

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

**Seventy-Sixth Session
April 1, 2011**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 7:30 a.m. on Friday, April 1, 2011, 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/76th2011/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
Assemblywoman Irene Bustamante Adams, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Teresa Benitez-Thompson
Assemblyman John Ellison
Assemblywoman Lucy Flores
Assemblyman Ed A. Goedhart
Assemblyman Pete Livermore
Assemblywoman Dina Neal
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Harvey J. Munford (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Randy Kirner, Washoe County Assembly District No. 26
Assemblyman Richard (Skip) Daly, Washoe County Assembly District
No. 31
Assemblyman Tick Segerblom, Clark County Assembly District
No. 9

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Cynthia Carter, Committee Manager
Jenny McMenomy, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Cadence Matijevich, representing the City of Reno
Tray Abney, representing the Reno-Sparks Chamber of Commerce
Ronald P. Dreher, representing the Peace Officers Research Association
of Nevada
Leonard Cardinale, representing North Las Vegas Police Supervisors
Association and Nevada Association of Public Safety Officers
Frank Adams, Executive Director, Sheriffs' and Chiefs' Association of
Nevada
Pat Dolan, representing the Washoe County Sheriff's Office
Chuck Callaway, representing Las Vegas Metropolitan Police Department
Javier Trujillo, representing the City of Henderson
William A. Bainter, Lieutenant, Highway Patrol, Nevada Department of
Public Safety
Mike Snyder, Director of Labor Relations, Las Vegas Metropolitan Police
Department
Charlotte Bible, Assistant General Counsel, Las Vegas Metropolitan Police
Department
Rusty McAllister, representing the Professional Fire Fighters of Nevada
John Wilson, Founder, MedicWest Ambulance, North Las Vegas, Nevada
John Slaughter, representing Washoe County
Doug Stevens, Fire Chief, City of Henderson
George Ross, representing Las Vegas Chamber of Commerce
Tom Clark, representing the Regional Emergency Medical Services
Authority
Krys T. Bart, President, Reno-Tahoe Airport Authority
P. Michael Murphy, representing Clark County

Carole Vilardo, President, Nevada Taxpayers Association
Kathy Clewett, representing the City of Sparks
Ted J. Olivas, representing the City of Las Vegas
Jay Parmer, representing the Builder's Association of Northern Nevada
Jesse Haw, President, Hawco Properties, Sparks, Nevada
Bruce Arkell, representing Nevada Association of Land Surveyors
Mark Turner, representing Builders Association of Western Nevada
Mike Cathcart, representing the City of Henderson
Larry Fry, Secretary, Coalition of Assisted Residential Environments
Diana Roberts, Director, Arbors Memory Care Community
David Peter, Private Citizen, Las Vegas, Nevada

Chair Kirkpatrick:

[Roll was called.] We will start with Assembly Bill 216.

Assembly Bill 216: Revises provisions concerning the employee benefits of employees of law enforcement agencies upon the merger of the agencies into a metropolitan police department. (BDR 22-644)

Assemblyman Randy Kirner, Washoe County Assembly District No. 26:

I am here to introduce A.B. 216. This bill revises sections of *Nevada Revised Statutes* (NRS) Chapter 280. This chapter affects law enforcement. I would like to respond to inquiries that I have had concerning the impetus for this bill before going through the changes. It comes from two sources. In November 2010, the citizens of Washoe County, through a ballot measure, approved a study that would look at the City of Reno and Washoe County for possible efficiencies in terms of shared services. The second source is the Spending and Government Efficiency (SAGE) Commission that found that consolidation of overlapping local government services could be periodically beneficial and could save significant tax dollars currently being spent to finance duplicated governmental services. Given the state of the economy and the current circumstances, this bill facilitates those studies and discussions. To be clear, this is not a bill intended to curb or chip away at collective bargaining. It is to the contrary. It is my view that this is a vehicle to reinforce the process of open bargaining and discussion.

There is no fiscal impact for this bill. Existing law says that the most liberal employee benefits which are applicable to the employees of any of the merging law enforcement agencies before the merger become the benefits that are applicable to the employees of the metropolitan police department initially upon merger. The adjustments to the bill that I am making, which you will see under section 1 beginning with subsection 4, essentially say that upon the merger the old benefits of the respective collective bargaining agreements remain in place

until the date that either the agreement expires or a new collective bargaining agreement is reached. This bill, under the same section, says that the new department and the corresponding applicable employee organization shall enter into negotiations under the provisions of NRS Chapter 288. That is the summary of the changes of this bill.

Chair Kirkpatrick:

In subsection 4, does that mean that everyone's wages stay the same before the merger and then they go back to a new collective bargaining agreement? Is that the intent?

Assemblyman Kirner:

Yes. The intent is that if there was a merger, the current bargaining agreements that affect those employees remain in effect. However, as soon as is practical, new negotiations will be opened up with the corresponding employee representative and association.

Cadence Matijevich, representing the City of Reno:

The Reno City Council has adopted a position of support for this bill. We are in the process of evaluating many services in our community and the possibility of shared services or consolidation. While the determination has not yet been made that we would want to pursue the metropolitan model, this provision of NRS Chapter 280 has oft been cited as a barrier to cost-effective consolidation of law enforcement in our community. Removal of that barrier is something that we support.

Tray Abney, representing the Reno-Sparks Chamber of Commerce:

We strongly support this bill. We echo the previous speaker's comments. We speak a lot in this Committee about making government more efficient and making it easier to operate, especially in these strict-budget times. We think that current law can be an impediment to that and think that this will fix some of those problems.

Chair Kirkpatrick:

Is there anyone else who would like to testify in support of A.B. 216? [There was no one.] Is there anyone who is neutral on A.B. 216? [There was no one.] Is there anyone who is in opposition?

Ronald P. Dreher, representing the Peace Officers Research Association of Nevada:

Since 1973 when NRS Chapter 380 was enacted and Clark County merged, we have had a number of meetings over consolidation in Washoe County. I have been part of that from 1980 on. I request that you oppose A.B. 216 for a

number of reasons. The biggest is the issue that Assemblyman Kirner testified to. We have had many discussions about consolidation. This body, last session, ordered an interim study that mainly focused on Washoe County. This bill would only affect Washoe County. In Washoe County, the City of Sparks has taken a position of anticonsolidation and has for a long time. Twenty years ago this bill might have worked. Washoe County, Reno, and Sparks were all on one page at that time. For economic reasons today, that has all changed. The City of Reno is in dire straits. Washoe County has done a good job in their economics. The City of Sparks continues to be anticonsolidation.

By taking away the liberal benefits provisions, or what is called a cherry-picking provision, it says that when two parties work in the same patrol vehicle together, because it is a consolidation of law enforcement, one party is going to be inequitable in their benefits with the other. In the case of the liberal benefits, going back to Las Vegas, there were heated arguments between the agencies, line personnel, et cetera; there were so many issues as to why they put the liberal benefits into the law. It took away all of the arguments. Going back to two or three studies in Washoe County by the SAGE Commission, we asked to be a part of those from labor representatives to management representatives in an effort to work this out. I cannot tell you how many meetings I have been to and how many people I have asked to attend meetings to talk about how to consolidate correctly.

I do not believe that taking away the best benefits that you have is the answer to the problem that we have. I asked for evolutionary consolidation 20 years ago. We could have been here today, consolidated, and saved from the economic problems that we are now facing. We would not even have these problems. By now, we would have already consolidated everyone in law enforcement. That was not how everyone wanted to do it. It was the liberal benefits that have been the damaging impact of this for the past 20 years and through all of these studies. Based on what you have heard me say, based on the history of consolidation in Washoe County, and based on the fact that Washoe County is the only county in this state that this bill would affect, I am asking on behalf of all of us that you oppose this legislation.

Assemblywoman Neal:

I listened to your testimony but the way this reads, it says that the agency that is participating will keep the benefits that it had if there is a merger. Am I reading this wrong? That seems to be what it says.

Ronald Dreher:

That is correct. We would keep the benefits that we have, but under the provisions of what happens right now, if Washoe County were to consolidate

with Reno, Reno has better benefits in certain areas. For example, Washoe County has better benefits and Reno has better wages. Washoe County has better benefits in other areas like compensatory time, cash-outs, and others. According to this bill, the workers would keep the same benefits until a new bargaining agreement is negotiated. There may not be a new bargaining agreement for several years because of the hard economic times and the attack on collective bargaining. We do not know what will happen. The point is, according to the bill that is exactly what you would do. If two officers are sitting in the same car and one is from Washoe County and one is from Reno, Washoe County is much lower in their pay scale than Reno. They would be sitting together and one would be making less and doing the same job. It would be an inequity situation.

Assemblywoman Neal:

Your position does not change. If someone is in the other department that has the lower wage, that is what he accepted or agreed to. He has agreed to work for that wage and accept those benefits. The opportunity to change it would have never existed unless the merger was there. What is the complaint? The positions never change.

Ronald Dreher:

You are correct. Our position would not change. We agree to work for whatever entity we are employed under. It is not a question of that. That is where we are right now. It is only if we merge, that NRS Chapter 280 was there to avoid the problems that Clark County went through in 1973. It is a peacekeeping measure. It is an equitable measure. That is the purpose of this.

Assemblyman Anderson:

Will this bill really make a difference? Is consolidation going to happen regardless? Are they going to merge the departments?

Ronald Dreher:

I do not believe that they are going to consolidate. I have said that since 1973. It has been discussed. I have had all of the associations, cities, and local governments stay at the table and discuss it. I said the same thing last session. I do not believe that consolidation is going to occur. Maybe 20 years ago when the economic times were better it could have happened. It was a dollar amount that stopped it then. I do not believe that Washoe County wants this bill. They would inherit the situation that Reno has and the economic crisis that they are in.

Assemblyman Livermore:

Do you not trust the collective bargaining agreement going forward? If the merger was to take place, there would eventually be a new collective bargaining agreement. Do you have faith in the collective bargaining system that we have? You do not believe that we could reach an understanding of labor and management?

Ronald Dreher:

I definitely have faith in the collective bargaining agreement and how it works. You did it in Carson City. Carson City is the model in this state that did it correctly. I have the greatest faith in collective bargaining. It has worked immensely. It is just that it changes what we currently have. You can do the same thing with the same liberal benefits, but you still have to negotiate a new collective bargaining agreement when you consolidate agencies.

Assemblyman Livermore:

Why do you not believe that a master department consolidation of collective bargaining agreements would not come to play where labor and management would be able to negotiate a fair and equitable agreement for everyone?

Ronald Dreher:

I do believe they would come together eventually. It does work. The system that we have in place works. The problem is that if there is a multiyear contract then the agency would stay in the multiyear contract. For example, right now Carson City has a four-year agreement. If they merged with Reno, then, according to this bill, Carson City would remain in that four-year agreement until the four years are up or until a new agreement was negotiated. That is the problem that we see with the bill. Why would you want to change something that has worked so well and continues to work well after 30 years?

Leonard Cardinale, representing North Las Vegas Police Supervisors Association; and Nevada Association of Public Safety Officers:

I spoke to Danny Thompson who also takes our position on this bill. Look at section 1, subsection 2. They want to strike the language, "Such employees, sworn or civilian, are entitled to suffer no loss in pay, pension, fringe benefits or other job benefits by reason of a merger." We do not agree with this. It is encompassing language that covers a lot of nonspecific items in a provision. For example, in subsection 3 it says, "Sick leave, longevity and vacation time." We understand those are standard benefits within the contract; however, there may be a traffic officer who has gone to classes and has a special expertise in accident reconstruction and he may get an additional percentage because of his expertise. I am using that as an example. If you were to remove that

paragraph, those kinds of nonspecific provisions would not be covered. I would recommend that if this bill moves forward that that paragraph remain in place.

Assemblyman Kirner used the words "collective bargaining" and "collective bargaining agreement," however, in subsection 4 it does not exactly say that. I understand where you are going in paragraph (a). It is stating that if you have an agreement, that agreement carries until it expires and then, at that time, you would have to sit down and negotiate a new contract. Paragraph (b) is a little vague and nonspecific. If words were added that referred to a collective bargaining unit and collective bargaining agreements, it would be better. Supervisors are a separate bargaining unit from officers, civilians, and others. When there is language of this nature with things like "departments" and "benefits," it seems nonspecific. Somewhere down the line that will be discussed in court. We will have to split hairs over what exactly that language means. It needs to be clarified.

In reference to Assemblyman Livermore's question to Mr. Dreher, I do not think this is about whether or not the collective bargaining agreement process works. I think it is a very good process. It has worked very well for a long time. If you are going to merge, if your contract is less, then I think you need to merge and have it pay less until such time that you negotiate a new contract. I do not think that is a question. I would recommend that subsection 4, paragraph (b), be cleaned up and be more specific.

Mr. Dreher says it only applies to Washoe County. In section 2, subsection 1, it says, "A merger of the law enforcement agencies of a county and a city or cities located in the county." I assume that North Las Vegas may also be included in this. I do not have any basis of fact but I can tell you that there are rumors that they are struggling with their budget deficit. When you follow that thought through and they go below a certain ending fund balance, they will start to talk about merging departments. Although I would say it is not imminent, I would say that it is something that we have to look out for. If we do not clarify this language now and make it something that works for everyone, we will pay the price later.

Chair Kirkpatrick:

Does anyone have any questions? Is there anyone else that would like to testify in opposition of A.B. 216? [There was no one.]

Assemblyman Kirner:

The intent of this bill is to support the collective bargaining process as enumerated in NRS Chapter 288. To Mr. Cardinale, the language says "As soon as practicable after the merger, the department and the applicable employee

organizations shall enter into negotiations for this purpose.” That would then incorporate not only the line employees but also other organizations such as supervisory authorities. I think the language is quite clear.

Chair Kirkpatrick:

We will now close the hearing on A.B. 216. We will now go into our work session. We have three bills today. We might have 13 next week. We are trying to get as many out as possible. We are going to need to move bills rather quickly.

Susan Scholley, Committee Policy Analyst:

The first bill is Assembly Bill 97 which revises the Charter of the City of Sparks to make various changes in provisions. [Read from work session document ([Exhibit C](#)).]

ASSEMBLYMAN LIVERMORE MOVED TO DO PASS
ASSEMBLY BILL 97.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

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

Susan Scholley, Committee Policy Analyst:

Assembly Bill 168 relates to general improvement districts and was sponsored by Assemblywomen Dondero Loop and Kirkpatrick. [Read from work session document ([Exhibit D](#)).]

ASSEMBLYMAN ANDERSON MOVED TO DO PASS
ASSEMBLY BILL 168.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

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

Susan Scholley, Committee Policy Analyst:

Assembly Bill 262 revises provisions relating to public administrators. It was sponsored by Assemblyman Grady on March 28, 2011. [Read work session document ([Exhibit E](#)).]

ASSEMBLYMAN STEWART MOVED TO DO PASS
ASSEMBLY BILL 262.

ASSEMBLYMAN LIVERMORE SECONDED THE MOTION.

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

Chair Kirkpatrick:

I will not put an amendment on this bill, but maybe the other side will. We will now open the hearing on Assembly Bill 265.

Assembly Bill 265: Revises provisions governing the rights of peace officers.
(BDR 23-716)

Assemblyman Richard (Skip) Daly, Washoe County Assembly District No. 31:
Assembly Bill 265 is a bill that was brought forward by the request of Mr. Dreher. I will now hand it off to Mr. Dreher. There are a couple of valid points in this bill that deserve the attention of this Committee.

Ronald P. Dreher, representing the Peace Officers Research Association:

I request your support in passing A.B. 265. We respectfully thank Assemblyman Daly for sponsoring this legislation. What is A.B. 265 and why is it needed? It contains enhancements to *Nevada Revised Statutes* (NRS) Chapter 289 which is the Peace Officers' Bill of Rights. The recommended changes have come about due to unjust ways officers have been treated in some instances by law enforcement agencies when conducting administrative internal investigations. While A.B. 265 appears to be rather lengthy in its amended form, it really consists of approximately five main points. [Read from Exhibit F.] Many of the collective bargaining agreements in this state provide for release time for duty hours, but we do not have hearings on graveyard shifts. We are trying to give those that are on graveyard paid release time for that. Some of the opposition will say that the bill says that the release time is the day before. That is not what it is meant to say. I checked with the Legal Division of the Legislative Counsel Bureau (LCB) when we wrote this bill. I had heard that someone was going to say that they will get double pay. That was not the intent. The intent was the "before" language was to incorporate someone who is working graveyard and swing shifts. I want to clarify that right now. I saw an opposition paper from Washoe County that dealt with that issue. They do not get overtime; they would simply receive their regular base wage for the day that they go to the hearing. There is no cost other than that.

Section 2 of the bill provides a civil monetary penalty. The reason for that is because we came to this body and worked with sheriffs and chiefs over the years to attempt to come up with a penalty when someone intentionally,

purposefully, and willfully violates NRS Chapter 289. It says that you will follow those provisions. There is no penalty, in NRS Chapter 289 currently. I heard the Attorney General a few weeks ago, testifying on another bill, give you evidence that without a penalty, it is meaningless. We enacted NRS 289.085 a few sessions ago with the help of this body. We called that baby steps. The first provision was if, in fact, an intentional willful violation occurred, the arbitrator or hearing officer would have the ability to eliminate and exclude that evidence. I have had several arbitrations where that has never happened. The arbitrators simply go over that. They do not care about it because there is no penalty involved. We have come back to you to enact some kind of penalty. The language in section 2 says up to \$5,000. It could be \$1 or \$2. Without a penalty, it is meaningless and the violations will continue.

It is important to know what I mean by a violation of this law. We do not want the department or the taxpayers to pay. We want the individual who knowingly, willfully, and intentionally violated the law to pay. In a case that happened in northern Nevada several months ago, a deputy was called in as a witness. He said that he did not feel comfortable and wanted to have a representative. The internal affairs person said that he did not need a representative. The person who was conducting the internal affairs investigation had a history of being in internal affairs, knew the law, knew the *Garrity v. New Jersey* warning and *NLRB v. Weingarten*, and other U.S. Supreme Court decisions that were forwarded. The internal affairs officer told the witness that he wanted a statement and that he was going to compel him to answer this statement under the *Garrity* warning. He said that he was going to make him answer those questions and that it had better be truthful. He basically indicated that the witness did not have a right and that he was going to answer the questions as a witness. They then recalled NRS Chapter 289 and said that, according to it, that person would be infringing on the Police Officers' Bill of Rights. It did not matter what that officer said. The representative in that case called me immediately and asked what he was supposed to do. This person knew better. He intentionally, willfully, and knowingly did that regardless of what the law said. Nothing happened to him. We filed a grievance on this, and it went away because, as an employee, you have an administrative right to file a grievance. That is not a penalty. A grievance has to go through a series of steps. It is a violation of law. There should be a penalty affixed to it. It does not currently happen that way.

Section 3, with the amendment, means that the bill takes effect July 1, 2011, if it is approved. Section 4 and Section 5 came about as Senate Bill No. 396 of the 75th Session last session. We had a bill that went through and was passed by this body. Along with the sheriffs and chiefs, we all reached a compromise.

We believed we reached a compromise. The day after this session ended, it went to Governor Gibbons. He vetoed the bill based on the fact that one individual in law enforcement management went to him and complained that he did not like the bill. I went directly over to the Chief of Staff of the Governor and asked why he had done that. We had everyone on board with this bill and, although everyone was not happy, it was a compromise bill. We spent a lot of time on it. We came back to this body earlier in the 76th Session wanting to override that. It was postponed instead. We put it on the back burner and brought it forward here. This bill accomplishes a couple of things. It will allow a law enforcement agency to give us a copy of an administrative or investigative file maintained by the agency when a sustained finding against an officer is found.

Chair Kirkpatrick:

You are talking about this handout with the amendment ([Exhibit F](#)). You are speaking to section 4, subsection 2. Is that correct?

Ronald Dreher:

I gave you an amended copy. I tried to get everyone on board with this and present all of the amendments to the bill that we are proposing to incorporate S.B. No. 396 of the 75th Session.

Chair Kirkpatrick:

I just wanted to make sure we were working off the correct document. It is hard for us to see the old bill plus the amended bill at the same time. I just wanted to clarify.

Ronald Dreher:

On part of the documents that I did send in, I attached four or five pages that speak to A.B. 265 as amended on March 30, 2011. It was referred to your Committee. It goes through the explanation, which is what I am doing right now.

Chair Kirkpatrick:

For the Committee, Mr. Dreher is trying to amend the whole of S.B. No. 396 of the 75th Session into this bill. Is that correct?

Ronald Dreher:

Yes.

Chair Kirkpatrick:

That is a common practice this time of the year. For the original bill we are fine. This is the second piece of S.B. No. 396 of the 75th Session. It did pass

out of this Committee as well as the Senate Committee. There were only a couple people who were opposed out of all 63 members. Is that correct?

Ronald Dreher:

That is correct. There was some discussion on the floor about that. Compromise is what we seek. We do not want everyone to say that it is just the privileged few who want this. The benefits that we are asking for apply to every employee and employer. The U.S. Supreme Court case that is mentioned in the position paper ([Exhibit F](#)) is *Garrity v. New Jersey* 385 U.S. 493 (1967) which means that you are told if you have to provide a compelled statement that your testimony or what you give cannot be used in a subsequent criminal investigation. If you refuse to answer questions you could be held insubordinate. That is the admonishment. It protects the officer, it protects the employee, and it is good for everyone. It is not limited to law enforcement.

Chair Kirkpatrick:

We did have a Saturday meeting last session on this particular bill. There was room for plenty of discussion. You can go back to the minutes. They are very thorough. I did not realize that you were planning to amend the whole bill. I understand now.

Assemblyman Goedhart:

If there is an investigation where a police officer is just a witness and the investigation does not involve him, does he have the right to remain silent? Is that what you are saying?

Ronald Dreher:

Yes. If a police officer is called in right now, most officers are going to sit there and say whatever you want. We spend a lot of time training these officers to say that citizens have due process rights. If you feel that this is going to be disciplined, then they need to say that they would like a representative of their choice to come in. That is what we are trying to accomplish with this bill. They have a right to say no, but if they say no they could be held as insubordinate. The minute they are held insubordinate, the rights of NRS Chapter 289 apply. We are trying to take the air out of that right now and say here is a simple way to handle this problem. If you want to have a person come in here and provide a compelled statement that is truthful and you want an investigation to occur, this is not criminal, it is an administrative investigation, then notice them and admonish them under *Garrity* and provide them the rights that you have given to every other employee, whether private or public, in the United States under the U.S. Supreme Court case.

Assemblyman Goedhart:

I agree with that. There was a grand jury investigation that was created. They wanted to have me testify against my brother. I asked if I had the right to remain silent. I was told that if I remained silent, I would be impeding the ongoing process of an investigation. I would have been held in contempt of court. It always seems strange when that happens because I thought we had a right to remain silent. I do appreciate that aspect of this bill. Does that give the peace officers a right that we do not have in the private sector?

Ronald Dreher:

The private sector has the same rights. The private sector has *Garrity* rights and *Weingarten* rights. If you feel that you are going to be disciplined, not if the other side feels that way, but if you feel that you are going to be disciplined you have a right to ask for a representative to come in with you and you have a right to say no. If you are then told that you must answer the question, we tell our officers, do not be insubordinate and answer the question. We want to avoid any adversary in these types of administrative hearings. Both sides have the same Supreme Court rights.

Chair Kirkpatrick:

I just wanted to get some of the history so that the Committee can look back to the discussion.

Assemblyman Livermore:

Can you talk about the \$5,000 penalty for violation of NRS 289.010?

Ronald Dreher:

We have had a number of cases where there are intentional and willful violations of this law. There is no penalty for those violations. Someone could go through and violate the contract or the administrative rights. They can do all kinds of things to someone and nothing will happen to the individual who does that. I am not talking about someone who asks someone to give a statement and they do not know any better. That is different. The example I gave of an internal affairs-trained individual who intentionally, willfully, and purposely violated someone's rights when they knew better is what this legislative section is supposed to be dealing with.

For example, if you are given a notice of investigation and that notice says that we believe that you administratively violated something and you are insubordinate, then the investigator that is conducting the investigation is bound by the four corners of that notice. If they start going on some kind of fishing expedition, then we, the representatives, sit at the table with them and tell them that they are going outside the boundaries of their notice. Some of the

investigators will say that they do not care about the objection and we will demand that the person answer the question. That is fine. That constitutes a willful, knowing, and intentional violation of these people's rights. They are supposed to notice them as to what the investigation is; they are supposed to talk about that. If they willfully, knowingly, and purposely violate that nothing happens to them currently. If you commit a speeding violation and you are ticketed, then you get fined.

These things went to the U.S. Supreme Court. It is bad cases that make the Supreme Court law. In the case of *Miranda v. Arizona* 384 US 436 (1966), the penalty for purposely and intentionally violating someone's right to an attorney is that it is excluded from court. It is called the fruit of the poisonous tree. You lose and the person gets off. It is the same principle now. We are going over to an administrative violation now. We are asking that the people that are in the hot seat have the same rights. We are asking that there be a penalty if you knowingly violate that.

Assemblyman Livermore:

General citizens of the state of Nevada do not have the same \$5,000 benefit if an officer willfully and wrongfully violated someone's rights. That penalty does not apply to them. This is separate and above in the civil penalty and the internal penalty. Why would someone willfully do that?

Ronald Dreher:

The only answer I have for that is because they can. I have been in an administrative hearing in an investigation where I invoked a right for an individual. I was told that I was not allowed to say anything because, as a representative, I was not allowed to do that. We came back to this body and put in the law that the role of the representative is to be able to represent their client in order to stop that from happening. In a perfect world, we do not need any of these things. In a perfect world we do not need penalties. Unfortunately, it is not the general body that does this. It is the bad times that cause us to come to this body and ask for you to put a stop to the bad ways people are conducting investigations.

I have 26 years as an investigator. I have 27 years representing police officers in one form or another in other places. For the most part, 90 percent of the cases, if not more, are done the way they are supposed to be done. Washoe County is a beautiful model of things being done the right way. There are other agencies in this state, however, that do not care. There are state law enforcement officers who go through hell in these types of hearings. *Nevada Administrative Code* 284.656 provides for a release time frame for individuals when they go to hearings on duty. It says that the hearings have to be

scheduled while these people are on duty, and it pays these people while they are on duty. Everyone should get a penalty if they knowingly, willfully, and purposely violate the law. That is what they are there for. Without a penalty, it is meaningless and there is no purpose.

Assemblyman Ellison:

Under section 2, paragraph 2, the only people who will fall into that category and be subjected to the administrative fine would be arbitrators, district attorneys, and attorneys. Is that correct? Based on these \$5000 fines, the only person who would be asking these questions would be an arbitrator, or in court it would be the district attorney or his staff, or an attorney.

Ronald Dreher:

No. This is about an internal affairs administrative investigation when a person is called in.

Assemblyman Ellison:

Do they not do that in a trial-type setting?

Ronald Dreher:

No. They do not. It is an internal investigation where someone is alleged to have committed an administrative violation or misconduct. That person comes to an investigative due process-type hearing. The internal affairs investigator then conducts an internal administrative investigation. It is at that point that we are talking about rights being violated. It could go past that.

It happened in one case that I had where information was disseminated. The notice says that they will stay within the confines of these sections of the allegations. The people in a peer-review committee took the information that was provided in the internal affairs hearing and extrapolated that included all kinds of outside things. For instance, that there are rumors of someone being a "bad guy" and they use that against the person in a subsequent arbitration. As sarcastic as that sounds, it is not. I did not embellish that. It was done, we have heard rumors that someone did something bad. They are not supposed to do that.

Assemblyman Ellison:

I understood that this would only be used in areas like courts or hearings.

Ronald Dreher:

Nevada Revised Statutes 289.085 is what I talked about earlier. It is the baby steps that we took to provide something. That is where what you are thinking holds true. We show an arbitrator a real and intentional violation, and it falls on

deaf ears. They have done nothing with those. If they did something with those, I would not be in here today asking you to change that and give us an additional penalty. When we met with the sheriffs and chiefs several sessions ago, we stated that we would start with baby steps because we wanted something. That something was for an arbitrator or hearing officer to give someone a right to call out and say that they have violated a collective bargaining agreement, they have violated this person's rights. It has not happened.

Chair Kirkpatrick:

Let us go onto section 5 of your amendment.

Ronald Dreher:

I want to briefly go back to section 4 because I did not go through that in detail. Section 4 has two provisions. "A law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all the investigations related to this matter have concluded." It is internal. If someone goes out and commits a felony, they are not going to be placed on administrative leave with pay. They do not get that. We are talking about an administrative hearing where someone would be put on administrative leave.

The second part states that if a peace officer has received the notice of the proposed imposition of the punitive action including a notice of the right of the peace officer to attend any hearing conducted before the imposition or proposed imposition of punitive action, the peace officer or authorized representative may, except as otherwise prohibited in federal law, review and copy. This is the part where there is a sustained finding and the documents are obtained to prepare for a predisciplinary hearing. The normal course right now under NRS 289.057 is not to provide those documents to the representative or the peace officer until after the predisciplinary hearing and the officer is appealing discipline that has been imposed. A number of agencies already provide the documents to us. This is not about them. It is about those agencies that refuse to provide documentation because it is not in the law and it prevents us from any due process preparation in preparing for a predisciplinary hearing.

In one case, I spent three hours looking at an internal affairs file because the agencies do allow us to look at and tape record or digitally record the entire investigation. This will provide us a copy. It would save all of us time if they did that. That is all this does. This is something that we believe was compromised last session. It was part of the previous bill that was discussed.

The second part of that is "If pursuant to a policy of a law enforcement agency or a labor agreement. . . ." This is what is called a purging section. If there is a purging section that you have in your agreement and the file that you have has been purged, this section states that you cannot keep it in another administrative file. Sealed is sealed. Purged is purged. That is what that means.

In section 5, any witnesses or officers involved, receive a notice of investigation that gives them their rights, pursuant to the Peace Officer's Bill of Rights. That is all we are asking for. This is not going to break the bank because they currently do this anyway. The stories that I will tell you deal with this. A certain officer is called into an office for interrogation because he is a witness in an investigation. The officer goes into the investigation and is told that he is not entitled to representation because he is just a witness in this particular matter. However, if there is something that is said during this investigation, then they will stop the investigation and notice you. Why would you have a double hearing when all that has to be done is that someone is noticed and going to be involved in this investigation? There is an administrative allegation and they want the testimony. It needs to be compelled.

Obviously the *Garrity* warning takes place, the notice that states that any statements that are given will not be used against them in any subsequent criminal proceeding, and if they refuse to answer the question, they can be held insubordinate. They also have a right to the representative of their choice to sit in and help them through the process. That is due process. It is afforded to everyone in the United States. We are simply asking that it be provided here.

I think I have covered all the sections of the bill and the amendments to it. There is opposition and I just saw the amendment from Washoe County ([Exhibit G](#)) that dealt with some of the sections that we talked about. There is no dollar cost when you already have to do the same thing. It was not our intent to have someone to be paid the day before and the day of the hearing. Our intent with the word "before" was just to say that is for graveyard and swing shift officers that do not have the right to come on duty. If we had hearings on duty, during the daytime, we would never have needed this bill.

Chair Kirkpatrick:

From my perspective, I see both amendments on my desk ([Exhibit F](#)) and ([Exhibit G](#)). I had not read them and I was not informed by either side that you were bringing a full bill amendment. It would have been nice to have a heads-up that you were going to amend the full bill from both sides. Last session, we went through the same thing where everyone agreed to disagree. We sat down and ended up talking, and we were able to come to some

conclusions. This was a bipartisan support bill. We are going to sit down together with some of the Committee members, and it is not fair to the Committee for either side to come with a full amendment without our having time to read it.

Ronald Dreher:

I told Assemblyman Daly right off the bat, when we found out that S.B. 396 of the 75th Session was not going to be brought back, that we were going to be amending this bill. He was aware of that. I apologize for not going to you and telling you that. I was handed an amendment provided by the Washoe County Sheriff's Office ([Exhibit G](#)) this morning. I have not had a chance to review that in total. Yesterday, when I put this amendment in ([Exhibit F](#)) I tried to keep everyone on the same page. I have not kept anyone in the dark about what we are trying to do in this bill. I apologize for that. It was our intent to work on a compromise before coming here. I found out yesterday in talking to the sheriffs and chiefs that it was not just one person that went to the Governor. I found it was the sheriffs and chiefs that went to the Governor.

Chair Kirkpatrick:

That is neither here nor there. A lot happened last session. Government Affairs had the most vetoed bills even after we worked with everyone, including the Governor's Office, to address everyone's issues. There are only three of us that were here last session that even remotely remember part of this. I apologize for not reading the amendment, but you cannot just set amendments on my desk from both sides and not tell me that it is amending an entire bill. I would like to now call up Washoe County Sheriff's Office and go through these amendments knowing that we are all sitting down before we do the rest of it. This is not the way this Committee works. I do not appreciate it.

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

With me this morning is Mr. Pat Dolan from the Washoe County Sheriff's Office. The amendments that Mr. Dolan has ([Exhibit G](#)), as I understand, are a rebuttal to what was presented to us by Mr. Dreher. That information was provided to the Committee. We do not want to bring a whole new bill to you. It is just what is in response to what has come forward. We did work very hard last session on this. There were some real difficulties with it. I understand that.

Pat Dolan, representing the Washoe County Sheriff's Office:

I have had the advantage over my career to serve as an employer representative and have managed and represented a number of the public employee unions in Washoe County for many years and have also served almost 30 years as a hearing officer for the state Personnel Commission. I apologize for the disjointed presentation. I did not see the amendments that were added to the

bill until late Wednesday afternoon. I looked at it and made the original presentation because they said they wanted a rebuttal by nine o'clock on Thursday morning. I spoke to Mr. Dreher that night and briefly discussed this matter. In three pages, I have tried to take all of these amendments and put them in order. At our office, we try to be unreasonably reasonable. We try to accommodate the interest of the employer, the employee, and the public.

We already provide witness notice. The one concern we have addressed here is that a *Garrity* warning is given and the witness is noticed. We do not believe we should be required to have the 48-hour notice on a witness. We do give the witness time to secure a representative. We have addressed an issue that is pertinent and is sound public policy; if you have a representative for the witness, that representative should not also be the representative for the subject until the matter has been concluded to maintain the confidentiality and the quest for truth. That is all we are looking for. We instruct our staff to look for the truth and follow it where it may. In some instances, you can have individuals disclose, during the course of the investigation, that they have a problem. We recess that problem and notice the individual at that time.

Chair Kirkpatrick:

Assemblyman Daly never said anything to me about amending a whole bill into another bill. Mr. Dreher, you need to have that conversation with him. We are looking at a nine-page document ([Exhibit G](#)). You are looking at a three-page document ([Exhibit H](#)).

Pat Dolan:

The three-page document ([Exhibit H](#)) was submitted to clean up the language and puts it in order. If you look at the document that was presented ([Exhibit G](#)), it has a whole section at the end that goes back and amends and adds back into the beginning of the bill.

Chair Kirkpatrick:

So we should go to the three-page document?

Pat Dolan:

Yes. It cleans up the language from the other document and puts the bill as we would like to see it written. That was based on going through and reacting to Mr. Dreher's amendment on a few hours' notice. We wanted to go back and put something together so people will be able to follow it better.

Chair Kirkpatrick:

Just to recap: we have been through Mr. Dreher's amendment ([Exhibit F](#)), the document that is nine pages is something that can go back and be read at a

different time, and the proposed amendment which is the three-page document. We are working off two different sets of amendments. There is no bill. That is problematic. This is not how this Committee works.

Pat Dolan:

I agree. We reacted to the bill with the amendments that were made March 30, which we never received. I prepared that analysis ([Exhibit G](#)) and it states why we object to the bill and where we agree with the bill. We then went back through and customized it.

Chair Kirkpatrick:

Section 1 of the proposed amendment ([Exhibit H](#)) should be section 4 of the amendment that was given by Mr. Dreher ([Exhibit F](#)). That is where we will start. I feel like we should have someone pull S.B. No. 396 of the 75th Session and we should start over. We will have this discussion in a subcommittee on a Saturday where we can spend some time.

Pat Dolan:

I took the proposal with the amendments that were set at the back that went to the front ([Exhibit G](#)) and put the statute, as written, with the changes that we proposed based on what Mr. Dreher has put in and what we already do ([Exhibit H](#)). Since he has raised the issue on NRS 289.060(1) regarding notice to the witness, we already do that. The problem we normally see with the witness is that we run 24 hours a day and 7 days a week. To be efficient and fiscally responsible, we have negotiated 8-, 10-, and 12-hour shifts, depending on the operational needs and how we can provide those services such as the detention facility. That creates problems in getting a representative at night. There should be a reasonable notice provided to the witness to get a representative in there.

Chair Kirkpatrick:

Will you go through your amendments? We will have to go back and compare them side by side. We do not have one or the other to work off of. Will you go through your amendment so that we can hear what the changes are?

Pat Dolan:

In this amendment ([Exhibit G](#)), I have taken the existing statute and listed the amendments that our agency is proposing to clarify the existing law. In section 1, subsection 1, we clarify that a witness is entitled to a notice of that capacity and it should be in reasonable advanced notice to allow representatives to be secured. If there is going to be a representative in a confidential investigation, we are asking that the law specify that the representative not be the same representative as the subject has until the matter has been concluded.

That protects the confidentiality and our quest for the truth. After the investigation, has been concluded, if the representative wants to represent the subject of the investigation we have no problem with that. We just want to maintain that we are getting the truth during the investigation. Mr. Dreher is right. Sometimes in the investigation, there is evidence disclosed that could lead to other charges. When that happens our people are instructed to terminate the investigation as to that particular matter. We will notice the individual and give them an opportunity to prepare and come forward on that. That is addressed on page 2 in paragraph (c).

At the bottom of page 1, there was a question about compensating individuals who are required to come in for an interrogation or hearing at the direction of the agency. We are a 24-hours-a-day and 7-days-a-week operation. We have many different operating hours. Rather than just say that the individual can have the hearing during his regular work hours, we are not going to find many representatives or attorneys that will want to come over in the middle of the night. We can flex our internal affairs people to come in during that time. We would suggest that a better resolution, given the current economic times, is that we flex the time of the employee. If it is not practical to either flex or serve on the regular time, we have no problem paying regular compensation, including any rollups for shift differential or overtime. We are liable for that under contract. We have no problem with that.

In section 1, subsection 4, that is affirmation that we give the *Garrity* warning. We give the *Garrity* warning to the subject and we give the *Garrity* warning to the potential witness just to cover our bases. There is no reason not to give it. Paragraph 5 differs with Mr. Dreher from the point of view that he indicates that we should pay regular pay for interrogations, hearings, administrative proceedings, and such. That may include worker's compensation or unemployment compensation claims. We think that the better law balances the interest of the employer, the employee, and the public when we direct the person to come to a hearing or interrogation. We will pay for it under the same system. That is only fair.

In section 2, subsection 2 which amends NRS 289.057, Mr. Dreher talks about what is to be done with an immediate suspension without pay. We are suggesting the addition of "except as agreed as a result of a collective bargaining agreement." Our unions, both supervisory and nonsupervisory sheriffs, have in their negotiated contract that we can immediately suspend an officer where we have gross misconduct or clear public safety interest implications. Should we not be able to sustain that charge either through the ultimate investigation or any other proceedings, we are still liable to reinstate that officer with full pay and benefits. That is protected. That is part of our

contracts currently. I would suspect that the major police agencies in this state that represent 90 percent to 95 percent of the police have similar provisions in their contracts. It is a good time to put that in the law. That is what is happening in the street.

In section 3, we already allow access to our administrative files once the matter has been concluded. In the notice, as proposed, we set forth the facts as found by the investigators. We set forth the subject of the discipline. Their representatives can see the files and look at them. We have no problem with their copying those files or duplicating those records. It should be at their expense, but we will allow that information to be made available.

This brief synopsis takes Mr. Dreher's activity and condenses it. The one exception is that we are against the civil penalties. We are against them for a number of reasons. Mr. Dreher indicated that the law already provides a sanction. This is a sanction. The evidence is excluded. I do not know if, in his opinion or experience, the hearing officer ignored that when there has been a violation. I do not know why he would indicate that it would be anything different. If he is talking about a separate action, he has an unfair labor practice available to him. He has court available to him to enforce that. When I was the attorney for the union, including Mr. Dreher's union, if that happened, I would take the decision up on appeal to the court. As for that issue, if I proved that there was willful and intentional violation and it is on the record, I would seek the court to overturn the judge. As far as that evidence is concerned, it is mandated that it shall be excluded. It is one-sided. We should have an action. We have had experiences with our union where they take agreements and the day before the arbitration, if we will not settle, they drop the case. We had one last year where our union took us up on a management right issue. It was over the management's right to manage a unit. We could not transfer except for disciplinary purposes. We tried to convert a refusal to allow an individual to transfer because of work performance. The issue was in violation of that management rights clause. When the arbitration came back that the association was wrong on the facts of the law, we did not seek to have damages and attorney fees. Those are very rare exceptions. If that happens, they should be going to the governing board of that particular agency and launching a protest as to that happening. We try to establish reasonable work rules and have them enforced reasonably. There are exceptions that occur. When those happen we address them. We do not put cookie-cutter solutions onto that.

Chair Kirkpatrick:

I doubt there are going to be many questions because we are trying to get everything together. My Committee is quite capable, but the format in which we were given these amendments is unfair to us. I am telling both sides that.

This is not how we do things in Government Affairs. We are a very fair Committee. We are very efficient. This is not fair to the Committee, and I am not going to make them go through it right this second.

Is there anyone that would like to testify in opposition of A.B. 265? Please try to speak to the amendments that we are trying to work off of.

Frank Adams:

We have not had an opportunity to digest the amendments that were brought forward by the Washoe County Sheriff's Department. I will not speak to those. [Read from prepared text ([Exhibit I](#)).]

Chuck Callaway, representing Las Vegas Metropolitan Police Department:

I would like to echo the opposition that Mr. Adams just stated. I have a labor relations expert for the Las Vegas Metropolitan Police Department in Las Vegas, if the Committee has any specific questions.

Chair Kirkpatrick:

Are you opposed to the bill as a whole, with the amendments? Did you see Mr. Dreher's amendments?

Chuck Callaway:

I saw Mr. Dreher's amendments on Wednesday evening. We were opposed to those amendments. At first glance, after looking at the Washoe County amendments, I would say that we would support that, but we would like to have further discussion.

Javier Trujillo, representing the City of Henderson:

We concur with the comments made by the Las Vegas Metropolitan Police Department (LVMPD) and the Sheriffs' and Chiefs' Association. Our police department would like to participate in the conversations with all parties involved.

Chair Kirkpatrick:

Is there anyone else who is in opposition of A.B. 265?

William A. Bainter, Lieutenant, Highway Patrol, Nevada Department of Public Safety:

The Nevada Highway Patrol, Parole and Probation, Capitol Police, and Fire Marshal are all in opposition of this bill for reasons that Mr. Adams stated in his testimony.

Mike Snyder, Director of Labor Relations, Las Vegas Metropolitan Police Department:

I have been on both sides of the table on this and many other issues since 1977 when I first started out as a police association president. I left the police department and went to work for a Teamsters' local out of Portland, Oregon. I was a business representative for public sector employees including police officers for five years before I moved to the management side. I have been with the LVMPD for 14 years. I would like to offer a couple of clarifications that may ease the process a little bit. It has been confusing with respect to the paperwork. There are a couple of provisions in Mr. Dreher's modifications ([Exhibit F](#)) that are already part of statute that are italicized and appear to be additions that are not.

Under section 4, for NRS 289.057, it talks about how "a law enforcement agency shall not suspend the peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded." That is currently in NRS 289.057. Where they are talking about the administrative files in the portion that is italicized, that is also currently in the statute with respect to maintenance and removal of files if you have a purging system.

It is important to show you how the statute works currently. I have to defer to what we have experienced in southern Nevada. We have had at least two cases where the Peace Officer Bill of Rights has been challenged in the arbitration process. In one particular circumstance, an arbitrator dealt with it effectively. He indicated that there was no violation of the Peace Officer Bill of Rights and proceeded as necessary in that arbitration setting. In the second setting, we had an arbitrator rule against us as far as having violated the statute. He adopted the remedy that was appropriate under the statute. That was that that evidence was not a part of his decision. He excluded that evidence. The statute that is in place is working. I do not know what Mr. Dreher's experience is with arbitrators. If arbitrators make bad decisions, they no longer work for us. Everyone who utilizes arbitration has that opportunity. The system does take care of itself.

I agree with Mr. Adams as well as far as his opposition piece. *Nevada Revised Statutes* Chapter 289 is fine as it is. Anything the Committee does that is going to create greater administrative burdens for the agency makes things difficult for us. It creates issues for us in getting to a speedy decision. We, as Washoe County, notice our witnesses. That does create an administrative burden. It delays and extends investigations out. We live with it. We have the ability to do that at this point in time. We have the bodies to do it. All of the other agencies in the state are going to be facing some reductions in that arena.

It is going to become more difficult for us. We are asking that no more administrative burdens be placed on us as a result of that. One example of that is the copying of files before it gets to a potential grievance situation. We allow employees to come in and view the files. We have an area set up just for that purpose so that they can come view the files, get information, and make a determination whether they are going to proceed with a grievance and/or arbitration in the setting. If they do proceed with a grievance, we do make copies.

Chair Kirkpatrick:

This is like starting from scratch. I will put this bill on the agenda for next Thursday night starting at 6:00 p.m. rather than to keep going through it. We have a very long agenda today. I am not sure who is on what side at this point. It is not fair to my Committee to have to spend this kind of time. We are not sure which amendment we are even following or what the bill does because this is not what we scheduled for today. I apologize that this happened today, but apparently you all had way more information than the Committee had.

Charlotte Bible, Assistant General Counsel, Las Vegas Metropolitan Police Department:

I understand. I will be there next Thursday.

Chair Kirkpatrick:

Hopefully you can work it out amongst yourselves and bring us a whole amendment. Is there anyone else who wants to testify on A.B. 265 that cannot wait until we put this to a real hearing next Thursday night? [There was no one.] We will now close the hearing on A.B. 265. We will now open the hearing on A.B. 278.

Assembly Bill 278: Provides for the consolidation of fire departments in certain counties. (BDR 22-530)

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

Assembly Bill 278 is designed to encourage the local government authorities in Clark and Washoe Counties to consider consolidating fire departments in their counties. The bill was drafted after the Las Vegas Metropolitan Police Department (LVMPD) language which this Legislature enabled back in the 1970s. It does not mandate anything. It only applies to two counties: Clark and Washoe. It enables them to consider consolidating the fire departments in those counties.

After this bill was drafted, I discovered that there is actually one other fire department in Washoe County. It is the airport authority. I would like to

propose an amendment to include that. Right now, it is limited to cities and counties. We would also have an amendment that would also encompass the airport authority fire department.

When I raised this issue last fall, many people came to me and told me it was a great idea. One thing about fires is that they do not have geographic boundaries. When we created all of the fire districts with cities and counties, it was because there were spaces between the different entities. Now, everything is one big suburban area in Clark County. There is no reason to have several fire departments. Las Vegas, Clark County, and North Las Vegas share the same dispatch. A lot of this process has already been started. We are encouraging them to go forward and try to start the dialogue. This may get confused with all of the overtime issues in Clark County.

The reality is this is going to save money. There have been a lot of questions raised about how money is going to be saved. We do not know that for sure. Anytime you can expand the number of firefighters involved, it is easier to spread out the overtime and eliminate overtime. Many of these overtime issues are because we cannot afford to hire new firefighters. This bill would enable the counties and cities to hire more firefighters. The administrative ranks are where the savings are going to come from. For example, in Clark County, if we consolidated Las Vegas, North Las Vegas, Clark County, and Henderson, there are four fire chiefs involved. If we eliminated three of them, we are going to save a million dollars right off the top. There are huge savings. It is an issue that we should bring forward. We used to grow so fast that we had to worry about these things. Now, we have to start looking at how we can deliver our services less expensively and more efficiently.

Assemblyman Ellison:

What about the collective bargaining and the bargaining units? Would this bill address them as they come into play? Are they already under the same bargaining units now?

Assemblyman Segerblom:

Right now, each city or county has its own bargaining unit. This bill, as the LVMPD bill in the '70s, keeps those structures in place until they are merged. Theoretically, there would end up being one large bargaining unit. In the meantime, it keeps what is there and the different positions in place. There is no requirement that you cherry-pick the highest salaries. The thought would be that once you merged, then you would go back and reduce salaries or spread them out. That would all have to come out later. Instead of one fire union and one collective bargaining agreement, there would be at least four in Clark County. I am not sure how many in Washoe County.

Chair Kirkpatrick:

Last session this Committee had Assembly Bill No. 494 of the 75th Session which asked local governments to go back and look at some ways that they could consolidate. We asked them to start with their highest expenditures. This is one of the expenditures that was brought back to us.

Assemblyman Segerblom:

This calls for an elected fire chief. That is based on the LVMPD model. Anything is flexible, but I think it is time to start the discussion. It seems like a place where consolidation would have huge financial benefits over time.

Chair Kirkpatrick:

The elected fire chief with no qualifications makes me nervous. I could be fire chief and that would scare all of you.

Rusty McAllister, representing the Professional Fire Fighters of Nevada:

I will address the qualifications issue shortly. Are we creating something new here? The answer is yes and no. It is important to know that there is history with this taking place. This is not a new concept. In 1977, this Legislature approved Assembly Bill No. 613 of the 59th Session. It consolidated the fire departments in southern Nevada: the Las Vegas Fire Department and the Clark County Fire Department. They were consolidated. The bill was passed and that made it happen. Unfortunately, the way the bill was drafted and passed, it stated that the city commission was the responsible party and they had all of the authority to do this. Clark County did not think that was a good idea. Clark County sued. They had already consolidated to the point where they had moved into the city offices. Clark County then pulled back out. It ultimately went to the Nevada Supreme Court. The court ruled in favor of Clark County and stated that, based on the fact that the city commission was in charge, they disenfranchised the voters of the other part of Clark County. Therefore, it was unfair and it was done away with. It has not been brought back before this legislature since 1977. Had this been drafted differently back in 1977, we would not be having this conversation today. We would only have one fire department in southern Nevada. This is not a new concept.

I have heard many questions about why this bill is being proposed. We were never asked before whether or not we were interested. The Reno Mayor, Bob Cashell, supports the consolidation of fire services. I do not exactly agree with the Mayor's premise for wanting to consolidate. He wants to consolidate to throw out the collective bargaining contract so he can go to three-man engine companies. At least he is talking about it. There have been several articles in the papers about consolidation. Assembly Bill No. 494 of the 75th Session was passed and it asked for a report from the local governments with

regard to the ability to consolidate or consolidation efforts for certain services. Some of the local governments put a lot of effort into this. Some of them did not. I have part of the report from the City of Reno and Washoe County. It says that because fire services are contracted between county and city, no templates were necessary to identify ways to share services. That was the extent of their report. What they did not show you was that the Truckee Meadows Fire Protection District talked about the current consolidation that has already taken place between Truckee Meadows Fire Protection District and the City of Reno. Washoe County's report also failed to mention that they had Diamante Public Sector Group conduct a study in 2009 that looked at the feasibility of consolidation. They could have added that in, but they chose not to.

The local governments in southern Nevada, the City of Las Vegas and Clark County, both gave a report of what their fire departments do and what they are capable of. They did not discuss consolidation efforts. The only local government in southern Nevada that really put forth an effort on this consolidation of fire services was the City of Henderson. They did an outstanding report. It is multiple pages. It goes through every division within their department and discusses why consolidation for them might not be a very good option. Many of the things that they already have in place would make consolidation a bad option. We recognize that and we appreciate the work that they put into their report. If their system works, then maybe they do not need to be looking at consolidation.

Everyone is talking about consolidation, but no one is doing anything about it. There is some work up in Washoe County right now that is taking place. Nothing has been brought forth to you, the Legislature. We want to step up to the plate and try to make something happen.

The next question I have heard asked is, does it save money? I do not know exactly. I cannot give you a figure that says it will definitely save money. I can say that in the long run it will. If you use what is already out there as far as reports, it will be possible. I will refer back to the Truckee Meadows Fire Protection District. Over ten years ago, the Truckee Meadows Fire Protection District and the City of Reno Fire Department consolidated. Truckee Meadows contracted service with Reno. In this report, it said that they did a ten-year analysis. It was reviewed and confirmed by the city and it was stated that over the ten years, the City of Reno saved approximately \$25 million and the Truckee Meadows Fire Protection District saved a little over \$12 million. In 2008 and 2009, they saved between \$5 and \$6 million. It can save money, especially if you look at the fact that the Truckee Meadows and Reno Fire Departments were about 350 persons combined in the two departments. In

the southern Nevada fire departments, you are looking at somewhere between 1,500 and 1,700 personnel. If you extrapolate the savings that took place in Washoe County by that small consolidation, it could feasibly weigh out to a lot of money in southern Nevada.

Assemblywoman Bustamante Adams:

I do not believe that the Committee members have the document you were reading from.

Rusty McAllister:

They do not. I can provide any of these reports back to the Committee if they would like.

Assemblywoman Bustamante Adams:

That would be helpful.

Assemblywoman Neal:

I am looking at section 18 of the bill. It says that the employees that are a part of this merger shall hold positions of rank and grade comparable to their positions before the merger. In the cost discussion, if you are one of the deputy fire chiefs or fire chiefs that are removed, what is the cost savings if you keep your same rank and grade?

Rusty McAllister:

In section 17, subsection 2, this is the part that is different. It says, "Upon merger, the fire chiefs of the participating political subdivisions, the deputy fire chiefs of the participating subdivisions and the assistant fire chiefs of the participating political subdivisions are entitled to obtain employment with the department of positions with which their leadership abilities warrant."

Assemblywoman Neal:

I read section 17 as well. They worked in conjunction with each other because if you are going to maintain the same position your leadership mandates, then you will get paid the compensation that equals that leadership ability. Is that correct?

Rusty McAllister:

They would not maintain the same rank. There cannot be three or four fire chiefs in one department. We will go through the sections of the bill shortly. You would have one elected fire chief, the other fire chiefs of the current departments would also have the ability to seek employment, but they would not be the fire chief. When the LVMPD consolidated back in the 1970s, it was

set up where the sheriff remained the sheriff; the chief of the LVMPD became the undersheriff. He did not become the chief either.

Assemblywoman Neal:

How much will those positions get paid under consolidation? It says, "comparable rank and grade." What is the cost savings? Are we going to take \$20,000 out of their salary because they are not fire chiefs?

Rusty McAllister:

That would be determined by the new fire chief. It would be a new department, and it would be determined by the new fire chief. If you are only looking at the salaries of upper administration for cost savings, you are short-changing the bill. There are many more opportunities for cost savings. The Diamante study in 2009 looked at the departments in northern Nevada and the summary of the major findings indicated that streamlining consolidating administrative management training and fire prevention services through a single governance model would save money and increase efficiency and effectiveness.

Assemblyman Segerblom:

The intent is that when the merger initially takes place, you do not want people trying to fight for jobs. Once everyone is all under the same administration, then the fire chief and the administration come in and start to streamline. They then figure out where the savings are. We do not want people losing their jobs simply upon passage of this bill, other than the three fire chiefs. People will be given different roles, but the cost savings comes over time as it starts to level out and the administration is spread thinner. It is the long-term savings that we are looking at.

Chair Kirkpatrick:

Some of the equipment purchases would be huge savings for us.

Rusty McAllister:

I listed some of the areas where we could share services. There are duplications of services. There are multiple administrations. Over the course of time, those would deplete. Some chiefs would choose not to go to a new department at a lesser position and would choose to retire. We have multiple training divisions; we have multiple fire prevention divisions; we have multiple maintenance divisions. Communications, at least in southern Nevada, is run out of one center. This is for the City of Las Vegas, North Las Vegas, and Clark County. That is already combined. They already pay for that on a base. There is a formula that they have used to split the costs of that. If a fire department is going to go out to bid for five new fire engines, a bid could be tacked onto; but if there is a bigger department that is going out to bid for 15

fire engines, then we can get a better price for 15 than we can for 5. It is a larger buying group. There is also duplication of services. Each local entity has to dedicate people to human resources, budgeting, and grant coordination. Every department has its own grant coordinators. They are all applying for the same grants; there is no coordination because they all want things for their department. It would be nice if all of them were coordinated. If there was one department, that effort could be coordinated.

Assemblywoman Benitez-Thompson:

I am trying to reconcile a couple of pieces of information to see how it all plays out. The Diamante Group did a feasibility study in 2009. They referenced a single-governance model. I have not read the study. I would like to see it and see if it gives some analysis about different model types. When you referenced cost savings and the City of Reno, you talked about how they saved \$10 million with the consolidation with the Truckee Meadows Fire Protection District. That model is not the model that is prescribed in this bill. Section 14 states that if consolidation is going to occur, this is the path that has to be followed. If the only place in the state that is doing this so far has figured out a model that worked for them, why would we look at legislation that excludes other types of models that might work for different districts that is not written in here?

Rusty McAllister:

You are right. In this bill there is one model. I did not want to reinvent the wheel. There is a model for consolidation in southern Nevada that has worked. It is the LVMPD for a large consolidation of a large entity. There were rough spots in the beginning. It has become one of the top law enforcement agencies in the world at this point in time. The sheriff is elected; he does an extremely good job of managing his department. It has become a good model. We put that model in to start out with.

With reference to the consolidation in northern Nevada, although they have saved money, there are some problems. It is not what it appears to be on the surface. The City of Reno Fire Department is having brown-outs daily. They are shutting down three to four stations a day, every day. They have a contract with the Truckee Meadows Fire Protection District, which has six fire stations. That contract says that they could also brown-out a Truckee Meadows Fire Protection Station, but if they do, they have to return the amount of money that they saved back to Washoe County on a prorated basis. Reno has not been willing to do that. They would rather shut down their own stations, keep all the money, and have the Truckee Meadows Fire Stations running into the City of Reno to pick up the slack for where they shut down service.

Another thing that is a problem in northern Nevada is that there is a third fire protection district in Washoe Valley. It is called the Sierra Fire Protection District. They have three fire stations: one in Galena, one in Washoe Valley, and one in Verdi. The problem that is presented is that the City of Reno keeps annexing land. When they annex land, many times they will annex land that has high commercial value. They are annexing the tax base away from the Sierra Fire Protection District. It is to the point where they have actually annexed the land where the Sierra Fire Station in Verdi sits. It now sits in the City of Reno. They have annexed the fire station. It is a separate fire department. They are annexing the tax base away to the point where Sierra has to drop down to three-man engine companies because their tax base has dropped.

The City of Sparks simply said no. They did not want to play. That seems to be the position they have taken on a lot of things. I have talked to a representative from the City of Sparks. He said that he was interested in what we have to say on this issue. He also said if there were ways to show efficiencies, he would be interested in finding out more. Up to this point, they have chosen not to participate in consolidation discussions. The Reno-Tahoe Airport Authority does have a fire department. I call it the little Shangri-La oasis. It is one station within the Reno-Tahoe Regional Airport. They manage it. It seems to run very well. None of the studies that I have seen thus far have included the Reno-Tahoe Airport Fire Department in it. I do not know if it would be a good thing or a bad thing to consolidate with them. The reason we included airport authorities in this bill was because of recent discussions by some elected officials in southern Nevada who discussed the idea of privatizing the fire department at McCarran International Airport in Las Vegas. We did not think that was a good option.

In northern Nevada, although it looks good on the surface and they have saved money, a good portion of the money they have saved is on the backs of layoffs. The City of Reno has laid off 32 people, which followed 14 that they laid off before. Right now, the City of Reno is considering whether or not to take a Staffing for Adequate Fire and Emergency Response (SAFER) grant. That is a federal grant. They could hire ten firefighters back. They could get \$2 million from the federal government right now. They are debating. The reason they are debating is because they do not know if they want to take it because there is a provision in that that says if they take that money, they cannot lay more firefighters off. They want to have the ability to continue to lay people off.

Assemblyman Anderson:

Firefighting is not an easy job, nor is it a simple job. There is an amazing amount of technical skill involved to say the least in any line of firefighting. Even with the qualification, if we mandated some sort of requirements that you have to have for the elected fire chief position, do you think that any of us here would be good judges of those qualifications? Do you think that any voter would be a good judge of what it takes to run a good fire department? Does this exist in any other jurisdiction? Would we be the first to do this?

Rusty McAllister:

There are elected fire commissioners. The fire commissioner will appoint a fire chief in certain jurisdictions. The flat-out election of a fire chief is a new model. We would be number one in something. In the amendment that I have supplied, there are qualifications for the fire chief. Not just anyone could walk in off the street and become the fire chief. There are requirements that are fire-related, education-related, and experience-related. I do know the strenuous part of the job. As soon as this session is over, I will be back riding the fire engine.

One of the reasons we put in the concept of an elected fire chief was because we asked Clark County at one point in time where they were at with that report that was mandated by this body. Two days later, there was a press conference between the mayor and a county commissioner. They said that they were going to look at consolidating services with the fire services. My understanding and my conversations with the former fire chief of the City of Las Vegas were that they were given direction to, within the next 30 days, look at services that they could consider consolidating. Twelve days into the 30 days, another press conference was held. They had decided they were going to consolidate the hazardous materials team and the heavy rescue team between the City of Las Vegas and Clark County. Clark County did not really consolidate. They just shut theirs down. Now the City of Las Vegas handles all hazardous materials responses in the Las Vegas valley. No one else has a hazardous materials team. The heavy rescue team in Clark County is one of the top heavy rescue teams in the United States because they are a part of the Federal Emergency Management Agency (FEMA) urban search and rescue program. There is a team in Las Vegas called Nevada Task Force 1, they shut down a lot of the people that provide service to that team. We have found that there are a lot of things done for political expediency and not necessarily for the right reasons. We do not want that to happen.

Assemblyman Anderson:

You are right about the heavy rescue team. I work with them in my line of work on the Strip rescuing tourists out of elevators. They are really good at what they do.

Rusty McAllister:

Currently, the North Las Vegas Fire Department is threatening 70 layoffs. That shows that the level of commitment is not equal between all partners in southern Nevada. The Henderson Fire Department is the model fire department in southern Nevada. They do a great job. They have done their own emergency medical services (EMS) transport business. They provide all of those services. Their fire chief, who is retiring soon, does an outstanding job leading their organization. He will be sorely missed in the Las Vegas valley.

I will just go through the bill quickly. I copied this language. There are other fire department models out there. Orange County Fire Authority in California and the Tualatin Valley Fire and Rescue in Oregon are large metropolitan areas that have done consolidations and have been very successful. Sections 1 through 13 of the bill speak about the Legislature's desire to look at consolidation and the definitions. Section 14 speaks about counties of 100,000 or more. That is currently Clark and Washoe Counties. Section 15 states that this is enabling language only. No entity has to do this. It basically says that if they choose to become a part of this, then they need to pass an ordinance stating that that is their intent. Section 16 says that the new department will become an official body. The previous departments that are there will no longer be in control. Section 17 states that the fire chief is elected. Other chiefs can be employed in positions for which they qualify. I did add in the amendment ([Exhibit J](#)) to put in qualifications for the fire chief.

In section 18 the employees of the departments would be retained. One of the things in the LVMPD consolidation years ago was a provision for the ability to cherry-pick the contracts. We knew that that was a nonstarter in this Legislature. We stepped up and took the provision out. We are simply saying that you cannot enhance benefits or decrease benefits until a new master contract is negotiated with the new employer. Sections 19, 20, and 21 speak to the department and the employee rights upon dissolution of the department, in the case that the department is dissolved. Section 23 is the establishment of a fiscal affairs committee similar to what LVMPD has. There are two representatives from each entity that are involved in the consolidation and one person appointed from the general public. They oversee and approve the final budget and various purchases of capital equipment through the fiscal affairs committee.

Sections 23 through 28 outline the requirements and responsibilities of the fiscal affairs committee. Section 29 talks about the funding-apportionment plan. There is formula for how to fund this. I will not try to pretend that I know exactly how this works. There are people that are way above my pay grade who have the ability to do that. I have brought this bill to

Ms. Carole Vilardo from the Nevada Taxpayers Association to at least review it. She knows more about taxes than I do. She said she would look at it. I have not talked to her since then to find out what, if any, her concerns are. We followed the LVMPD model.

Sections 30 through 34 speak to the county auditor, who will set up a treasury account to receive and distribute funds. Section 35 establishes a taxing district to raise funds for the department. Section 36 says that the fiscal affair committee may authorize and borrow money to fund capital projects. Section 37 means that the department may ask voters for voter approval for an ad valorem tax to hire additional fire fighters. Section 38 means that the county would be responsible for collecting that ad valorem if it is approved by the voters. Section 39 addresses the ability to purchase equipment. Section 41 speaks to the powers of the fire chief in the department.

This will cause some concern amongst some of the opponents of this bill. That is the private EMS companies. The bill states that the contracts from the old departments will be dissolved and renegotiated with the new department and the new fire chief. It is not our intent take the private EMS out of business. They are our partners in both southern and northern Nevada. There is room for improvement. This would require them to step up to the plate and renegotiate contracts. It would force them to better reflect the new level of service that would be demanded by the public and the new department.

Section 42 speaks to the department establishing a disability plan. Section 43 says that the fire chief sets the policies and procedures for the department. In section 44, a system of civil service is established. Section 45 says that the department would be considered a public employer and would fall under provisions of the Local Government Employee-Management Relations Board. Section 46 says that all bonds, contracts, and franchise agreements will inure to the new department. Section 47 states that all personal property from the previous political subdivisions shall become property of the department. Section 48 states that all real property of the previous political subdivisions will become property of the new department. Section 49 talks about legal issues and the need to report all injuries within seven days.

There was an article in the paper when this bill first came out talking about firefighters trying to throw up a smokescreen. I would submit to you that we are not. This is not a smokescreen. We are stepping up to the plate here. We put the no cherry-picking into the bill to get a contract to make this happen. I have found some of the comments about this bill disturbing and insulting. Mr. Tray Abney from the Reno-Sparks Chamber of Commerce suggested that he did not trust us. I find that interesting, considering that he is talking about

consolidating their chamber of commerce with northern Nevada Chamber of Commerce and the Economic Development Authority of Western Nevada. Consolidation is good for him, but it is not good for us. That is disturbing to me. Ms. Carole Vilardo was quoted saying that she had concerns. She discussed these with me about the election of a fire chief and also the private EMS part of it. We have talked about some of that. We are going to agree to disagree. One of the commissioners in southern Nevada said that he opposes this proposal specifically. I find that ironic. This is the same commissioner that sits on the fiscal affairs committee for the LVMPD that approves their budget. During the last contract negotiations and the final submittal by the LVMPD he has been quoted in the papers saying that the police officers have really stepped up and are the best out there. He also lauded Mayor Gillespie. I find it interesting that he would say that about the organization that he runs, but he would oppose the proposal to do the same exact thing for our department as for the department that he sits on the fiscal affairs committee for.

Private EMS has concerns about this bill. They will testify against this bill because of the franchise agreement part of it. This does not preclude them from going and being in business. Nor does it exclude them from negotiating contracts with the new department. There is a need for service. They will be providing that service. Those service needs may change and it makes no sense for them to negotiate with the private entities that will no longer be in that discussion. They will not be in that service. The new department would be in that service. They would be the first responders. They will be able to negotiate new contracts. The Nevada Fire Chiefs Association (NFCA) is going to oppose this bill. Many of the chiefs that are in NFCA would not be affected by this bill. I can understand why some of them might have concerns. Many of them will not be the chief anymore. We would hope that they would step up to the plate and recognize that consolidation may not be a bad thing. If there are efficiencies in government and the way we do business, it is for the better. We work together every day in the departments in both southern and northern Nevada. We cross county lines. No one cares if we show up at their house in a red, yellow, or white fire engine. They just want to make sure that someone shows up.

Assemblyman Livermore:

Will you explain section 35, regarding the taxing district? If the counties are at the maximum of their property tax, what difference would it make if you created new taxing districts? What authority would you have to create the new revenue? Where would that come from?

Rusty McAllister:

I do not know a lot about taxes. Some of this is cut, copied, and pasted out of the current language of the LVMPD. There is a taxing district in Clark County. There are several different taxing districts in Washoe County for fire protection districts. Those taxing districts are already in place.

Assemblyman Livermore:

Would it consolidate those taxing districts? Would it create a whole new taxing district? Would it create new revenue?

Chair Kirkpatrick:

I do not believe so. We can check with our tax staff and get that answer. I would prefer we do not put something on the record if we do not know the right answer. I have been thinking about these tax-related issues as well. Some areas have bonds that are out; how would that play out? That is a better question for someone within the fiscal staff. We will start with those that are in favor of A.B. 278. [There was no one.] Is there anyone who is in opposition of A.B. 278?

John Wilson, Founder, MedicWest Ambulance, North Las Vegas, Nevada:

I am here in opposition of Assembly Bill 278, on behalf of MedicWest Ambulance and American Medical Response. While the dialogue of consolidation, on its face, is intriguing, this bill is so problematic that we feel obligated to oppose it outright. [Read from prepared text ([Exhibit K](#)).]

Chair Kirkpatrick:

From what I understand, section 17 and sections 22 through 25 are the major concerns. I think Mr. Wilson might have addressed all of the issues with this bill for those of you who are in opposition. However sections 22 through 25 are your major concerns. Is that correct?

John Wilson:

We are also concerned with section 41, where we have language that states on line 18, "After the formation of a department, contracts to furnish fire fighting or emergency medical services must be made with the department and not with a participating political subdivision." It shifts our franchise agreements under the fire service. That is obviously a significant issue for us.

Assemblywoman Bustamante Adams:

I appreciate your testimony. I might have missed a couple of things. I thought that Mr. McAllister's point was that there is room for improvement. I specifically heard him say that the goal is not elimination. There may be a need for an evolution of services for our community.

Assemblywoman Flores:

There was also a point made that there was going to be some qualifications put in the bill for a fire chief if, in fact, they kept an elected fire chief. I am sure that back in the 1970s when the police department was also consolidated, there were many of the same concerns we are hearing today. Usually when there is a big change involved, everyone is concerned and nervous about it. We are naturally afraid of change. I agree with Mrs. Bustamante Adams that there needs to be some sort of an evolution. We should not consolidate for the purpose of consolidating. However, in this case, I can see the argument that there would be some significant savings and efficiencies achieved. The world is not going to end if we support consolidation.

John Wilson:

It is important to note that through the years, local government has acted as the group wholesale purchaser of our services. Every aspect of our service, such as calls for service, rates, and response times, are set by local government. It is not set by us. It is monitored by local government. It is confirmed by Global Positioning System (GPS) technology. We pay penalties for long responses. We pay over \$1 million in franchise fees to local governments every year. The evolution that we are discussing has happened as recently as 2009. There was yet another update. We have always said that if there is the ability to do things that are good, not only for the community but what works for us and our employers, we are more than happy to work with every jurisdiction on that. We have worked collectively through the regional franchise jurisdictions to do just that. We have never opposed that. We have always supported working collectively.

John Slaughter, representing Washoe County:

The Washoe County Commission voted unanimously to oppose A.B. 278. We do not want to indicate that we do not support consolidation. We do support consolidation and reutilization of fire services. We are concerned with the bill and the fact that it appears to eliminate any flexibility regarding the manner and the model that could be used to consolidate fire services. We have had a very successful model of fire consolidation in Washoe County with the City of Reno and our Truckee Meadows Fire Protection District. That spans out to almost 11 years. This consolidation has resulted in substantial fiscal savings for both parties. We are looking at about \$37 million in savings over that time period. Those savings were not based on layoffs. When we consolidated those departments in an interlocal agreement, there were no layoffs. There were positions eliminated. A fire chief position was eliminated. That was a fire chief that had left. There were other positions that were moved into other areas of the county. There were no layoffs. We have made those savings through closing fire stations, moving fire stations where we can move equipment to

another fire station and not have to buy new equipment, and other measures. The savings have come over time through those measures.

This bill appears to limit our flexibility. That is our major concern. That is in section 14. I was going to do a section-by-section analysis, but Mr. Wilson has already done that. I want to address the issue of the Diamante report that was discussed earlier. That is our regional fire master plan that was completed in 2009. We are moving forward on that. There was a recommendation in there that we move to a regional fire service. We are continuing to move forward with that. There are issues with our system. You heard a great delineation of those issues from Mr. McAllister. That is why we commissioned the Diamante report and why we are currently working to move and improve the system that we have in Washoe County. We are continuing to pursue consolidation. Our commissioners have charged a group of all the fire agencies in the Washoe County area. They have included some others; Carson City is involved in the discussion as well. We have discussed how we make that next step in the regionalization of fire services. As this bill moves forward, if it does move forward, our request would be to allow Clark County to move forward with their consolidation. We currently believe that we have everything that we need, in statute, to continue on the path that we are on with our consolidation. If we do not, we would come back to you next session and ask for those additional tools.

Assemblywoman Pierce:

I went through this bill again, and I am not finding the "czar-like" powers of an elected fire chief in this bill that Mr. Wilson was describing in his testimony. Can you tell me what section you are talking about?

John Wilson:

I will have to pull it up really quickly.

Chair Kirkpatrick:

We will move on to other testifiers and come back to you, Mr. Wilson.

Cadence Matijevich, representing the City of Reno:

The Reno City Council did vote to take a position of opposition to this bill. Our concerns are very similar to those that Mr. Slaughter outlined with Washoe County. In the interest of time, I am not going to repeat those. He did a very good job of encapsulating the concerns within our community. I would make the same statement that we are not opposed to consolidation and are in the process currently. We are concerned that this would limit the outcomes from those studies. There may be an outcome from those studies that gives us good options. We would not be able to implement them because of this bill.

Doug Stevens, Fire Chief, City of Henderson:

We have two issues that we would like to bring up with regard to this legislation. The first is a mechanical issue that has been addressed before with regard to the elected fire chief and the need for qualifications. We would also like to address the premise of the bill. Sections 1 and 2 state that there is substantial duplication of functions, human resources, and expenses between the city and county fire departments. Further, it states that a merger would increase the efficiency of such agencies. We take issue with those statements as they apply to the City of Henderson. We are not aware of any analysis or study that has demonstrated that the City of Henderson has a duplication of functions or expenses. We have also not seen a study that states we could benefit or increase efficiency. We are not opposed to legislation that would provide the rules of engagement or a road map for those departments that want or need to engage in consolidation. We support consolidation. We are concerned that these two sentences seem to suggest that the departments or local governments need to and should move forward in getting this consolidation in the works. I heard Assemblyman Segerblom talk about the need for this bill to encourage people to get moving on consolidation.

Chair Kirkpatrick:

I thought Mr. McAllister paid your fire department the highest praise. What two sections are you referring to? I only read that it is enabling legislation. I live in North Las Vegas; they never wanted to be a part of any discussion on consolidation. Now, North Las Vegas residents pay the highest property taxes; we have the least amount of services. I would just like to point out that we can have these discussions. If you take yourself out of the discussion completely, it works both ways. I am a big believer in that. You cannot have your cake and eat it too. We all have to take our cuts.

Doug Stevens:

I understand that. I appreciate those comments. I also appreciate the comments made by Mr. McAllister. I have a great deal of respect for him and the Professional Fire Fighters of Nevada. That is really the essence of our concern with this bill. We appreciate a road map being put in place for consolidation that would be open for all, including the City of Henderson. We believe that the quality of services that we provide are among the best, not just in the state, but in the nation. We currently provide those at the lowest cost per capita. When we talk about efficiencies, that would seem to indicate that we are going to get the same level of service at a lower cost or a higher level of service at the same cost. Our analysis would indicate that that would not be the case, as it relates to our citizens. We have a very different service delivery model in the city. We operate a single-tiered emergency medical response. We handle 40 percent of our medical calls with a single-response unit only. We

have coordination with our local hospitals that allow for us to provide the highest level of cardiac care in the valley and among the highest in the nation. Heart attack patients in the City of Henderson do not even stop at the emergency room. They go straight to the catheterization lab on the upper floors.

Many of the quality pieces that we have in place are what we would like to bring up. I do not see much discussion on the bill about quality of services. I would invite the Committee to take into account that all fire departments are not created equal. It would be a shame to take best practices that we have built over the last couple of decades and not take those into consideration as we move to blend people together. The legislation is permissive. We acknowledge that. As long as it remains permissive and there is not a push for the City of Henderson to get on board and get moving, then we would not oppose the legislation.

Chair Kirkpatrick:

I hope you understand what I am saying. As a taxpayer in North Las Vegas where no one wanted to be a part of consolidation discussion, I am paying the price. It is hard to keep people engaged when that happens. I have struggled with your city and a couple of others not wanting to be at the table on a few issues. I am hoping that you would like to bring some of your best practices to the rest of the county in discussion.

George Ross, representing Las Vegas Chamber of Commerce:

I will try not to repeat so much of what Mr. Wilson has already stated. Normally the Las Vegas Chamber of Commerce is very much in favor of consolidations and reforms. We see them as a way that we can increase administrative, operation, and managerial efficiency as well as cost effectiveness. Our concern with this bill, as it is drafted, is that it does not achieve those objectives, particularly in sections 17 and 18. One can read them to mean that a great many jobs are saved. As we know, there are a lot of highly paid firemen. Normally in business, when you consolidate operations that are geographical, the savings that you get are administrative and managerial. All the back office functions are with one group. The numbers get bigger, but you only need one group doing it. In this situation, you do not need all kinds of assistant fire chiefs, deputy fire chiefs, and deputy deputy fire chiefs second-guessing each other. You can become very streamlined and save a lot of money. It sounds cruel, but in reality it is where the savings come from.

We do not think the language in this bill is strong enough, despite what Mr. McAllister stated his intent was. I know that two of the smartest people in this building have presented this bill. They have gone through every detail

imaginable. The fact that it is not as clear as it could be about how you are going to get the savings is troubling, particularly in the administrative and managerial areas. It was very important when an opponent of the bill indicated that they had not figured out how much money could be saved. That is clearly calculable. It should have been done if we are looking at this for an option. There is money to be saved. Secondly, in terms of the franchising, the option to do that objectively is a way to both promote efficiency and save money. That function should remain at the county level, because it is very difficult for even an elected fire chief to do that without being a captive of his employees. That should stay at the county level.

Chair Kirkpatrick:

Mr. Wilson, if you would please leave us a copy of your testimony ([Exhibit K](#)) so we can put it in our record. Did you want to get Assemblywoman Pierce's question answered through email, or did you find it within the bill?

John Wilson:

I will get the specifics back to you and the Committee as soon as possible. One that does jump out is in Section 41, where it states that "Upon the formation of a department, every power and duty conferred or imposed by law upon a county fire chief which relates to fire fighting and emergency medical services, and upon a fire chief of a fire department of any participating city, devolves automatically upon the department." It goes to the whole fire and life safety codes. I will get you the specifics about that. We are also concerned with section 43 which states, "The fire chief of the department may adopt such policies, procedures, rules and regulations for the administration of the department and the employees of the department as the fire chief deems appropriate without obtaining approval of the board or the committee." There are others, but I will get you more specifics on those.

Tom Clark, representing the Regional Emergency Medical Services Authority:

The Regional Emergency Medical Services Authority (REMSA) is the ambulance provider in Washoe County. We share the same concerns as our partners, Washoe County and the City of Reno.

Krys T. Bart, President, Reno-Tahoe Airport Authority:

I am not here to address the whole bill, but to specifically address the amendment ([Exhibit J](#)). It amends section 2 of the bill and includes airport authorities in this bill. The Reno-Tahoe Airport Authority was formulated by an act of the State Legislature in the 1970s. We are the only airport authority in the state of Nevada. We operate our own fire department. Our fire department is specifically trained according the Federal Aviation Administration (FAA) standards which regulate airport fire functions. Our firefighters are very

specifically trained and are required to have annual training at live fire training drills which are in Utah. They are also required to have specific equipment which is very different from any of the equipment that is used for structural fires. Our fire department does not respond to structural fires. It is the first responder to medical emergencies in the airport. When the City of Reno and Washoe County were considering consolidation efforts, about a decade ago we were included in the initial evaluation. It was determined that consolidation of the Reno-Tahoe Airport Authority firefighters would cost the airport authority more. In our environment and an airport authority of our size, we strive to give the airlines the best opportunity of being successful and providing air service to the community. We strive to keep our cost as low as possible; that includes the cost associated with fire. What we discovered through the initial study that was conducted was that our costs would rise because we would lose control over the staffing levels at the airport authority. Our staffing levels meet FAA requirements. We control them. We would also lose control over our benefits. Right now, our benefits package is nowhere near as rich as the benefits package that the firefighters in the rest of the community achieve. Also, because of the specific firefighting equipment that is required, including very expensive turnouts for firefighting for aircraft fires, we would have to purchase firefighting equipment at significant additional cost for anyone who has a potential to rotate in at any given time. Our firefighting functions are working very well and in a very cost-effective manner. We are not interested in consolidation. I would like to offer that we are opposed to the amendment that is being proposed as it relates to the Reno-Tahoe Airport Authority.

Chair Kirkpatrick:

I cosigned onto this bill because I think it is high time that we have these conversations. Everyone wants to be out of the conversations. When we are talking about cutting services, it is an everyone-but-me situation. I am a little confused as to why you would have to buy new fire equipment. That is the whole point of consolidating. I am telling everyone that for two years we have been talking about doing consolidated services across the board. Either we all have to work together, or we all have to have our own turf and the state will continue to be how it is. I do not understand where you have to buy new equipment. It makes it sound like the airport would have to endeavor something big. I do not think that is the intent of this legislation. We would have had the same trouble with the police. Is there anyone else that would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in neutral?

P. Michael Murphy, representing Clark County:

Clark County already has the ability by agreement to consolidate fire services. We have looked at that. Consolidation is something that we are doing in some of our areas currently. We believe that if it is done correctly and well it can be of great benefit to the taxpayers. If it is done poorly and unwell, it will not only reduce the ability for the taxpayers to see great dividends from it or benefit. It will increase bureaucracy. We feel that for this concept to be successful, we need to continue with our efforts and make sure that the best interests of all parties, and most importantly the taxpayers, are represented. While we are neutral, we have grave concerns. This statute is what we think of as the cart before the horse. Local government should get all of the right pieces in place first. They then need to come to this legislative body and ask them to codify that process, rather than have the law created at the state level and then push it to the local level. If we use the LVMPD model, which has been used in this particular statute, it is important to note that that is a law that has developed over approximately thirty years. It was not all done in one piece. The transition was initially done in one large piece, and then there have been some changes made to that. It is important that it go in the reverse process that it is. It is not that we are against the consolidation.

While this wording is enabling, we do believe that it is restrictive. In reality it would have somewhat of a chilling effect on the ability to complete or even go forward with the consolidation process. We have concern with the following subsections of section 2: 1, 10, 17, 18, 19, 20, 21, 23, 29, 30, 36, 37, 38, 41, 47, 48, and 49. We are not opposed, but we have concerns. We are already doing joint-bid processes for purchase of personal protective equipment and communications functions. There is an automatic aid process that exists so that there is a seamless provision of fire service within the valley currently. There are some training functions that have been consolidated. There are ongoing discussions about joint recruitment processes and regionalization. In conclusion, we like the concept of this bill, but we are concerned about the manner in which this is created, and we believe this is a reverse process.

Tray Abney, representing the Reno-Sparks Chamber of Commerce:

The Reno-Sparks Chamber of Commerce has always been supportive of having this conversation about consolidation and making government more efficient. We are not for consolidation for consolidation's sake. We think it needs to save money and provide a better or the same service at a lower cost. I would like to thank Assemblyman Segerblom for bringing this bill forward. I will thank Mr. McAllister for explaining the bill. I do share many of the concerns that have already been spoken about here today. The language about the pay structure and the same employees moving over is a concern. I am not sure that it saves a lot of money at the end of the day. I definitely have concerns about the

one-size-fits-all approach. I am not sure we need 20 pages of bill text to allow the organizations in Washoe County to combine or consolidate. Clark County voters may want to do something different than Washoe County does. I do not know that we need another elected position. We have plenty of elected officials in Washoe County already to handle these things. I hope we can continue this conversation. We support the concept and the conversation and not necessarily how it is put together in this bill.

[Chair Kirkpatrick approached the witness table. Vice Chair Bustamante Adams took the position of Chair.]

Carole Vilardo, President, Nevada Taxpayers Association:

We are in support of the concept. I sat on the priorities committee. One of the things I have found is that there are discussions about consolidation. We have also found that interlocal agreements are very effective. We have a few concerns which were already expressed on my behalf. I do not see an elected fire chief at all. You have enough differences between police and fire that there are some provisions that should be addressed specifically to fire. For instance, fire suppression rather than fire fighting because that covers a broader range. I have concerns with the emergency medical services and have made no bones about it. There are elements in this bill that would work if they were left as an option or in addition to working on interlocal agreements. I do know, after having sat on the priorities committee, that there are ongoing discussions about consolidating some of these functions that are part of fire that, in fact, we may be better served with some ability to choose what might be the right method and come back, if it turns out that we need some specific legislation.

Assemblyman Ellison:

Do you think this bill would have more validity to it if it would have looked at Washoe and Clark Counties in districts and we try to compile the information?

Carole Vilardo:

I personally prefer enabling legislation that allows for the ability to address the needs of the different areas of the state. We are not cookie cutters. One size does not fit all. That is why I made the comments that I did. I would like to see us have the ability to look at more than one mechanism, not just this being the only one.

Kathy Clewett, representing the City of Sparks:

We are neutral and look forward to consolidation issues. Sparks is at the table. We are finding ways to consolidate our human resources departments within the three communities, our information technology department, and our business licensing group. Sparks does have the lowest costs of the fire

departments up in that area. We are currently about 30 percent lower than Reno. That is what it costs us to provide the service. Most of the feelings I have about this bill were very well stated by Mr. Murphy.

Ted J. Olivas, representing the City of Las Vegas:

We are testifying today as neutral on this bill, with some things to consider. This is enabling legislation and it creates another opportunity for us, but there are a few things that you may wish to consider. Chief Stevens from Henderson alluded to this earlier. In section 2 of the bill, on page 1, there are legislative findings. It may be appropriate to require the interested local governments to commission a study to validate those findings in section 2 prior to commencing this process. The study period could be defined, there could be public hearings to receive input from the community, and benefits to the taxpayers. Those things which are identified in section 2 could then be validated. Some examples of questions answered are: is it increasing communication facilities, is it lowering purchasing costs, will there be more efficiencies? Bringing the public into this process is one thing that you may wish to consider. You may consider allowing consolidation of city fire departments. The bill currently reads that it is just between a county and its cities within the given county. There could be an opportunity for two cities to consolidate their fire departments. That is not defined here. You may also consider that the fire chief be appointed by the governing committee defined in section 23 on page 6, or potentially define minimum criteria that a candidate must meet to seek election.

Vice Chair Bustamante Adams:

We did get an email from the North Las Vegas Chamber of Commerce and their opposition to A.B. 278. We will now close the hearing on A.B. 278. We will now move to Assembly Bill 454.

Assembly Bill 454: Removes prospective expiration of certain provisions relating to land use planning. (BDR 22-1119)

Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1:

Assembly Bill 454 is a bill that was brought to my attention last session. We knew that with foreclosures and the stopping of development coming that a lot of tentative maps that were currently within the local government process would have to be remapped. They would have to start over. There is a certain time that it has to be approved and put into effect. With the decline in development, we wanted to give them extra time. I was hopeful that within two years we would be back on track and we would not need this provision any longer. I am here to take the sunset provision off because we are still within this decline. It is both problematic for development and local government if everyone has to start all over in this process. From the start of the process,

when you start building anything it can take up to 18 months to get through all the proper channels before you actually dig ground. We did not want them to have to start all over. Local government did not want a flood of applications at one time if there were things already in the process. Northern Nevada homebuilders are going to come up in support of this bill. This is something that we agreed to do this session if the economy did not turn around.

Vice Chair Bustamante Adams:

I will now call up those that are in support of A.B. 454.

Cadence Matijevich, representing the City of Reno:

We wholeheartedly support this bill and hope that you, as a Committee, will as well.

John Slaughter, representing Washoe County:

We support this bill as well. This is a bill that Washoe County brought forward last session. We are very supportive of removing the sunset.

Jay Parmer, representing the Builder's Association of Northern Nevada:

I have with me today Jesse Haw with Hawco Properties. He is a member of our board and also a builder in Washoe County. I wanted to have him tell you from a practical utilization perspective why this is important to remove the sunset and keep this extension in place.

Jesse Haw, President, Hawco Properties, Sparks, Nevada:

This bill would be a great tool for us once the economy gets back on track. It takes about 18 months to get a tentative map approved. When the economy picks back up and people start to buy again, it would be another 18 to 24 months to get houses approved and built if we delayed this. This is a good tool for us when the market picks back up we will be able to get back into business.

Bruce Arkell, representing Nevada Association of Land Surveyors:

We support this bill. It might cut into our business, but it is important to keep the development going when we can.

Mark Turner, representing Builders Association of Western Nevada:

We support this bill. From a personal standpoint, we build homes here in Carson City. The extension will be very important in helping the construction industry get back on its feet once things come back into play. We have a phase of lots that we have been selling for about four years now. I was hoping to be done with it a long time ago, but the market conditions did not allow. I have

also built another phase of lots, but we have not recorded the map yet because we need to pare down our inventory before we load up on more. We are anxious to record that map, but we have to get rid of some of that inventory. Things are slowly getting better. An extension would allow us to keep our heads above water for a few more years. When things start up again we will get moving.

Ted J. Olivas, representing the City of Las Vegas:

We are in support of this bill as well.

Vice Chair Bustamante Adams:

Are there any others in support of A.B. 454? Are there any that are neutral on A.B. 454?

Mike Cathcart, representing the City of Henderson:

We are neutral on this bill. We have some concerns about making this provision permanent. In the current market conditions, we have only had three tentative maps filed in the last year. In the past, we have had as many as 100 tentative maps filed in one year. Making this permanent may be problematic in the future. If you have 100 tentative maps filed, those would be good for four years and would not be able to reflect any changes that our city council might code during development.

Vice Chair Bustamante Adams:

Those in opposition for A.B. 454, please come testify. [There was no one.]

Assemblywoman Kirkpatrick:

This Committee's commitment was to come back and readdress this issue this session. I do not know what date you would put on this to sunset it. I do not know where the economy is going. We could revisit this every two years, but then I will not be here and maybe some of you will not be here. How do we make sure that we do not stop development once it does come back? I do not know what a good sunset date would be.

Assemblywoman Pierce:

You will be here in two years.

Vice Chair Bustamante Adams:

We will close the hearing on A.B. 454. We will now open the hearing on A.B. 544.

Assembly Bill 544: Provides for uniformity in the definitions of group homes and similar facilities. (BDR 20-675)

Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1:

This is a group home study that was done during the interim. Our state has had many challenges with group homes. We have been to court on more than one occasion. We did a group home study last interim, hoping to identify and clarify some of those things. Legislation has been going back and forth on group homes since 1991. We discussed many issues over the course of those three months during the study. We had three hearings. I was the Chair of those hearings. We started at 2 p.m. so we could go well into the evening to make sure that residents, local officials, care providers, et cetera, were a part of that discussion. At any given point, we had a minimum of 25 people in the room discussing these issues.

One of the concerns we had was unlicensed group homes. That was a huge issue. How do you crack down on unlicensed group homes when across the state we all have different names for particular facilities? We had suggested that we go through and clean up our statutes and local governments statutes so that when a person opens up a group home or facility of that nature that they know what they are applying for and what the rules are. In Clark County, there are four different jurisdictions with four different names for the same type of facility. If we are going to crack down on the unlicensed facilities, we need to have some consistency. We had presentations from the state. Senator Breeden, Senator Copening, Assemblyman Mortenson, and I were confused about who to call because the definitions were so unclear. You call this department in the state if you want to talk about this kind of facility. It was confusing. When you call as a resident and you want to ask questions about a facility within your neighborhood, there was a completely different definition. You could spend a good hour trying to get to the right person.

What was supposed to happen in the interim did not happen. Local governments and the state were supposed to work together to form a working group to see where we could all agree to have some consistency. In Clark County, they have been working to have some consistency on ordinances so that it is very clear. Both Clark County and I have been part of a lawsuit before so we are very nervous about making this clear. We have to be very careful. We need to have the people from the federal Fair Housing Act as part of the discussion. I have committed to Monday night. I would like to have some type of working group so that we can talk about some of these definitions that we should have done in the last year. It is important if we are going to fine them for not doing things correctly, then we have to have some consistency.

There is a proposed amendment ([Exhibit L](#)) that says that this bill will be effective upon passage and approval. That does not quite work if no one will

work together during the interim to come up with these definitions. We would have to put that out until at least 2012. There is a process both on the state and the local level. I want to commit to Monday night upon adjournment of the Assembly Committee on Commerce and Labor. I am happy to meet with all interested parties. We did have a very thorough group home interim study on this.

Assemblyman Ellison:

I talked to Assemblywoman Kirkpatrick about a letter that I received about this meeting. Thank you for allowing us to meet with you.

Ted J. Olivas, representing the City of Las Vegas:

I am here to testify in support of this bill. We support the clarifications of the definitions between the state and local governments. We believe it will help eliminate some confusion for those in the group home and related businesses. We appreciate that it is not intended to somehow change our approval process at the local level where we look at things like land use. I would like to thank Assemblywoman Kirkpatrick. We were happy to work with the Committee to Study Group Homes during the interim. We remain committed to the cause. This is one of five bills that were discussed during the interim. We will continue to offer our assistance in that regard.

Mike Cathcart, representing the City of Henderson:

We are in support of this bill. We believe that we have most of the definitions included in the bill now in our municipal code. We have a couple more to go and we are willing to do that shortly. We want to voice our support.

Larry Fry, Secretary, Coalition of Assisted Residential Environments:

The Coalition of Assisted Residential Environments (CARE) is a trade group that represents licensed group homes for the elderly. They are also known as residential facilities for groups or assisted living facilities. I wanted to echo my support of the Committee to Study Group Homes. I was not a part of that formerly. There are other bills in session that seek to address some of the concerns that Assemblywoman Kirkpatrick has about those issues. That is a good thing.

One thing that I would like to address is to clarify on the state level how residential facilities are defined. I would like to bring to your attention a confusing part of that which we would like to fix or remedy which goes along the lines of the goal and objective of this bill ([Exhibit L](#)). There are 329 licensed group care facilities or residential facilities for groups in Nevada. They are delineated into two categories: residential facilities for groups and residential facilities for groups that also provide assisted living services. Both of these

groups have to meet the same standards and have the same regulations currently. The difference is that those that have an assisted living endorsement on their license qualify partially by means of their physical facility. Out of the facilities in Nevada, two-thirds are small group homes in regular neighborhoods that we may be familiar with. The assisted living law that is currently on the books limits facilities that can call themselves assisted living by the number of residents that are in the room or the number of residents that can share a bathroom. That is discriminatory. There is a wider array of facilities that are out there that provide very good care and get good survey scores. Every licensed facility that is doing a good job should be able to refer to themselves as providing assisted living services. That is not what the current law says. It provides more confusion to the topic that we are trying to clarify.

I would like to introduce Diana Roberts. She is the administrator of the Arbors Memory Care Facility in Sparks, Nevada. I would like for her to share with you the financial impact for all licensed residential care facilities that are not able to refer to themselves as providing assisted living services.

Diana Roberts, Administrator, Arbors Memory Care Community:

The definition of assisted living is what we do. It is not the building facilities. Up until recently, we were an assisted living facility. However, when the law changed, we could no longer call ourselves assisted living because we changed our occupancy restrictions. We opened up our rooms to where we could provide the same level of care at a lower rate. We dropped our rates and put people in a triple-occupancy room so that more people could afford to live with us. However, with three people in a room, that means that three people have to share a toilet. Now, we cannot call ourselves assisted living, even though we are providing the exact same services as before. It was a financial issue for people to be able to live with us; however, we can no longer call ourselves assisted living because they share a toilet.

Vice Chair Bustamante Adams:

Are there any others in support of A.B. 544? [There was no one.] Is there anyone who is neutral?

P. Michael Murphy, representing Clark County:

We have provided you with two exhibits ([Exhibit M](#) and [Exhibit N](#)). One is our current definitions ([Exhibit M](#)). There was a lawsuit as a result of those. We have already made some of those changes. The second one ([Exhibit N](#)) is a friendly conceptual amendment that I am assuming we will deal with on Monday evening. We will be there. We would just like to go on record to say that anything we do would be in compliance with the federal Fair Housing Act.

Vice Chair Bustamante Adams:

We will now move to opposition of A.B. 544. [There was no one.]

Assemblywoman Kirkpatrick:

I do want to have that working group Monday evening upon adjournment of the Commerce and Labor Committee. This way we can get some of these definitions outlined so that across the state there is some consistency.

Vice Chair Bustamante Adams:

We will close the hearing on A.B. 544.

[Assemblywoman Kirkpatrick resumed the Chair.]

Chair Kirkpatrick:

We will now open the hearing on Assembly Bill 364.

Assembly Bill 364: Revises provisions governing leave of public employees for military duty. (BDR 23-1071)

Assemblywoman Irene Bustamante Adams, Clark County Assembly District No. 42:

I have a constituent in Las Vegas who has been here since 7:15 a.m. I appreciate his patience. He is the one that brought this bill to my attention right after session started. We are both big supporters of military servicemen. There appears to be an inconsistency in the statutes regarding leave of public employees for military duty. During our research, we found out that in 2001, after the tragedies of September 11, 2001, former Governor Kenny Guinn recognized that a number of the state employees in the National Guard or on reserve status would be called to go to active military duty. In that time, there was *Nevada Revised Statutes* (NRS) Chapter 281 was the primary law. He took it a step further and put in an emergency regulation that allowed Executive Branch employees on active military duty to receive differential pay.

For those of you that do not have a military background, that is the difference that you would get from your regular job to what the military pay is going to be giving you. That was implemented so that we could ensure that the personnel that were going to be serving, that their families would not suffer a financial setback and that they would not have any hardships while performing their most important service to our nation. That went into effect on October 12, 2001.

During this whole process, I have learned many things. I realize that there is federal legislation that provides a framework for differential pay for active

military deployment. In addition, I learned that a lot of the local entities already have policies in place that go above and beyond the basic framework that the federal government provides. I know that they are very proud of the progressive policies that they have to make the employee whole. I come before you to let you know that A.B. 364 is a work in progress. I have been speaking to many of the local entities. I believe that there is an agreement that we need to bring clarity to this issue. We also need to make sure that we are in alignment with the federal regulations. From my understanding and conversations with local governments, there is also a desire to make sure we have language that enables local entities to go above and beyond the basic standard that is set in federal law. I would like to applaud the local entities. When this bill came out, they approached me and were in support of the concept. I know that we are working on drafting some amendments that are going to be coming up in the future. I appreciate their willingness to be concerned and ensure that these military service individuals from the state are made whole during their time of service.

Assemblyman Livermore:

When I was a county official, right after September 11, we had several members of the local sheriff's department that were put on active duty. We passed an ordinance and a resolution to support that. I commend you for bringing this bill forward. I will be supporting this in concept and waiting for further details.

Assemblyman Stewart:

This would apply not only to the Executive Department but all branches of state government. Is that correct?

Assemblywoman Bustamante Adams:

Yes. That is what we are exploring.

Assemblyman Anderson:

I wanted to join in and say thank you for bringing this bill forward. You have a unique perspective as a military wife that a lot of people do not have. Many people do not realize that military wives and families sometimes sacrifice more than the people serving.

Assemblyman Ellison:

This is a great bill. We have supported the families financially. We have raised money for these families. We buy all the same family license plates. This is a good bill. It shows our support for our troops. Whatever we can do to help you go forward with the next phase of this, I am more than happy to.

David Peter, Private Citizen, Las Vegas, Nevada:

I am a constituent of Assemblywoman Bustamante Adams. In the course of reviewing NRS Chapter 284 and NRS Chapter 281, I found that NRS Chapter 284 afforded more protection to state employees who were also in the reserves and in the National Guard who get activated during wartime or national emergencies. *Nevada Revised Statutes* (NRS) Chapter 281 provided for local government employees. I spent 22 years in the Air Force as a signals intelligence analyst. I retired from Nellis Air Force Base in 1994. I am the stepfather of an active duty Army major who is a registered nurse and served in Uzbekistan on the Afghanistan border. He just got back from Iraq in December. I take a very strong interest in how the State of Nevada and our local governments treat our military members who are soldier-civilians and who have made a commitment both to the people of Nevada and to the people of our local government entities to perform a function for them and the people of the United States to fulfill a military obligation in time of war. I am here today, because I want to make sure that all of those that fulfill those obligations that they voluntarily signed up for are receiving their full pay and benefits. I do not believe that anyone who is serving in the reserves or the National Guard should be penalized, in any form, from their local or state government jobs for performing their military obligation. That is why I support A.B. 364 as written and submitted on March 21, 2011. It equalizes the treatment between state employees and local government employees. In the past, local government employees were only receiving 15 days of paid leave per year. That is normal drill pay for reservists or guardsmen. The provision in NRS Chapter 284 provided differential pay and consideration of the times that reservists or guardsmen are activated during time of war or national emergency as civil leave as opposed to what the local government entities have done. They have done leave without pay. People then lose accrual of their benefits, such as vacation time and credit towards retirement. I do not want to see anyone harmed by doing service to their country.

Chair Kirkpatrick:

On behalf of myself and the Committee, we appreciate the service that you and your family have given to protect our country. I try to say that to every serviceman I see. Each of us knows someone or has a close family member who has been in the military. Is there anyone else that would like to testify in support of this bill?

P. Michael Murphy, representing Clark County:

We are one of those counties with government agencies that have provided above what is required. This is the right thing, for the right reasons, and at the right time.

Chair Kirkpatrick:

Is there anyone who is neutral on A.B. 364?

Mike Cathcart, representing the City of Henderson:

We are one of the local governments that worked with Assemblywoman Bustamante Adams. We look forward to working on this in the future.

Ted J. Olivas, representing the City of Las Vegas:

We thank Assemblywoman Bustamante Adams and Mr. Peters for bringing this legislation forward. If there is a need to clarify this, then we need to do so. We passed a resolution over ten years ago to address this issue. The only concerns that we brought were talking about the service that a person is called into active military service. What if I decided that I wanted to join the Marines? Should the local government keep me whole? If I chose to change my career, should the local government be responsible for making up any difference in benefit? Thank you for letting us be a party to these discussions.

Chair Kirkpatrick:

Is there anyone who is in opposition of A.B. 364? [There was no one.]

Assemblywoman Bustamante Adams:

I appreciate Mr. Olivas' comments. That is exactly why we need to clarify. We need to make sure that there is not an abuse but there is also support as well. I look forward to working with the interested stakeholders.

Chair Kirkpatrick:

We will now close the hearing on A.B. 364. Is there any public comment? [There was none.]

Meeting adjourned [at 11:01 a.m.].

RESPECTFULLY SUBMITTED:

Jenny McMenomy
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 1, 2011

Time of Meeting: 7:30 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 97	C	Susan Scholley	Work Session Document
A.B. 168	D	Susan Scholley	Work Session Document
A.B. 262	E	Susan Scholley	Work Session Document
A.B. 265	F	Ron Dreher, Peace Officers Research Association of Nevada	Amendment
A.B. 265	G	Washoe County Sheriff's Office	Comments
A.B. 265	H	Washoe County Sheriff's Office	Amendment
A.B. 265	I	Frank Adams	Prepared Testimony
A.B. 278	J	Rusty McAllister, Professional Fire Fighters of Nevada	Amendment
A.B. 278	K	John Wilson, MedicWest Ambulance	Prepared Testimony
A.B. 544	L	Larry Fry, Coalition of Assisted Residential Environments	Amendment
A.B. 544	M	P. Michael Murphy, Clark County	Definitions
A.B. 544	N	P. Michael Murphy, Clark County	Conceptual Amendment