this bill was not to address problems with tourists on the Strip as much as it was the traffic in the areas that we all use. Even putting news racks on those sidewalks on the Strip is a big issue. I believe none of this money will be spent on the Strip. People who drive down the Strip are people who want to see the Strip. They want to take their time going down it. They do not care if they are behind a bus or not. I would hate to waste any of this money in those locations. Again, I am not on the commission.

Chair Kirkpatrick:

The only reason I ask is because on your list, number 3 is Las Vegas Boulevard and Russell, and I thought there was going to be a new transportation system there.

Senator Lee:

If that is the case, it should be built by new dollars and not the "Question 10" dollars we are trying to use. I hope someone is here to help me.

Assemblyman Aizley:

I think these are great ideas having the turnouts, but if you are going north on Paradise Road and crossing Tropicana after coming out of the airport, the buses do not go all the way into the turnout. They stick out their tails and stop the traffic in one lane. I would like to encourage the idea that if we have the turnouts, they should be used.

Senator Lee:

That is a great point. The other side of the issue is that limousines and taxicabs pull into the turnouts and there is no room for the bus. I think there is some abuse of the use of turnouts. They are trying to stop that misuse. That would be a good question to ask the RTC, whether they are adequately teaching their people to be cognizant of what is behind them.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none.

Jacob Snow, General Manager, Regional Transportation Commission of Southern Nevada, Las Vegas, Nevada:

I will do my best to answer your questions, or I have a prepared statement; whatever you would like me to do.

Chair Kirkpatrick:

What I would like you to do, since so many people on this Committee are not from southern Nevada, is explain the "Question 10" dollars and what they can and cannot be used for. We need to know that information. Then, if you could tell us about the bus turnouts, including what the process is to put in a bus stop shelter. I think the overview first will help with a lot of the points in this bill.

Jacob Snow:

With regard to the "Question 10" money, the Regional Transportation Commission in 2002 brought a ballot question to the residents of Clark County, asking them if they would be willing to use their local sales tax dollars, jet aviation fuel tax dollars, and some existing property tax dollars to expand transportation facilities in the valley, specifically the Bruce Woodbury Beltway and about \$1 billion of additional roadway work, as well as funding some additional transit service. Our ACE Rapid Transit System, in particular, is funded from these "Question 10" dollars. We have some senior transit facilities that are designed to help shut-ins and seniors go to their doctors, the grocery store, the pharmacy, and other places that they need to go.

That was the program that was presented to the voters. It was approved by the voters, and then it went to the 2003 Legislature, where it was codified with the ability of Clark County to impose those taxes. Those taxes were imposed in 2003, and we have been using them to build the beltway and other roads and to get our transit systems going, including the senior transit systems. That is what the sales taxes, jet aviation fuel taxes, and property tax dollars are going toward. This bill would take some of that money. When we have a roadway project, the RTC does not build it. The RTC funds it. We will earmark specific funds to go to Clark County or the cities, and they, through their public works

departments or the state Department of Transportation, will build the project on RTC's behalf.

Mr. Settelmeyer mentioned previously that he did not want to have the "Question 10" dollars impact the county or the cities. Quite simply what happens is, close to 60 percent of those "Question 10" dollars do go to the county and to the cities for roadway construction. The other 40 percent stays with the RTC and we use that to implement our transit programs and services.

We currently have some contracts with the City of Las Vegas, North Las Vegas, and Clark County to construct bus turnouts. Typically that process is where the city or the county will identify areas where there is a need and work in conjunction with the RTC to put in a bus turnout. As a matter of course through the development process, as you know, Madam Chair, we get proposals to put in bus turnouts for new development. We get that even when there is no bus service planned for a few years. We do not want to have to go back when the bus service gets established and tear up the roads and the streets. That would be inefficient.

In these situations where we have interlocal contracts in existing areas, working with the cities and the county, we identify areas where we will go in and use revenues that the RTC has to give to the cities or the county to put in these bus turnouts. Some sites already have been identified. With this bill, ten additional areas would be identified. I should point out for the record, and I want to clarify, that the construction of the turnouts, which can be as high as \$300,000, does not include the costs necessary for the relocation of utility lines. In most road construction projects, utility companies are required to move the utility lines when needed. That is part of the agreement they already have through their franchise process with the entities. We plan to proceed with the same approach in the construction of the turnouts involved in this bill.

Chair Kirkpatrick:

Mr. Snow, could you get me a copy of one of those franchise agreements or tell me where to find it?

Jacob Snow:

I do not have them because we do not own the right-of-way. The agreements are either with the county or the cities, but I could certainly get you a copy of one.

Chair Kirkpatrick:

That would be helpful. I want to be sure it is very clear.

Jacob Snow:

I would be happy to provide that for you. Are there more specific questions, or something I did not answer to your satisfaction?

Chair Kirkpatrick:

No. We appreciate you coming and I am sorry that you have been thrown under the bus. We are trying to clarify a lot of things. Can you answer Mr. Stewart's questions about the length and the process of when you determine what warrants a bus stop? Mr. Stewart, would you re-ask your question?

Assemblyman Stewart:

I am a visual person. I was hoping you had a graphic drawing of what a turnout would be and the measurements.

Jacob Snow:

I do not have any drawings. The typical dimensions for a bus turnout, in length, are usually between 80 and 120 feet. We need to accommodate the length of an articulated bus—that is the bus with the accordion bend in the middle. That is a 60-foot-long bus. The length varies by the parcel that is being developed by a developer and it varies by the curb turnout. The width is approximately 11 feet. Roughly, it is 100 feet by 11 feet and then there is a tapered portion. There is a standard drawing that is contained in what is call the "RTC Standard Book of Drawings." We refer to it as the blue book. I did not bring that dimension with me today because once you turn the page and open that book, it is like a drug and it will put you to sleep. It is not very interesting information. We can give you the specific dimensions if you would like.

Assemblyman Stewart:

So, approximately 11 feet wide and 100 feet long, is that correct?

Jacob Snow:

In general, those are the rough dimensions. The idea is to accommodate the bus so it is not hanging out in the intersection. There are some cases where we do not have the requisite length or geometry to completely accommodate that. We do our best to obtain those, when we can. They do not exist in all locations and in all places. We also are trying to get the bus out of the traffic lane. For us it is a safety issue for our passengers. If we can provide more of these bus turnouts, we can have the passengers waiting for the buses farther away from the movement of the cars. As you are aware from the news, we have a lot of impaired drivers who drive in this community. They leave the roadway with their cars and inflict damage upon pedestrians and people in their homes and backyards. If we can move the passengers farther away from the movement of the cars, it does benefit safety.

Assemblyman Stewart:

In some of the areas where it is needed the most, will it be most difficult to obtain private land to go back that 11 feet? Do you see a problem doing that?

Jacob Snow:

I do. We can always negotiate with private property owners and attempt to achieve a fair market value for the land. That always slows down the process and makes it much more expensive. I mentioned that sometimes bus turnouts can cost up to \$350,000 and that is the case where we have to use that money to acquire private land. We do that very seldom. In this bill, the only areas where we would be putting in bus turnouts would be where there is already land under public ownership. The assumption is we would get the land for free. That land would still reside with the city or the county that owns it because that ends up being part of the right-of-way.

Chair Kirkpatrick:

Are there any questions from the Committee?

Assemblywoman Spiegel:

Could you please clarify something for me? On the list of bus turnout locations, item 7 is Stop 1068. I want to clarify that this is in front of the Green Valley Library versus the Paseo Verde Library? They are both on Green Valley Parkway and neither is just south of Eastern. The Green Valley Library is just south of Sunset, and the Paseo Verde Library is just south of Paseo Verde.

Jacob Snow:

I used to be on the Henderson District Public Library Board so I know where both of these libraries are. I do not have the list you have in front of me so I cannot verify one way or the other. We can get with you subsequently and verify where the location is.

Chair Kirkpatrick:

I think what Senator Lee said was this list was just a potential list.

Assemblywoman Spiegel:

The corollary is that I know that the Green Valley Library recently changed over from being part of the Clark County Library System to being part of the Henderson Library System. I wonder if there is a corresponding change in the land outside of just the library and if that would affect the placement of the turnout.

Jacob Snow:

I could follow through on that. We generated a list of 200 potential locations. For the purpose of this bill, for 2009, we are looking at ten turnouts. I can tell you that the location in front of whichever library it is was not one that we would think should be on the list of the ten. We just compiled a list of the potential locations where there could be a bus turnout and where there was publicly owned land directly adjacent to it. We are not contemplating putting a bus turnout out at either of those locations in front of the libraries.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. We have a lot of remnant Bureau of Land Management (BLM) pieces and I notice that the county has been doing a good job of giving you some of those pieces after they come up for auction and nobody wants them. Are there some of those BLM pieces that we could use to offset some of the costs on this?

Jacob Snow:

Yes. That is a potential. We would have to look at that in conjunction with the cities and the county.

Chair Kirkpatrick:

I think the county has given you about 27 pieces in the last few years, correct?

Jacob Snow:

I do not know how many they have given us. Whenever we have made a request for one, if they are declaring it surplus, then it is not a problem. We are able to attain that.

Chair Kirkpatrick:

I suggested to my County Commissioner that they should send it to the departments.

On the Strip corridor, I thought you already had a master plan.

Jacob Snow:

Yes, we do have a master plan that involves the development of transit facilities in corridors as well as the amenities, such as bus stops, bus stop shelters, and bus turnouts that would go along with those corridors. As a matter of course, and it is well established in the public record, when there is a new development on the Strip, we almost always obtain a dedication to put a bus turnout in front of the new development. We are not contemplating looking at the Las Vegas Strip to install any of these types of bus turnouts that would be considered

under this bill. We will obtain the requisite facilities that we need as a part of the development process in almost 99 percent of the cases.

Chair Kirkpatrick:

Off of Las Vegas Boulevard, between Sahara and St. Louis, there tends to be stacking of buses. That is an existing neighborhood. As the City of Las Vegas moves forward trying to widen that portion of the roadway, would that constitute "Question 10" dollars, but then the utilities would be required to make their changes? Is that correct?

Jacob Snow:

That is correct.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. Mr. Snow, I appreciate you coming. I think your position was neutral in regard to this bill; would that be fair to say?

Jacob Snow:

I think it is fair to say that the RTC supports S.B. 173 (R1)'s intent to build ten bus turnouts during the next three years.

Chair Kirkpatrick:

You do not see it as a problem to get those ten built?

Jacob Snow:

I do not see that being a problem.

Chair Kirkpatrick:

How many jobs do you think that would create in the next few years?

Jacob Snow:

It could be a couple of dozen.

Chair Kirkpatrick:

Is there anyone wishing to testify in support of this bill? I see none. Is there anyone wishing to testify in opposition to this bill?

Brian McAnallen, Director, Government Affairs, Embarq, Las Vegas, Nevada:

This has been an interesting bill, and we have been working with Senator Lee for a while on it. The utilities recently learned that the "Question 10" monies were not going to be able to cover our forced relocates with these ten bus turnouts. That forced us to come up with an amendment ([Exhibit D](#)).

Chair Kirkpatrick:

I think you are not in support of the bill the way it is written, so we will go to the neutral position.

Brian McAnallen:

In our recent discussions with Senator Lee and based on his testimony today, we are very encouraged with what he came to the table with. From the Embarq perspective, we appreciate his willingness and his commitment to reach out and include the utilities in this process, and we would like to see some language that would reflect that. That is part of the big problem with these kinds of changes, that they will be dropped on the utilities without us having a chance to put these into any type of capital budget planning process. Without the specific location of these bus turnouts, it is hard to determine what that impact will be to the utilities. We do not know if it will hit aerial facilities or whether it is going to be extensive underground facility movement. We would appreciate the consideration of some sort of 50-50 cost sharing on this. That would be more reasonable than us having to pick up these costs without knowing in advance when this would hit us.

We want to continue working with the Committee and Senator Lee in trying to improve this bill.

David N. Bowers, Assistant City Engineer, Department of Public Works, City of Las Vegas, Nevada:

I was not prepared to speak this morning, but I saw the amendment and it concerned me. I would like to reiterate the concerns that Jacob Snow had and that is that the relocations by the utilities are covered by the franchise agreements. This is standard fare. We currently have over 20 bus turnouts in the works that utilities are relocating for, and these are no different than those. I would also like to ask that we include the language that Mr. Settlemeyer requested; I think it is a good idea, as well.

Steve Schorr, Vice President, Cox Communications, Las Vegas, Nevada:

I was not going to testify, and I am torn because I am very much in favor of the concept of what the bill is attempting to do. As a very longtime resident of the community, I know the issues that are brought to bear when buses hold up driving lanes and traffic lanes. That is a concern. I have personally viewed a number of accidents that occurred when people try to avoid going around those vehicles. My concern is that, by their nature, these shelters are located on the main thoroughfares within the community. Because they are the main thoroughfares they also include the main lines of the various utilities. That would be all of the utilities because we are basically in the same locations.

I applaud the Senator in what he is doing, as I applaud the Regional Transportation Commission. I think what my colleagues have said is true. Relocates and forced relocates are paid for by the utilities. The question is, and I think it is a very serious question, what happens when a quasi-government, in this case the Regional Transportation Commission, attempts to utilize the agreements with the local governments to force us to pay for those relocates. That sets up a dangerous precedent. And eventually, as Mr. Settelmeyer said, the ratepayers will have to bear that cost.

With any communications, power, or other utility company, the single largest amount of money that we spend on a yearly basis is for capital expenditures. The largest amount of that is paying for relocates, because it is a very expensive proposition. We do it with local governments because that is the agreement that we have. What confuses me here is that we initially believed that the dollars and cents were going to be paid for by "Question 10" dollars. Then, all of a sudden, they were not going to be paid for and instead it would be borne by the utilities. I think 50-50 is a nice idea and I am glad that we are going to be involved in it, but I worry about the precedent being set when a quasi-governmental agency that does work within the right-of-way is now utilizing the right-of-way agreements with local governments to seek reimbursement and have the utilities pay for the relocation of all of that work.

Again, let me state that the overall concept of what this bill does is tremendous for the community and for the safety of our residents. My concern is whether all of that should be borne, or part of that should be borne, by the ratepayers. I am in favor of the bill, but I am not in favor of what it is seeking to do, and thus the amendment was put forth.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. This is an issue that will be addressed next session, once and for all, because we have had 11 bills related to this issue this session. If you could get me a copy of your franchise agreements, that would be most helpful. We can clarify exactly how this should work or not.

**Sabra Smith-Newby, Director, Department of Administrative Services,
Clark County, Las Vegas, Nevada:**

Clark County is neutral and had testified as neutral in the Senate on S.B. 173 (R1). We do have concerns with this economic situation that we are all in, and the diversion of funds to anything means that those funds cannot go to something else. I have not seen the amendment. I understand conceptually what it does. Clark County is not opposed to that. My understanding is that currently the franchise agreements require the utilities to pay for relocation for

public improvement, and if that is occurring right now, we see no reason why that should be changed. Ultimately, bus turnouts will be constructed. What this bill does is accelerate that process.

Assemblyman Goedhart:

I realize the genesis behind this bill and several others, but coming into the role of the Legislature, is there something that is unusual about these ten stops that we have to do this through statute, versus the county doing their own projects?

Sabra Smith-Newby:

I am not the right person to ask that question of. I do not know if there is anything different about these ten stops. My understanding is the RTC had put together this list of stops, but that is all I know about it. I do not know about the quality of the stops, the locations, how much traffic, et cetera.

Chair Kirkpatrick:

Mr. Goedhart, I believe Senator Lee could talk with you about why this is in statute. Senator Lee and I live in an older, mature, rural neighborhood, and we have seen people standing on the corner of Cheyenne across from the truck stop between Losee and Commerce in 120-degree weather without any bus stop shelters. A 65-year-old lady standing out there for one hour when the bus was late was unheard of. That is my understanding of what brought this issue to us here at the Legislature.

Ms. Smith-Newby, I want to be sure we get a copy of the franchise agreement because I want to see it for myself. I would also like to see a copy of the minutes.

Assemblyman Settlemeyer:

Are all the franchise agreements the same in Clark County or do they vary according to the detailed opinion on the utility? In other words, is the gas agreement different than the cable agreement? I would like to see some different franchise agreements to make sure.

Sabra Smith-Newby:

My understanding is that they vary slightly, but the basic tenets and requirements that we ask for are largely the same.

Chair Kirkpatrick:

Last session, Mr. Settlemeyer, we addressed some of it so I know that those are fairly new, but I would like to see some of the older ones and the minutes. I think it would be helpful to the Committee.

Debra Gallo, representing Southwest Gas Corporation, Las Vegas, Nevada:

I signed in against this bill, but I really am more neutral. We appreciate the intent of the bus turnouts. We have an office at Arville and Tropicana, and there is a bus turnout there, as well as one at our other office on Spring Mountain Road. We are in favor of them.

The bill talks more than once in regard to "the extent of improvements to the location" being part of the decision process. If it could be made clear that it is total improvements, including the cost of utility relocation, being considered when they determine these locations, it would be something that we would be in favor of. Our engineering people tell me our costs could vary from zero to over \$100,000 if we had to do something with what is called a regulator station. I think another speaker pointed out that if there is one utility there, there would be others.

We would be happy to give you our franchise agreement. Another matter is the interlocal agreements. At least one time where we had an interlocal agreement, the city we had the franchise agreement with wanted us to do those relocations under our franchise agreement, and we did not believe that was appropriate.

Normally we do utility relocations at our cost, but in the case of what are called prior rights, we would not pay for that relocation. That has something to do with whether we had right-of-way before they got there. I can get some more information about that also.

Chair Kirkpatrick:

Please be mindful that this Committee will be done doing its business on Wednesday, so time is short.

Debra Gallo:

I can have that information for you this afternoon.

Chair Kirkpatrick:

Just to put everyone on notice, this Committee has worked very hard and we will be done on Wednesday. Are there any questions from the Committee?

Assemblyman Bobzien:

What kind of process do you envision with the RTC creating the different sites and you coming back with your analysis of them, or are you picturing dealing with this on a one-by-one basis? How would that information be used? I need to know the process.

Debra Gallo:

I am not sure how it would take place. If you had a list of the ten sites, and the utilities would be included to let us give them feedback of what would be involved to relocate those facilities, that could be part of the decision making process. Perhaps one site would not be good, but one mile up the road would be better. I do not know procedurally how you would do it. We would just like to work with them to find a way to do it.

Assemblyman Bobzien:

So, you are thinking more in terms of we have our list of ten and a general understanding of where they are going to go, but when it comes down to the final sites, you would like to be able to say, if you move it ten feet south, you will save us money.

Debra Gallo:

That is correct.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. Is there anyone else wishing to testify in the neutral position?

Judy Stokey, Director, Government Affairs, NV Energy, Las Vegas, Nevada:

I want to go on the record as neutral on this bill. We believe that the franchise monies that the local governments collect should help with some of those relocations. We would like to work with the sponsor of the bill and try to work that out. Of course, we would like the local governments to pay for all of it, and I understand it is in our agreements for forced relocates that we are to pay for them, or our customers are paying for them, but our customers are also paying those franchise fees. I would like to have a balance and work in partnership with the local governments in trying to make this work.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. Is there anyone else wishing to testify? I see none. Senator, do you have any final words?

Senator Lee:

The reason we are doing this is because, as citizens, we do not seem to be able to get these turnouts built. Everybody thinks it is a great idea, but they never get around to it. By putting in statute that these first ten will be built, then every year thereafter we will build one in every entity and it will hold their feet to the fire. For the first four years, they do not have to put any in. They have four years to plan and save money to put in a shelter. This will start everybody

moving in the right direction. I am willing to work with opponents to do what we can.

Chair Kirkpatrick:

Senator, could you please find out from Mr. Snow whether for some reason the costs are not covered within the franchise fee? Why is it that "Question 10" dollars could not be used for the relocations?

Senator Lee:

I would also like to see that in writing.

Chair Kirkpatrick:

As there is nothing else on S.B. 173 (R1), we will close the hearing.

We will open the hearing on Senate Bill 154 (1st Reprint).

[Senate Bill 154 \(1st Reprint\)](#): Revises provisions governing mandatory bargaining with employees of local government employers. (BDR 23-779)

Senator Shirley A. Breeden, Clark County Senatorial District No. 5:

This measure makes two significant changes in the laws governing public employees. Section 1 of the bill requires a state employer to meet with a permanent classified employee or his representative before transferring him to another position. At this meeting they must discuss whether the transfer is in the best interests of the employee and the agency. This bill expands the scope of mandatory collective bargaining to include the method of payment of wages and other compensation. However, current law already makes this issue a mandatory subject of bargaining, and this bill would clarify that the Legislature agrees.

Transfers and reassignments, as you know, can have a critical effect on careers and families. The Legislature recognized this fact when it provided that teachers could make these matters a subject of collective bargaining. I believe it is only fair that other state and local employees be given some say in these decisions. In these difficult times, public employees are uncertain and are fearful for their future. They may wonder whether their vital contributions to the public good are recognized and appreciated. By approving S.B. 154 (R1), you can send them a reassuring message that the Legislature values the work they do and has their best interests at heart.

I have experts with me who can answer questions for Committee members.

Chair Kirkpatrick:

I heard the bill passed out of committee one way, and then there was a floor amendment. Could you explain what happened in the Senate?

Senator Breeden:

Originally, the bill was proposed to expand the scope of transferring to all employees instead of just teachers. In trying to work collaboratively with the opponents, we met, and there was no compromise to be had. An amendment was brought forth by all of the opponents, and it was related to the way the wages would be paid. It passed out of committee and then went to the floor. In further discussions with Senator Horsford, an amendment was made on the floor to include "meet and confer."

Chair Kirkpatrick:

Are there any questions from the Committee?

Assemblyman Bobzien:

I understand that this was some of the language that was put in on page 3, line 17, and I understand the spirit. Is what you are contemplating in this bill that the employee representative will get together with the employer representative and they together will come to some agreement that it is in the best interests of the employee and the employer, or does one person's assessment trump the other? How does this work? If the two of them have to come to an agreement, that might not happen very often.

Chair Kirkpatrick:

I need to leave for another meeting but I want to be a part of this conversation, so Mr. Bobzien will take over and keep the meeting going, and I will get back to find out the end result.

[Assemblyman Bobzien took over as Vice Chair.]

Senator Breeden:

I would like to have Assemblyman Segerblom take over since he is the expert on this subject.

Assemblyman Tick Segerblom, Clark County Assembly District No. 9:

I have the benefit of being the cosponsor of the bill, but also, as my profession, this is what I do for a living.

The employer will have to articulate why a transfer is being done. The most difficult thing in employment law is the arbitrary nature of what happens to someone. When someone is told he will be moving to another division, or from

shift to shift, and you ask why, often the employer states they do not have to tell you. That creates huge emotional problems.

The concept is that the employer has to come forward and articulate why they did what they did, so that the employee can know and determine if it is in his best interest. The reality is that at the end of the day, the employer will dictate. No one is going to say to the school district or the county, your reason is not legitimate. It is a matter of forcing that discussion before the transfer takes place, which then, hopefully, will prevent the lawsuits that I deal with.

Vice Chair Bobzien:

It is one thing for the employer to have to disclose and articulate his reasons, but the word in the bill is actually "determine." It implies that there is some conversation and conclusion that is arrived at by both parties. That concerns me. I am in favor of the employer having to give his reasons, but this word reads, to me, as if there is some consensus that has to be arrived at.

Assemblyman Segerblom:

At the end of the day, the employer's reason is going to prevail, but it does require them to do more than just say we are going to send you over there because we want to. For example, if you are a teacher and there are only six children in your subject matter, they cannot afford to pay a teacher to teach six children, so they will have to put you in another area. If it is a firefighter, they will have to explain why the firefighter has to go from one station to another station. If the employer has a good reason for the transfer, they will prevail.

Vice Chair Bobzien:

But say a drafting teacher last year had only six students in his course, and we want him to teach social studies. From a resource allocation standpoint, we think it is in his best interest because he should be generalized. What if the employee comes back and says, "I am a drafter, that is what I do, and therefore this is not in my best interest"? Disclosure would be telling the employee why the transfer is being made. But, I see a logjam in not being able to resolve that.

Assemblyman Segerblom:

Again, at the end of the day, the employer is going to prevail. Let me give you another hypothetical example. Say there is a teacher at Eldorado High School, who has been teaching English as a Second Language to seniors for 20-plus years; that is his specialty. The school district decides they want him to teach freshman math for the last two years of his contract over at Gorman High School. At that point they can explain why they want to do that, but you could say this would not be in the best interests of the teacher.

The employee's interests will be considered, but if the employer has a legitimate, strong argument, the employer will prevail.

These things happen every day. It just means that there has to be some consideration. If the employee has to file a grievance, so be it. That is what we have personnel processes for. If it can be resolved within the framework of the agency's personnel system, they are much better off than filing a discrimination lawsuit in federal court, which will cost hundreds of thousands of dollars.

Vice Chair Bobzien:

In that hypothetical I can see the school district coming back and saying it is in the best interests of the employee, because otherwise he could be laid off.

Assemblyman Segerblom:

If you do not need the English as a Second Language teacher, then that is fine too. If there is still a need for that teacher, there would be no reason to transfer him to teach freshman math, so the employee's interests will come into play.

Assemblyman Settlemeyer:

Douglas County has a similar provision under their collective bargaining agreement that states that it has to be in the best interests of both parties. Unfortunately, this has been used inappropriately. For example, the kindergarten teacher in Tahoe had six children in the morning class and only ten children in the afternoon class. Because of that she was asked to combine all of the students into the morning class and then go to the next school, which is ten miles away, and teach an afternoon class. She refused because it was within her contract and was not in her best interests. That created a situation where the school district had to hire another teacher and leave one teacher teaching 25 students in one class in the morning and 30 students in the afternoon. I believe this will create situations that will not be in the best interests of the children or the county.

Assemblyman Goedhart:

I am trying to understand the language and the intent of the proposed legislation. Which employees are going to be covered? Is it all state employees, all county or municipal employees, or every single employee in the State of Nevada?

Assemblyman Segerblom:

This transfer language would cover local government employees; it does not cover state employees.

Assemblyman Goedhart:

I was always told that most of the state employees are not unionized. How do you have this language put into statute, but it is not a part of a collective bargaining agreement?

[Chair Kirkpatrick returned to the meeting.]

Chair Kirkpatrick:

What if we have Mr. Mallory come up and address the state issue? There is a difference between the classified and unclassified employees.

Dennis Mallory, Chief of Staff, American Federation of State, County, and Municipal Employees, Local 4041, Carson City, Nevada:

You are right. Currently, state employees do not have the right to collectively bargain; however, we do have provisions under *Nevada Revised Statutes* (NRS) and *Nevada Administrative Code* (NAC) Chapter 284 that address transfer issues. Section 1 of this bill would incorporate classified state employees. The gardeners here at the Legislative Counsel Bureau (LCB), for example, would not be covered under this bill because they are unclassified employees.

Assemblyman Goedhart:

Could you identify, more specifically, what constitutes the difference between the classified and unclassified employee?

Dennis Mallory:

Typically, unclassified employees are the ones who would not qualify for overtime. That would be directors, employees of the LCB, employees of State Personnel, and the Attorney General's Office. The classified employees are generally your rank-and-file employees who work for the state.

Assemblyman Goedhart:

So your classified employees are your rank-and-file employees. The unclassified employees are the bosses.

Dennis Mallory:

That is correct.

Assemblyman Goedhart:

This bill applies to only the classifieds?

Dennis Mallory:

Section 1 of this bill would only apply to the classifieds.

Assemblyman Segerblom:

To clarify, this bill would cover employees who have passed probation. State employees require a one-year probationary period.

Chair Kirkpatrick:

My concern is on section 2, subsection 2. We are in a tough situation in the next few years where people will be asked to transfer or be laid off. Do we have enough representatives to attend all those meetings? There are 30,000 employees for the school district; do we have enough representatives? Do we stop the process so they have time to meet with their representative? How many of these representatives are there and how is that process going to work?

Assemblyman Segerblom:

The best thing would be to have some representatives come here and testify, but the reality is that most of this stuff happens right now, on a daily basis. Teachers are already covered as far as transfers go. Most employees are not transferred on a regular basis.

Chair Kirkpatrick:

With the budget shortfall I would think there would be many more. Why do we need it in statute?

Assemblyman Segerblom:

Mainly for that reason. When you have a school with X number of employees and someone has to be transferred, who is going to be transferred? That is when the issues that I deal with come up. When someone who looks a little different or has a different sex is picked to be transferred, and the person with less seniority is not, that raises a question. Those issues have to be addressed before the transfer takes place.

Assemblywoman Mastroluca:

Would it make sense to have it say that it is the choice of the employee? If I knew I would be transferred, or if I requested the transfer, I do not necessarily need a union representative there with me. But if I get a call saying that I am going to be transferred, I would have the right to say I wanted a union representative present, instead of putting it in statute.

Assemblyman Segerblom:

In my opinion, it is implied. No one is going to raise this issue if you are requesting a transfer. This bill deals with involuntary transfers when someone above you is telling you that you will be transferred and you want to know why. You could wordsmith this thing to death and you would end up at the same

place. If we change the language it will take more time. People in labor deal with this kind of language all of the time, and it is very easy to resolve. If you start changing and adding words, the bill could end up dead.

Chair Kirkpatrick:

We give every bill a fair hearing.

Assemblyman Goedhart:

Currently, do we have a master "cookie cutter" union contract with most state teachers? Do they have a provision in that contract that gives them the opportunity as you are suggesting in this bill?

Assemblyman Segerblom:

The way the law works is that it is a mandatory subject for negotiation. Each district can have different language. I am not sure what Douglas County has with regard to transfers, so I cannot answer as far as other counties are concerned. Each union has the right to put language in as to what will happen if you are transferred.

Assemblyman Goedhart:

So, this would apply to all county employees as well? In Nye County we were expecting a lot of growth, and we had 18 people in planning, but in the last two years our permits have gone down by about 90 percent. Now, we have some very underutilized people in the planning department. Will this make it more difficult for the county to transfer people?

Assemblyman Segerblom:

Not really. The fact is, this happens every day. The problem is when the manager just says you are going here or there, or the person who lives in Pahrump, who happens to be the manager's daughter, will stay while the person the manager does not like is sent to Amargosa Valley. We want them to have to articulate reasons, up front, to prevent those kinds of issues. If you do not know and deal with it up front, you end up with massive lawsuits and other issues. This bill would save everyone time and money by dealing with the issues up front.

Assemblywoman Pierce:

Mine is not so much a question as a comment. I have worked for "for profit" organizations, and most of them are large organizations. These rules just make organizations work better. I have had bosses who never spoke to their employees. The organization does not work well without communication. When he has a rule that states he must speak to the employees, it will empower the employees. Union companies work better because people feel empowered

to get their bosses to talk to them. Employees then get some understanding about the stresses the boss is going through and what is happening in the organization that they might not otherwise know about.

Assemblywoman Spiegel:

If there is a sector where there is no employee organization, and no union employees, and this is put into law, what happens?

Assemblyman Segerblom:

This bill is designed for the NRS Chapter 288 organizations. Every district I can think of, like the water district, the school district, and the cities, has some type of employee organization. It does not mean that you have to belong to the union, but there is an association that has some kind of union representative.

Chair Kirkpatrick:

Ms. Spiegel, we can ask our Committee Counsel later, but section 2 of the bill is specific to NRS Chapter 288.

Assemblyman Munford:

In my 36 years of teaching I have seen all kinds of reasons for transfers, for moving teachers from one class to another, moving them from one building to another. By and large most of the teachers have been called into the principal's office, and they have always explained the transfer. Some teachers take it very calmly and accept it, while some have disagreements and discontent. Sometimes those transfers are really valid. It is necessary, and sometimes a principal just wants to move you somewhere else. The first thing you think about is seniority. How can they do this to me? There are so many factors; this bill is a tough one to comprehend.

Assemblyman Segerblom:

Those transfers were done under a union contract, which at least required the principal to tell you why you were going to be transferred. All this bill does is give similar rights to other employees. The rights are not even that strong. It says they have to tell you what happened and meet with you. At the end of the day it does not prevent the transfer, whereas with the school district there are at least some seniority rights and other things that you have. This is very minimal and was a compromise.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. Mr. Segerblom, can you tell us, with the exception of the first line, why section 1 and section 2, subsection 2 are written differently? I understand the "permanent classified employee" part, but why is it not the same wording?

Assemblyman Segerblom:

I do not know the difference. I think it is because one refers to state employees and one is Chapter 288 employees. I think the end language is the same.

Chair Kirkpatrick:

We have not talked about section 2, subsection 2 and the method of how you receive your check.

Assemblyman Segerblom:

I do not know about that part.

Chair Kirkpatrick:

What about section 2, subsection 6?

Assemblyman Segerblom:

I do not know.

Chair Kirkpatrick:

Okay, we will wait for Senator Breeden to come back.

Assemblyman Segerblom:

If it is all right, I would like to go back to my committee.

David F. Kallas, Director, Governmental Affairs, Las Vegas Police Protective Association Metro, Inc., Las Vegas, Nevada:

We are in support of S.B. 154 (R1). We were involved with Senator Breeden in the drafting of the original language. Initially, under section 2, subsection 2, where it talks about the local government employees and their transfer rights, the word transfer was actually eliminated, which caused a lot of opposition from the local government employers and others in regard to how they would operate, manage, hire, fire, direct, and transfer. We support the language and I will specifically deal with the language in section 2, subsection 2 as it deals with local government employers and employees. As Assemblyman Segerblom explained, this really deals with involuntary transfers. When you look at subsection 6, it talks about collective bargaining agreements. Currently, our collective bargaining agreement has provisions that provide for a yearly bidding process based on seniority, where officers can transfer from one substation to another based on their seniority, or to a different shift with different days off.

This bill does not impact the agencies' ability to manage their employees in that regard, or the ability of the agencies and their employee groups to determine language contained in the collective bargaining agreement which would allow for those provisions.

What section 2, subsection 2 does is allow the employer and the employee to have a discussion when the determination is made, not by the employee, but by the employer—that is, an involuntary transfer, which will take place for whatever reason. What happens in the Pahrump Police Department is that we have in our collective bargaining agreement three different types of transfers. We have an administrative transfer, which is implemented by the agency for the best purposes of the agency in order to manage it properly. We have a voluntary transfer, which is done by the individual employee. Lastly, we have a disciplinary transfer, which is grievable. The problem we see in our agency is the fact that, when an individual employee is the subject of an investigation or receives some sort of punitive or disciplinary action based on an investigation, there is a subsequent transfer that takes place 99 percent of the time.

Once that transfer is determined to be administrative in nature, there is no recourse by the employee through the collective bargaining agreement. The language contained in section 2, subsection 2, now, at least, allows for that employee or his representative to have a discussion with the employer as to the purpose for that transfer. It does not mandate that the transfer will not take place if there is a disagreement. It does not usurp the authority of the agency or the organization to manage its organization in its best interests and in the best interests of the community. It just mandates that we have a conversation about why that transfer is really necessary.

From our perspective, if you have already taken punitive action which is meant to change behavior, then what is the purpose of the transfer, which is also punitive? Secondly, and just as importantly, part of the collective bargaining agreement also says that the employee will not be transferred out of a specialized assignment unless it can be determined that they have lost their effectiveness in that assignment. If I have been investigated for a violation of policy that has nothing to do with my assignment, it is bothersome that there is no objective standard used to evaluate how I have lost my effectiveness in that assignment; particularly if I am being alleged to have committed an action that has nothing to do with my ability to do my job or directly correlated to my current assignment.

Those are the problems we have experienced within our agency when we believe there are subjective reasons for transferring an employee from one assignment to another, which is generally based on a current investigation, or subsequent conclusion of an investigation, where some sort of punitive action has been taken. We support the provisions of section 2, subsection 2 of the bill as it relates to local government employees and employers.

Assemblyman Goedhart:

So, under section 2, subsection 2, the way I am hearing you explain the language there, this mandates a discussion with or without the representative, and also they have to determine the reason that transfer is in the best interest of the employee or the employer. The way you characterize it is that they could have that discussion and agree to disagree. Still, that transfer would go forward. Is that correct?

David Kallas:

That is correct. This does not authorize any prohibition on behalf of the agency or organization to implement that transfer if they so choose to do so after the discussion. It just provides for the opportunity to have that discussion as to whether it is really necessary or not, based on the factors that management determines, not the employee or the employer organization. I would agree, based on what was stated before, that this does not mandate that you have to have the discussion unless the employee wants to have the discussion. But, if there is a question about the transfer, we believe we should be able to have that discussion before the transfer takes place and not use some other part of the process to dispute or debate why the transfer took place.

Dennis Mallory:

The only section of this bill that pertains to us is section 1, where it refers to classified state employees. Under the current law the only way we have any recourse to address involuntary transfers is if we can prove it is done for disciplinary purposes. It gets very confrontational and potentially becomes extremely costly. This bill would allow for an opportunity and an ability to sit down with management and the employee and let management explain to the employee why this was done. Again, this would not preclude them from the transfer; it would only allow a mechanism for the employer to sit down with the employee and have a discussion to explain the reasons behind the transfer. I see no problem with that and I would encourage something like it. The way the system is right now, it becomes very confrontational. For those reasons, we are in support of S.B. 154 (R1).

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. I worked for the Clark County School District years ago. When I was asked to transfer because the job was being eliminated, I had to sign off on a document why I was leaving and it would be kept in my personnel record. Does that not help? How does it work now?

Dennis Mallory:

If an employee is transferred, there is a form that they sign off on accepting the transfer, and the form becomes part of their state personnel file. The majority of the transfers are voluntary. I would assume in July there will be a lot of positions eliminated and people will have to move into other positions. When the employee is given the option of either no job or a transfer, I would assume they would take the transfer. I do not foresee this bill prohibiting that. I do not think there will be a lot of discussion between the union and state management. The employees will agree to those transfers.

Where we would have an issue is with an involuntary transfer where the employee had no communication with the management. They are told that they are going over there for no specific reason, and they are being asked to sign off on something. At that point they should have a right to sit down and talk with management and understand what the reasoning is behind the transfer.

Chair Kirkpatrick:

This language in the bill says "must" meet prior to the transfer. That is my concern. I would think it would be easier for management to just lay them off. Is there not a way to fix that portion of the bill? Do you see a solution in fixing where it might become a real problem?

Dennis Mallory:

I agree with you, and I think there is a very simple fix to it. We could change the word "transfer" and incorporate the word "involuntary" to where it would say "involuntary transfer." I think that would get us where we want to be.

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

A large percentage of our members are state law enforcement officers. I also represent the Washoe County Public Attorneys Association. The other members of our group are local government employees, representatives, and the like. We voiced our support for S.B. 154 (R1) on the Senate side. The bill originally gave us mandatory rights of transfer, to put into a collective bargaining agreement the right to transfer and how you would go about doing that. That was taken out, and a compromise of "meet and confer" was inserted. That is to provide notice and due process to the employees. I have been representing law enforcement officers and others for the past 25 years in collective bargaining agreements, and a lot of them have these provisions, except for transfers. One day when I went deer hunting, I came back, and I was transferred the very next day to accident investigations. I had no idea why. I changed shifts, I changed assignments, I changed everything, and it had a dramatic impact on my lifestyle. To meet and confer to tell someone why

they are being transferred is one thing. The reason you give them notice in the beginning, and the reason why this language was put into this bill, is to provide the employees some notice so we, as representatives of those employees or the employees themselves, can go forward and find out what the reason is.

I had a deputy sheriff who was transferred. When we had the "meet and confer," the transfer was proven to be for disciplinary reasons, and we stopped that. By providing the employee some form of notice as to why he is being transferred, you can resolve many problems at the beginning instead of having to go through the grievance process. That is one of the reasons we support this bill.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none.

Rusty McAllister, President, Professional Firefighters of Nevada, Las Vegas, Nevada:

We are also in support of this bill. Some of the locals that I represent already have provisions within their contracts that designate how transfers will take place. It is usually set up on a seniority bid. Some do it on an annual basis. For some it is just a seniority bid, and until that position opens up, it is full. Then, when it opens up, they bid it out to the whole department, and the most senior person who bid would get it.

Some of the locals I represent do not have that option. Similar to what Mr. Dreher had testified to, prior to us having that provision in our contract, it was not unusual for you to go on vacation and come back from vacation and find out that you were not supposed to work that day, you had been transferred to another platoon, which put you on a completely different work schedule.

Currently, some of my locals have provisions in their policy within the department to transfer employees whenever management wants. This could be based on whether or not they like you, or based on what they think is best. One of the departments just shuffles people around every quarter or every six months. At least within our profession there is some merit to developing working relationships with the people you are going to be operating with, and you train with them on a regular basis, so you will know how they will operate in certain situations. That has a beneficial aspect to it.

By taking a crew and moving them out of a station and into another platoon and moving another crew in, you have to start over again building that rapport. We always joke that there are three different platoons in each of the departments and it is like three separate departments. They all operate just a

little bit differently in how they function on the fire ground or within the station. They still accomplish the same mission, but they do it differently. It does cause a problem at times when they just pick a crew out and say, you are being moved from a ladder truck to an engine company over here. Some people develop their whole careers around being truck company guys. They specialize in it; they are good at it. This would not preclude the transfer from taking place, but at least they would have to talk to the person about it.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none.

Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional-Technical Employees, Las Vegas, Nevada:

From the beginning we have supported the bill. The bill has changed a bit from its original orientation to the point it is now. We still support the bill, and I would like to share a couple of comments. We are a very unique organization. We are management of the Clark County School District. We represent all of the administrators. So, we represent those people—regional superintendents, assistant superintendents, and deputy superintendents—who need to transfer the people they supervise. The last thing we want to do is to keep those people who are members from being able to do their job.

We also represent the lower level of administrators. We represent the coordinators, the entry level coordinators and directors, and other people. All we want to see out of this legislation is that when a person is going to be transferred, someone lets them know it and they do not find out about it through any other source.

The district has done a much better job the last few years of talking to people, but there are still occasions where we may have an administrator who is going to be switched from school A to school B. The principal may be reassigned or transferred, and all we are looking for out of the bill is language that would have somebody communicate with that individual. We recognize that there is language in the bill presently that stipulates that the district would have to communicate with our association to say this is happening. We realize that is an issue. Our goal is that when one of our members is transferred, they have been told about it before it is posted somewhere else.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. Please leave your card because I would like to call and ask you some questions.

**James W. Penrose, representing Nevada State Education Association,
Carson City, Nevada:**

I wanted to respond to a question you posed about the provision of the bill that deals with the method of payment. That language stems from a lawsuit that we litigated before the Local Government Employee-Management Relations Board (EMRB) and ultimately before the Supreme Court. It was a case that arose in Washoe County. The Washoe County School District, historically, has had an option of either making payment to its employees either by direct deposit or by giving them a traditional paycheck. Some years ago, the district decided to go to a system of mandatory direct deposit. For those employees who did not have a bank account, for whatever reason, it would issue a pay card and establish a bank account for them. The district would deposit their salary into the bank account, and then the employees could draw on that account using the pay card, which worked generally, but not exactly, like a debit card. More significantly, there were certain fees associated with the use of the pay card that, in our view, would have a potential impact on employees.

What happened was the district sought to implement this system unilaterally without bargaining over it. When the associations in Washoe County objected, the district filed an action before the EMRB. The EMRB ruled against the district and said they were required to bargain over this issue. The school district appealed to the district court, and the district court ruled against them. The school district appealed to the Nevada Supreme Court. The Supreme Court issued their decision on April 8, 2009, and unfortunately we have not resolved the litigation. The Supreme Court sent it back down to the EMRB to take additional evidence on what the aggregate cost of this system would be to the employees in the bargaining unit. That, basically, is the lawsuit that gave rise to this language.

Currently, in Washoe County, teachers are paid on a monthly basis. Support staff employees are paid biweekly. The whole rationale for going to the system on the part of the district was that it would save money. Under the language as it stands today, as the district interprets it, it could decide unilaterally to pay all of its employees on a monthly basis instead of the support staff employees being paid biweekly.

Theoretically, as long as it did not affect the rate of pay, the district under the existing language could take the position that they could pay all of its employees in gold bullion, or canned goods, or issue them script redeemable at Wal-Mart or a district store. This language, in our view, clarifies what has been the law, which is that the way you get paid is inextricably intertwined with your payment. This language in section 2, subsection 2, paragraph (a), is intended to deal with that issue.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. I know that our Welfare Division uses those same cards, and I have asked Ms. Scholley to find out how that process works.

Bo Yealy, President, Education Support Employees Association, and representing Nevada State Education Association, Las Vegas, Nevada:
[Spoke from written testimony ([Exhibit E](#)).]

These changes affect the education of our students. In fact, as we speak, notices are being received by our people every day. I am seeing them in our office and I am hearing about them all day long. I have had 15 calls since I have been sitting here.

[Resumed testifying from written testimony.]

I was listening to some of the things that were being said earlier, and in getting these calls from our members, I have to say it is a lot easier to talk about a document before or when it happens than to go to a grievance or arbitration and have all of that cost to the taxpayers as well as the association.

So many of our support personnel do not understand what they are even signing. Sometimes there is a need to understand because they are bilingual and need to process a little differently. It might be that they truly do not understand what is happening to them and maybe do not speak the language at all.

You cannot have someone just sign something that is put in front of them. It would be hard to say it was a form of discipline if you are not there to listen to what the employee has to say about it. We would appreciate the chance to have that discussion, and I speak on behalf of employees who want that chance.

[Resumed testifying from written testimony.]

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. I have a question. I think the support staff does get overlooked at times, and they are the backbone of every school. Is there an easier way to do the language in section 2, subsection 2, to get at the issue you talk about?

Bo Yealy:

I like the present language. As far as the other language that was mentioned, I would need to check with my people about that.

Chair Kirkpatrick:

Could you do that for us? If you could get back to me in the next day or so, that would be most helpful.

Bo Yealy:

Yes, I could.

Chair Kirkpatrick:

Is there anyone wishing to testify in opposition to S.B. 154 (R1)? We are going to Las Vegas.

Victoria Robinson, representing the City of Las Vegas, Nevada:

The City has serious concerns with this bill. In today's economy when local governments are asked to do more with less, flexibility in assignment of resources is an essential element of providing services to the public. From everything from graffiti abatement to our response to downed or damaged light poles, to firefighters and correction officers in our public safety endeavors, the needs of our citizens change. Crimes, fires, and disasters happen. We have extensive collective bargaining agreements with our employees that provide guidelines for assignment and transfers. Employees currently cannot be asked to perform tasks which are outside their job description. We cannot, by contract, outsource tasks or projects without first following guidelines for review with various bargaining units. Transfers and reassignments are not used to punish employees. However, the City of Las Vegas, much like other municipalities, is facing an extraordinary budget deficit. The changing economy and construction decline has left us with employees who are underutilized in their current positions but could be reassigned to other areas where the need for resources has not decreased, and in some cases has increased.

Current statutes provide us with the flexibility to do that. By requiring that any transfer or reassignment be accomplished only after a preliminary meeting with an employee representative, thereby adding what could be days to the process, we believe the bill would hamper our efforts to provide good, cost-effective public service in meeting the needs of the citizens with existing resources. There is nothing in this language that talks about voluntary or involuntary transfers. The way we read it, you would have to discuss each and every transfer.

We believe it would make public sector operations less efficient and increase costs by creating delays and increasing administrative requirements. It would appear that requiring this meeting will not change the outcome in most situations and will just add delay and cost to the process.

Our second concern is section 2, subsection 2. It requires the method by which payment is made to become a mandatory subject of collective bargaining. As written, this would make mandatory such items as hand delivery of checks versus mailing of checks, and timing and frequency of payments. Again, we believe this limits the flexibility afforded to the City as an employer and will increase administrative costs. Therefore, the City of Las Vegas respectfully opposes this bill.

Chair Kirkpatrick:

Can I ask you about section 2? Why not discuss that during the collective bargaining process to determine what is best for both parties?

Victoria Robinson:

I am sorry; I did not understand your question.

Chair Kirkpatrick:

Tell me again your reasoning for having a problem with section 2. In these times, how you get your paycheck is changing.

Victoria Robinson:

We simply object to it being a mandatory subject of bargaining. We genuinely believe we should have the flexibility to determine methodology.

Chair Kirkpatrick:

What I want from you, in writing, is why not? It could be a determining factor of how you get paid or whether you take the job. My daughter, at 16, might not have a checking account. Direct deposit would not work for her. I would like a better answer regarding your concerns.

**Nicole Rourke, Director, Intergovernmental Relations, Government Affairs,
Clark County School District, Las Vegas, Nevada:**

The district opposes S.B. 154 (R1) and concurs with some of the previous comments regarding transfers. The bill requires a meeting each time each employee is transferred to determine the reason for that transfer. This change has the potential for greatly increasing the human resources costs as it will require hundreds of meetings a year for management and the union.

These costs are more than we can afford during a time when we are asked to do more with less. It is not our practice to transfer employees without notice. However, in times of emergency, management must have the ability to do so. If someone has a heart attack on Friday and cannot make it to school, we must be able to send someone else in their place on Monday. It is our practice to collaborate with our employees on the best possible fit for a position as long as it is in the best interests of students. It is our job to guard the well-being and safety of our students and to provide a quality education.

Assemblyman Bobzien:

What I have heard repeatedly from the proponents of the bill is the concern that there should be some disclosure as to the reason behind the transfer and some basic assessment of the reasons from the employer's standpoint and how it would impact you from an employee standpoint. My issue with the bill is the language "determine the reason." That speaks to coming to a consensus, and that is problematic. If we were to deal with the voluntary and involuntary trigger, and also clean up the bill so that it is a disclosure rather than arriving at a consensus, is that something that the school district can support? Or is this just blanket opposition, that we cannot do it; it is not going to happen?

Nicole Rourke:

You are asking us just to have a disclosure at the onset of the transfer?

Assemblyman Bobzien:

The opposition that was presented to me previously was the idea that the employee representative and the employer representative needed to come together and arrive at the determination of whether or not this was in the best interests of the employee. I can see why that would be unworkable, but if there is a disclosure so that people know the reason for the transfer and do not just come back from vacation and are transferred. They need to know the reason why. Is that something that is more tenable for you?

Nicole Rourke:

Yes. It is typically our practice to give a rationale for the transfer, whether it is a reduction in force because there are fewer students attending that school, or other reasons. We have a pretty extensive transfer policy in place in the district.

Assemblyman Bobzien:

Okay, so I heard you are willing to move on this if that happens.

Nicole Rourke:

We are willing to work with the parties to come up with some good language.

Robert F. Joiner, Government Affairs Manager, City of Sparks, Nevada:

In the interests of time I will just say that I agree with the statements that have been made by Ms. Robinson and Ms. Rourke. On the disclosure issue that Assemblyman Bobzien mentioned, we would also agree with that. We are sensitive to opening NRS Chapter 288 and providing that type of opportunity. But, with those kinds of disclosures as a bottom line, we could be in agreement with it.

Chair Kirkpatrick:

So, do you have a problem with section 2, subsection 2 on how people are paid, as well?

Robert Joiner:

No, we do not.

Steve K. Walker, Minden, Nevada, representing Carson City, Douglas, Lyon, and Storey Counties:

To be consistent with the testimony on the Senate side, these counties oppose the bill.

Paul A. Lipparelli, Assistant District Attorney, Civil Division, Washoe County District Attorney's Office, Reno, Nevada:

We are opposed to the bill, as written, mainly because of section 2 that the proponents have been talking about. The supposed "meet and confer" language is an exception to what is presently a management right—the right to assign and transfer. We do not read the present language as "meet and confer" language. Consistent with Mr. Bobzien's questions and concerns, we read it to mean that an agreement between the employer and the employee about the transfer is a predicate to making the transfer happen. That is a severe erosion of the ability of management to assign employees.

We presently cannot transfer for purposes of discipline. We presently cannot discriminate in the manner that we transfer, or we face civil liability. This bill is not aimed at those problems. The spirit of this bill is to mandate communication between management and labor, which is always fine with us. What we cannot suffer is the possibility that a disagreement over a transfer means that the transfer cannot take place.

We would be willing to work with the sponsors to craft language that reflects the spirit of the bill, which is to have disclosure and communication. But, as

Assemblyman Segerblom mentioned in his testimony, ultimately, it has to be the right of management to make that decision.

Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties, Carson City, Nevada:

We too are opposed to the bill, as written. The testimony that I heard over and over this morning was notification on involuntary transfers. We think that language to that effect would be workable, but as the bill is written, we do not support it.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. Is everyone okay with the manner of how employees are paid?

Tom Roberts, Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:

We would not have any objections to the manner of payment as long as it is not in yaks, or watermelons, or something like that.

On the rest of the bill, however, we do have some issues. So far, this year, we have transferred 1,007 employees. This bill would require not one but two meetings, one with the employee and one to ensure that you have a meeting with the representative. Some of our employees are members of a labor organization and may not want a representative of an organization that they are not a member of involved in their transfer. The bill does not specify involuntary transfers, so our contention would be that it would apply to all transfers, and that would be cumbersome.

Another issue that was brought up was that this was some kind of compromise. This was a product of an amendment on the floor of the Senate. We never came to any resolution at the meeting that we had to try to fix the language in the bill. As it is written, we are opposed. It would severely hamper our ability to transfer and assign people.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none.

Tim Kuzanek, Captain, Special Operation Division, Washoe County Sheriff's Office, Reno, Nevada:

For all of the reasons previously stated by my colleague from the south, we are opposed to this bill. I am, however, okay with the section with regard to the method of payment.

John P. Sande IV, representing Reno-Tahoe Airport Authority, Reno, Nevada:

We oppose this bill. Regarding section 2, subsection 2, about the way wages are paid, I am told that it has been resolved by the Supreme Court, so we do not have any problems with that.

As far as the transfers go, I think Assemblyman Bobzien's comments have been very astute. I think it is going to put a burden on management from conducting business and serving the public in the best possible manner. I would not have a problem, however, requiring that management have a reason, and be able to explain that reason, so long as we accounted for emergency situations where it might not be feasible to explain those reasons at the time because the emergency situation would make it impracticable.

Assemblyman Bobzien:

Give me a hypothetical to explain an emergency situation.

John Sande:

When you represent the airport, I guess you always assume the worst-case scenario. If there was an emergency where we had to call someone in, or transfer them to a different unit, to be able to handle that emergency situation, I would imagine that an emergency would trump the language anyway and everyone would understand.

Assemblyman Bobzien:

I just think if that is the direction where this bill goes, we are going to have to craft it very carefully.

John Sande:

I understand.

Sharla Hales, Minden, Nevada, representing Nevada Association of School Boards, Reno, Nevada:

I have been hearing "meet and confer" over and over again, and this is not "meet and confer." I appreciate Assemblyman Bobzien bringing this out. If you look at the language, it says before a transfer an employer must meet with the employee "to determine the reason for the transfer and whether the transfer is in the best interest of the employee and the local government employer." That determination is going to be very troublesome. That is where disagreements come from and where grievances and arbitrations start. This is a huge step beyond "meet and confer."

You have heard a few examples of how this bill would be troublesome in a school setting already this morning. There are many examples, but I will give two quick ones.

Nye County School District found that it could restructure its bus routes and save a lot of money. If this bill were in place, they would not be able to transfer those bus drivers to different routes, and save money, unless they met and came to a determination that it was in the best interests of the bus drivers.

Last year, Douglas County School District had Kingsbury Middle School with only 120 students and had room for them in a school down the road a few miles. So they closed the school and transferred those employees. If this language were in place, those teachers and employees could say it is not in their best interests to leave the school that is closing. Eventually they might not prevail, but grievances and arbitrations would be filed, and it would take months and be costly. Our district thinks that an arbitration costs in the neighborhood of \$30,000, and for little school districts to take on that kind of disagreement would shut them down and hamper their ability to take care of students.

We want to do what is best for students. We have fewer and fewer resources, and we have increasing demands. The standard for adequate yearly progress is increasing for No Child Left Behind, and we need to meet the needs of lower achieving students with remediation and high achieving students with enrichment. When our hands are tied about where we are going to put our employees, we cannot maximize the use of taxpayer dollars, and school board members take that obligation very seriously. Please allow us to do that.

Assemblyman Christensen:

I have no experience being a member of a union. I want to make sure I understood you correctly. You were referring to Nye County bus drivers and said unless they met and determined it was in the best interests of the bus driver, they would not be able to make changes to save money or better accommodate. Is that correct?

Sharla Hales:

That is my understanding, if you are going to transfer someone from one route to another route.

Assemblyman Christensen:

But, you said if it were not in the best interests . . .

Sharla Hales:

This language says "before the transfer" they have to determine if it is in the best interest of the employee. According to the language as written, unless that determination is made, the transfer does not take place.

Assemblyman Christensen:

Again, if that were the case, it would be impossible to be effective with an organization where management cannot make a decision. I find that hard to believe. I need to get to the bottom of that point.

Chair Kirkpatrick:

That is the whole crux of why we are here today. The interpretation could be very broad. Is there anyone in Las Vegas who would like to testify in opposition?

Anne Loring, representing Washoe County School District, Reno, Nevada:

One thing I would like to say, which I do not believe has been said, is that we would like to thank Senator Breeden for her extraordinary persistence and patience and willingness to work with all sides on this bill. She made a heroic effort, and actually the amendment to section 2, subsection 2, that has been discussed, was offered by the local government representative to address what was initially stated to be the purpose of this bill.

Although we do support that change to the bill, we have the concerns that have already been stated, and specifically outlined by Assemblyman Bobzien, about how this language is written despite what the intent has been stated to be by some of the speakers. We have very serious concerns about how that is in conflict with the intent of section 2, subsection 5, for efficiency in managing local governments.

J. David Fraser, Executive Director, Nevada League of Cities and Municipalities, Carson City, Nevada:

I would also like to state clearly for the record that I was already sitting here when the Chair asked that we only say things that were not heard before.

I do want to indicate our opposition to S.B. 154 (R1). I want to go on record thanking the sponsor of the bill. She did meet with us on the other side, and we did try to work this out, but we were unable to do so.

I agree with many of the comments that have been made today, but I would like to echo what the Chair said, and that is in these difficult financial times, when local governments are having to cut back so much on their budgets and are trying so hard to keep people employed, a lot of times they need the flexibility

to be able to move somebody into another area in order to keep them employed. That would be for the good of the employee as well as the employer. In addition to wanting people to have the ability to keep their jobs, and to move them where there might be a vacancy, a lot of times they are really great people who we want to hold on to, and even look to return them to their previous position once the economy improves.

I think we need to maintain the flexibility to make those transfers. For those reasons I testify in opposition to S.B. 154 (R1).

Sean Gamble, Reno, Nevada, representing North Lake Tahoe Fire Protection District, Incline Village, Nevada:

I just wanted to say that it is time consuming and puts a burden on the fire chief. His best interest is in the public's safety. Therefore, we oppose this bill.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none.

Mark Anastas, Division Administrator, Recruitment and Retention, Department of Personnel:

Our position is neutral in regard to S.B. 154 (R1). This is based on the understanding of the bill as it relates to the premise that the employer retains the final decision-making authority regarding transfers, and it is understood that a transfer may not always be in the best interests of the employee. The final resolution is to rest with the employer.

We also believe, in looking at the bill, that it does not violate *Nevada Revised Statutes* (NRS) 284.020, subsection 2, which states that the language does not limit the authority of elected officials and heads of departments to conduct and manage affairs of their departments as they see fit.

I would also like to comment on Mr. Mallory's recommendation that, if this bill goes through, the language be limited to involuntary transfers. I think that would be a welcome suggestion. I would be happy to assist the bill sponsor, or anyone else, if there is a rewrite coming.

Chair Kirkpatrick:

Are there any questions from the Committee? I see none. If there is no further discussion on this bill, we will close the hearing on S.B. 154 (R1).

[The meeting was adjourned at 11:34 a.m.]

RESPECTFULLY SUBMITTED:

Michelle Smothers
Recording Secretary

Cheryl Williams
Editing Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 7, 2009

Time of Meeting: 9:02 a.m.

| Bill | Exhibit | Witness / Agency | Description |
|-------------|----------------|-------------------------|--|
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 173 | C | Senator John Lee | Summary of Bus Turnout and Shelter locations |
| S.B. 173 | D | Brian McAnallen | Proposed amendment |
| S.B. 154 | E | Bo Yealy | Written testimony |