

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

**Seventy-Seventh Session
February 11, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 8:03 a.m. on Monday, February 11, 2013, 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 nelis.leg.state.nv.us/77th2013. 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 Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman James W. Healey
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Pete Livermore (Excused)

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Jim Penrose, Committee Counsel
John Budden, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Gus Nuñez, Administrator, State Public Works Division, Department of Administration
Chris Chimits, Deputy Administrator of Professional Services, State Public Works Division, Department of Administration
Pete Etchart, Chief Engineer, Buildings and Grounds, State Public Works Division, Department of Administration
Julie Kidd, Management Analyst IV, Head of Leasing Services, Buildings and Grounds Section, State Public Works Division, Department of Administration
Steve Sisolak, Chair, Clark County Board of Commissioners
Donald Burnette, County Manager, Clark County
Yolanda King, Director, Department of Finance, Clark County
Jack Mallory, representing International Union of Painters and Allied Trades, District Council 15
Priscilla Maloney, representing American Federation of State, County and Municipal Employees, AFL—CIO, Local 41
Brian Scroggins, Commissioner, Local Government Employee-Management Relations Board, Department of Business and Industry
Ronald Du Van, representing Las Vegas Police Protective Association Civilian Employees, Inc.
Ronald Dreher, representing Peace Officers Research Association of Nevada, Washoe County Public Attorney's Association, Washoe School Principals Association
Lisa Foster, representing Nevada League of Cities and Municipalities
Leonard Cardinale, representing North Las Vegas Police Supervisors Association, Inc.
Rusty McAllister, representing Professional Fire Fighters of Nevada
Ryan Beaman, representing Clark County Firefighters, Local 1908
Craig Stevens, representing Nevada State Education Association

Chairwoman Benitez-Thompson:

[Roll was taken and housekeeping matters explained.] Today we are going to be hearing two different presentations. We are going to be opening hearings on two different bills. We are going to be hearing first from the State Public Works Division. We are going to have Mr. Gus Nuñez, Administrator of the State Public Works Division, give an overview presentation, and then we will roll into the hearing on his bill.

Gus Nuñez, Administrator, State Public Works Division, Department of Administration:

Good morning, Madam Chairwoman. We have a PowerPoint presentation for you. We have our remarks prepared, so hopefully we can go through this presentation fairly quickly. Today we are presenting an overview of the Public Works Division; mainly, how we were created, what we do, how we do it, et cetera. [Continued with PowerPoint presentation ([Exhibit C](#)).] We take pride in our work and serve with humility. At this time, I am going to turn this over to Chris Chimits, Deputy Administrator for Public Works, and he will be going over the Professional Services function of Public Works.

Chris Chimits, Deputy Administrator for Professional Services, State Public Works Division, Department of Administration:

We appreciate this opportunity to come before you and explain the Professional Services portion of the State Public Works Board. I am going to start by explaining how we developed the Capital Improvement Program. [Continued with PowerPoint presentation ([Exhibit C](#)).]

Gus Nuñez:

Denis Nolan is our Building Official for the State of Nevada. He could not be here with us today. The Building Official's role at Public Works is to act fairly when it comes to interpreting the code and making decisions on code issues. The Building Official acts independent of the Administrator. Typically, with respect to the hiring of this position, I usually make a recommendation to the Director of the Department of Administration, and the Director does the actual hiring. Obviously, he has to work within the structure of Public Works, which I oversee, except that when he acts as the Building Official, he is completely independent. It is basically the only regulatory function of Public Works. He conducts plan checking for code compliance, he issues permits for construction, he conducts code inspections during the construction process, issues any corrective notices as the construction goes along, and at the end, he issues a Certificate of Occupancy verifying the ability to occupy the facility. That completes this part of the presentation on Professional Services and the Building Official.

At this point, we are going to go into the Buildings and Grounds Section, and Pete Etchart, who is the Chief Engineer for Buildings and Grounds will be doing that part of the presentation.

Pete Etchart, Chief Engineer, Buildings and Grounds Section, State Public Works Division, Department of Administration:

One of our primary tasks since the last legislative session has been merging Buildings and Grounds into the State Public Works Division. [Continued with presentation ([Exhibit C](#)).] At this time, I would like to introduce Julie Kidd, who will give an overview of our Leasing Services Program.

Julie Kidd, Management Analyst IV, Head of Leasing Services, Buildings and Grounds, State Public Works Division:

The Leasing Services Section of Public Works really picks up where Building and Grounds leaves off. Per statute, we are responsible for arranging facilities for state agencies where state-owned properties are not available or appropriate. In this context, Public Works is actually the lessee, and the state agency occupying the facility is the tenant. In order to fulfill our responsibility, Leasing Services has five main functions. [Continued with presentation ([Exhibit C](#)).] So far we have succeeded in negotiating 76 percent of existing leases to full service. As we see Nevada's economy rebound, we are pushing lease terms out to fix currently low rates over the long term. We are currently in the process of standardizing our operations and creating transparency in our processes by using technological tools. We will carefully track industry trends as Nevada's economy rebounds.

Chairwoman Benitez-Thompson:

I will take a couple of questions from the Committee before we open the bill hearing.

Assemblyman Stewart:

Can you tell me what role you will play in the construction if the two new Nevada State College buildings are negotiated and approved? Also, the University of Nevada, Las Vegas (UNLV) special events center, if it is approved, what will your role be in that project?

Gus Nuñez:

When the Nevada System of Higher Education fully funds their projects on their campuses, they will be managing the planning, design, and construction of those projects. In this case, our role will be as the State Building Official. Again, anything that is built on state lands, we become the Building Official. We will be doing the plan check and inspection to code. That will be the only role at either one of those projects. In the past, as with the Center for

Molecular Medicine project at the University of Nevada, Reno (UNR), they asked us to manage that project for them. In those cases, we did contract with them, and we did manage that project for them, but it is basically their option.

Assemblywoman Swank:

Do you have any idea how many of our public buildings are over 50 years old?

Gus Nuñez:

I do not have that in front of me. It would be best to get back with you, but our inventory is getting fairly old. The most recent office building that we have built is the Richard H. Bryan Building here in Carson City, for the Department of Conservation and Natural Resources. That was done through lease-purchase. Construction started at the beginning of 2004, and we occupied that building in 2006, I believe. The Grant Sawyer Building would be the one that comes to mind in Las Vegas. That project was completed in the mid-'90s; that was prior to my being here. I have been here since 2001. The Department of Agriculture Headquarters building is located in Sparks, pretty close to the city limits line. At the Northern Nevada Adult Mental Health campus they set aside a piece of extra land there, on 21st Street, and that was completed about three years ago.

Assemblywoman Swank:

As buildings get to be over 50 years old they become an historic structure, so a lot of our mid-century buildings are becoming historic structures. So, I wonder, in these energy-efficient retrofits that seem to be going on, is there coordination with the State Historic Preservation Office for maintaining the integrity of these buildings? How does that fit in with that project?

Gus Nuñez:

We have retrofitted some of the historical buildings in Carson City; the main one would be the Capitol Building, which had a full, seismic retrofit prior to my time with Public Works. There is an annex; we completely retrofitted that building. Also, across the street, on Carson Street, the buildings that the Attorney General's Office occupies, those have historical significance, and they have been upgraded for seismic activity and for its current use. The other historic buildings that we are supposed to maintain include the Stewart Indian School. Those are several buildings that we have retrofitted and they are being used for offices. Chris can mention some of the others.

Chris Chimits:

We do coordinate with the Office of Historic Preservation. When the building is on the register, we make an effort to coordinate with them and get their input before we start construction on any building like that.

Assemblyman Daly:

Maybe we can just expound on some questions. I will keep it short. You talked about Buildings and Grounds, and you talked about maintenance. Can you explain to me the definition of maintenance? How often, if ever, do you tread over into the tenant improvement construction area? On the management and negotiations on the leased buildings, can you elaborate a little bit more on what that would entail? When you negotiate and manage the tenant improvements, is it paid for by state funds? Is it going to meet the state's design criteria? Are you telling them? Or is it more, "Hey, you have a problem over here and you need to upgrade and make the restrooms work and do that kind of improvement." If you could explain a little bit more on those, I would be happy.

Gus Nuñez:

With respect to state-owned buildings and the definition of maintenance, I guess you could go all the way from daily maintenance, which is basically janitorial services, on through the other types of maintenance that we do; for instance, in the heating, ventilating, and air-conditioning (HVAC) area. Our HVAC techs come in every morning. The first thing that they do is check on all of the systems. All the systems are digital and automated now. They take a look on their computer screens and make sure that everything is ramping up in the morning from the night setback, or from the weekend setback; that everything is coming online and things are working. If there are issues, they will try and troubleshoot as much as they can from their computer screen. From there, they will actually go out in the field and try to make a final determination if there are any repairs that need to be done, or hopefully, by that time, they figure out what it is and they make adjustments, which they can do right at their desk at their computers, before they go out in the field and look at those types of issues.

Obviously, we do routine maintenance on roofs; we have to be very careful with that because our roofs used to be on a 15-year warranty, now we require a 20-year warranty on all of our roofs, and there is a preventive maintenance program that we do with roofing manufacturers on that. We are very careful on those so that we do not void our warranty. There is a variety of maintenance that we do. The grounds crew, particularly here in this area, take care of regular maintenance during the summer, with watering, maintaining the sprinkler and irrigation system, mowing lawns, and taking care of trees and shrubs, all the way to snow removal in the winter, and those types of activities.

When there is a need for tenant improvements in a state-owned building, that basically comes to Buildings and Grounds (B&G). We will, in some cases, if it is very minor, do it in-house. If it is major, most of the time that will require permitting, so we have to prepare plans and specifications. They need a stamp

from a licensed professional to submit any set of plans to a building official. We follow that process within our office, so we go through our Building Official section of Public Works to make the plans for plan check and inspection just like anyone else. We proceed from there. Sometimes, if it is major work, it will typically be bid out to local contractors, and then constructed in that fashion. When it comes to leased buildings, we find that folks neglect to budget for tenant improvements. For example, for a year and a half now at B&G and Leasing Services, what I have found is that a lot of times folks will know that they are going to move and they budget for the fact that they are going to move. They are going to need to research what they are going to have to pay for the square-footage space.

A lot of times they neglect to budget for tenant improvements, so the leasing section is put in a position where they have to negotiate a lease agreement, including tenant improvements with a landlord, and getting it all done within the budgeted amount. Typically, the way they do that is they will negotiate the first two or three months, free of rent so that they can pay for the tenant improvements. The tenant improvements are not budgeted for a lot of times. We run into a lot of that.

This session, we have been trying to be proactive for the next session. We try to make everyone aware that, if they are going to move, they may need some tenant improvements at the space they are going to move into, and they need to budget for that. Once that is negotiated on lease-base, that becomes the requirement of the building owners. We do not do work on somebody else's property. So then it will be the actual building owner, the landlord, who will make arrangements to develop the plans and require permitting by the local jurisdiction, because, again, you are on private property and you have to go to the local jurisdiction to obtain the building permits and get a contractor. Typically, they have contractors they work for, or they bid it out and go build the tenant improvements. That is the typical process on lease-base. I do not know if that answers all of your questions, Assemblyman Daly, but that is about how it goes from both ends.

Chairwoman Benitez-Thompson:

Any other questions from the committee? [There were none.] Thank you for your presentation, Mr. Nuñez. At this time I would like to welcome Clark County Commissioner Steve Sisolak and Clark County Manager Don Burnette to the table.

Steve Sisolak, Commissioner, Clark County:

Good morning. We appreciate the opportunity to be here with you this morning, after a short flight up from Las Vegas. I guess you have got the handout that

we have set up. I will go through my portion of it very briefly, and I will allow for a lot of questions. Hopefully, we can answer them for you. I know you are probably as enamored with PowerPoint as I am, so I will make it brief. [Continued with PowerPoint ([Exhibit D](#)).]

Donald Burnette, County Manager, Clark County:

Good morning. With the handouts now distributed, I will draw your attention to slide number 5: "What Clark County is Not." After having heard from Commissioner Sisolak regarding what the county includes, and its many different functions and departments, I think it is important to spend a moment to talk about what is not part of Clark County. If you all get the same kind of inquiries from constituents as we do, I believe there is a great deal of confusion as to what entities are part of the county and what entities are separate legal entities. So, I thought I would take a minute to list some of the entities, beginning with the Southern Nevada Health District, which is not part of the county. It is a separate legal entity with a separate governing board made up of representatives of all the major cities, as well as appointed representatives. Multiple commissioners serve on the Regional Transportation Committee of Southern Nevada, but the governing board is made up of representatives of all the cities in southern Nevada, as is the case for the Regional Flood Control District. The Las Vegas-Clark County Library District is not part of the county, although the board appoints a portion of the members, along with the representatives of the City Council of the City of Las Vegas. Of course, the Clark County School District is a separate legal entity; you all realize that because of the relationship that the state has with the school district. Finally, the Southern Nevada Regional Housing Authority is not part of the county [Continued with PowerPoint ([Exhibit D](#)).]

We take comfort in the fact that we seem to be entering a period of stability, and we hope that is the case as we get deeper into our budgeting process. Most of our efforts as an organization over the last year, and certainly over the next year, will be focused on stabilizing the organization, given all the trauma we have experienced in our workforce. We will begin to focus on the future, and retool the organization to meet the demands of the future. With that, we would be happy to answer any questions that you might have.

Assemblyman Stewart:

Can you comment on the health of University Medical Center (UMC)? Also, we had a bill last time to consolidate licensing and make it more streamlined so that people do not have to run all over the place to get their licenses. Can you comment on those two things, please?

Steve Sisolak:

We are obviously facing challenges at UMC. You are well aware of that and you will hear more about it as the session moves on. University Medical Center is a safety-net hospital, there is no doubt about it, but it is a desperately needed safety-net hospital in southern Nevada, and all of the state of Nevada for that matter. The problem we have at UMC is our payer mix is just not up to what other hospitals have. We are serving the uninsured and underinsured at a greater rate. As the economy worsened, we served more and more of them. There is a shortfall, and we have hired a consultant to work us through some cost-cutting procedures that we have put in place at UMC, involving some of our contracts, our vending purchasing, and so forth. Hopefully, we are on the road back with UMC, but it continues to be a challenge for us.

As it relates to business licenses, we have assimilated some of the changes that we are talking about with some of our sister jurisdictions. Regarding business licenses in particular, hopefully we can expand upon that. We face the same comments and issues that you get from your constituents where they have a carpet cleaning company that does business in North Las Vegas and in the City of Las Vegas and unincorporated Clark County and Henderson, who does not realize that it needs four separate licenses in order to do that. It is an education process. We are making progress; certainly, it is not quick enough, but we are well aware of the mandate and we continue to make improvements in those areas.

Donald Burnette:

If I could add to that as it relates to UMC, I think Commissioner Sisolak stated our condition well, and it is tenuous at best. Annually, we are subsidizing roughly \$60-70 million out of the county general fund into UMC just to provide for the ongoing operations of the hospital. This last year we were fortunate enough to reduce the subsidy to \$31 million, although, as Commissioner Sisolak mentioned, much of that was the result of what I would consider to be one-time improvements and operations brought to us with the assistance of a consultant, in addition to a one-time source of revenue in the form of the retro upper payment limit program, on which we have a relationship with the State. As we look to the future, however, I think what concerns us the most are the impacts that are looming as it relates to the Affordable Care Act (ACA) and the expansion of Medicaid. While we would be the first to acknowledge that the expansion of Medicaid is good for the community, and good for the residents, and it will provide much needed resources and access to health care in the community, it is not necessarily going to be a good thing for UMC, in that we are forecasting, roughly, a \$56 million reduction in revenues at UMC over the next five to six years. The lion's share of that is attributable to projected reductions in disproportionate share hospital (DSH) payments, which are

scheduled to be reduced by roughly one-half over the coming years. That is a significant amount of money, given the fact that we struggle just to fund the operations of the hospital to begin with. So, we face extraordinary challenges at UMC over the next few years; we will have to find a way to figure them out.

Steve Sisolak:

One of the other things that was clear in our last quarterly update from UMC is that we have not had the money to spend on capital that we have needed in the past. Equipment is almost on the verge of being obsolete; we need to replace an awful lot. The building is not what it is when you look at UMC's facilities as opposed to some of the newer private hospitals that are in business in Clark County. When people get a choice, unfortunately those who have coverage and are reimbursable are not choosing UMC, and we do not have the funds moving forward. As the Medicaid reimbursement has decreased, more people are eligible, but the payment that we are being reimbursed has decreased. It is putting an enormous squeeze on UMC, and in the long run there clearly needs to be some change and some help for UMC to continue to operate the way it is.

Assemblywoman Bustamante Adams:

Going back to your general fund expenditures, I know that we are not the Ways and Means Committee, but could you help me to understand your contribution to the Las Vegas Metropolitan Police Department (Metro). If you could give me a dollar amount, and then if you could explain to me if you are a contributor to that, how does the accountability work on your part?

Steve Sisolak:

I sit on behalf of the county; Commissioner Larry Brown and I sit as the county representatives for the Fiscal Affairs Committee for Metro. There are two city council people, two county commissioners, and one independent citizen: Jim Hammer is chair of the Fiscal Affairs Committee. I believe their breakdown is about 61 to 62 percent that the county contributes towards Metro's budget. These are rough figures off the top of my head. The city contributes about 38 to 39 percent. It is a very complicated formula based on responses, calls, jurisdictions, populations, and so forth, to determine who pays how much. I do not know our exact dollar amount. Maybe Yolanda King can come forward with that. As it relates to accountability, the sheriff is an elected official who operates pretty much independently from both the city council and the county commission, while the Fiscal Affairs Committee does have some oversight regarding financing when you get into day-to-day operations as it relates to use of force, to cameras, to those sorts of things; we have no input whatsoever. We are strictly advisory.

Donald Burnette:

I can follow up to your question as well. As it relates to the fiscal impact to those two entities, beginning with the Las Vegas Metropolitan Police Department, the county contributes roughly \$225 million a year towards Metro, as Commissioner Sisolak mentioned. That is a shared funding obligation with the City of Las Vegas. As I shared earlier, our contribution to fund the operations of the detention center, which we fund 100 percent, is roughly \$190 million. As you have heard, no doubt, the county and the city both share a projected funding deficit with Metro; roughly \$46 million this coming fiscal year. During the session, I am certain there will be a great deal of discussion regarding that topic, too.

Assemblywoman Bustamante Adams:

My other question was: Have you looked at other best-practice models regarding fiscal affairs for the accountability on that portion of your budget?

Steve Sisolak:

When you term best-practices, we are in an unusual situation where we share; we are multijurisdictional, the city and the county. The sheriff comes with a wish list basically, and we go to our staffs and determine what we can afford to pay, which is thus where we came up with this \$50 million shortfall that currently exists moving into the next budget. He works with our finance people, and the city finance people. With the sheriff's finance people it is kind of a three-way collaboration.

Assemblyman Oscarson:

Thank you for your presentation. I have two questions. One of them is, on your slide Clark County Today, it says "Current workforce has 23 percent fewer employees;" can you tell me how many positions that reflects and the dollar amount of those reductions? In addition to that, what impact would there be without the Affordable Care Act on UMC? What had you projected without that happening? What would there have been if there had not been the opt-in clause and those kind of things? Can you give me a rough figure? If you can send it to me later, that is fine too.

Donald Burnette:

We will most likely have to share that information with you later, because we currently do not have it available. Regarding your first question and the number of employees that we have lost: roughly 1,700 employees. Of the \$275 million in expenditures that we have cut, going back to where we were in 2008, I would submit that the vast majority of that represents salary and benefit costs related to the reduction in our workforce. I do not have an exact dollar figure for you, but I am certain it is the vast majority of that figure.

Steve Sisolak:

I have not seen a figure that relates to UMC, with or without the Affordable Care Act factored in there, but we are moving forward with the Affordable Care Act, and that is where the enormous shortfall is. What percentage that accounts for of the new upcoming \$50 million, I am not exactly sure. However, we can get that and send it to you.

Assemblywoman Neal:

I have two questions. Regarding the budget for the police, we had a presentation the other day from the City of Las Vegas, and they said that they put in about \$120 million, I believe, for police. You are saying you put in about \$225 million, right?

Yolanda King, Director, Department of Finance, Clark County:

Yes.

Assemblywoman Neal:

I am somewhat conservative with money. I keep wondering, if this is the estimate, it is about \$345 million a year. So, what does it pay for? I know what the police do, I know they do public safety, but if you are in a \$46 million deficit because you build a building, I need to understand why. This is a lot of money to go to one specific area, so help me understand why it is so much money. If it is a shared cost, I know the average salary is somewhere around \$78,000 base salary for Metro?

Steve Sisolak:

I believe you are right on range with the base salary.

Assemblywoman Neal:

So, outside of salary, what else is the money going to pay for?

Steve Sisolak:

It would go towards the operations of Metro. Besides the regular beat cops and patrol cops, it is the administration. I think we have 1,200 cars, or thereabouts, that are out there for Metro. I am sure you have read about the communications system that failed at Metro: that is the \$45 million price tag that exists for Metro. It is just the cost of patrolling Clark County and having that many officers out on the street.

Assemblywoman Neal:

It has been a shortfall because of the property tax decrease?

Steve Sisolak:

Correct.

Assemblywoman Neal:

My second question moves on to something else, because I am really confused about this. Do they pay for their own gas? We pay for their gas, right?

Steve Sisolak:

Metro budget pays for their gas, which would be apportioned between the city and the county. All of their expenses—everything from the copy machines, to the gasoline, to the tires everything to run the organization—are paid for by Metro, and that is broken down according to the prorated shares of the city and the county.

Assemblywoman Pierce:

I think this is more of a comment than a question really. You give us these dire predictions about DSH payments disappearing, and I have read those in the newspaper, and it is mystifying to me because thousands of people that you treat now at UMC and get no money from will be on Medicaid after ACA kicks in, and you will get something for treating them. So, the idea that DSH payments are going to disappear and there is no counterbalance with ACA is odd to me.

Steve Sisolak:

You are right. We will get some payment from everyone that would be covered under Medicaid. But what happens to the payment, just in this simple example: If you are getting 50 percent of \$100, as in terms of the reimbursement that we are getting on Medicaid now, and it goes up to \$200, and you are only getting 20 percent reimbursement, you are, in fact, providing more services, which cost more, and you are getting less total, overall reimbursement when you extrapolate out the total amount of money that the county is going to get. We do not know what that is going to be, but the potential exists for another shortfall as a result. I answered as best I could.

Chairwoman Benitez-Thompson:

Thank you. Any other questions from Committee members? [There were none.]

We will go ahead and open up the hearing then, on Assembly Bill 59. Welcome back up to the table, Mr. Nuñez.

Assembly Bill 59: Revises various provisions relating to the State Public Works Division of the Department of Administration. (BDR 28-282)

Gus Nuñez:

Assembly Bill 59 is proposed by the Public Works Division and is primarily a housekeeping bill intended to clear up some omissions from last session. It further clarifies the roles and responsibilities between our board and myself as the administrator. It eliminates obsolete reporting obligations and updates the Division's inspection obligations. Sections 1, 2, and 3 of the bill clarify the definition of the Public Works Division. As some of you know, last session Buildings and Grounds (B&G) merged into the Public Works Board. The state Public Works Board became a division, and B&G became a section of the division. However, last session, revisions to *Nevada Revised Statutes* (NRS) Chapter 341 omitted references to Public Works. These sections correct that oversight and clarify that the State Public Works Division is composed of the Administrator, Buildings and Grounds section, Public Works Compliance and Code Enforcement Section, Public Works Professional Services Section, and the Public Works Board.

Section 4 also clarifies the roles and responsibilities between the Administrator and the Board regarding authority to adopt regulations. This section makes clear that the Administrator can adopt regulations for Buildings & Grounds, and recommend regulations to the Board related to Public Works. The Board will consider the regulations recommended by the Administrator and adopt regulations for Public Works.

Section 5 revises NRS 341.128 and proposes to exclude the Nevada System of Higher Education-owned buildings from the facility group's inspection obligations. Earlier we talked about that facility group in our presentation. The facility group is responsible for inspecting state buildings and then issuing a report on those findings. These reports are used to document deferred maintenance needs of the facility, including the cost of the deferred maintenance needs. That work also documents code and Americans with Disability Act (ADA) issues. The public works facility group has never included Nevada System of Higher Education (NSHE) within the scope of its buildings that it inspects, primarily due to staffing levels. Our goal is to do inspections on a five-year rotating basis. Right now, with budget cuts, we are actually not quite meeting that five-year goal. Including NSHE would make things much worse. It would not be tenable situation. The proposed revisions exclude NSHE and will only continue to look at state-owned buildings. The Nevada System of Higher Education is actually outsourcing those services currently. We have never done those for them in the past. Again, it is just a matter of staffing.

Section 6 revises NRS 341.145 and updates the reference to the Deputy Administrator for Compliance and Code Enforcement. It now refers to

the proper wording in the bill: Public Works Compliance and Code Enforcement Section.

Section 7 revises NRS 341.151 to reflect the actual cost associated with the life-cycle cost of the building. Currently, Public Works presents the budget for each project submitted as part of the Capital Improvement Program (CIP), including in each individual budget the estimated operating cost for the expected life of the building. The current statute requires Public Works to report on personnel and expenses of operations items. The numbers that are typically used are those numbers that come from that agency's budget, which is a much more accurate number. So, when we are talking about maintenance and operations, the operations that are running the program within that building for that agency uses a budget; our numbers are not being used. Our proposal is, since that number is not being used, in the future we would like to not report it any more. The rest of the issues regarding life-cycle cost of the building, maintenance and other issues with respect to the facility, we will continue to report on.

Sections 8 through 13 simply clear up the reference to the Deputy Administrator for Compliance and Code Enforcement, that being the new title: Deputy Administrator of Public Works Compliance and Code Enforcement.

Finally, in Section 14, the proposal is to eliminate NRS 341.129. The reason for this request is that currently we have three other reports that we already do besides this report. One of them is in NRS 341.100(8)(g), which is a monthly exception report that we do. We report any changes in the project scope, increases in project cost, any delays in the design or construction, or any other problem which may adversely affect the project. This report has become a permanent item on the Interim Finance Committee (IFC) agenda, and we review that with them at every IFC meeting.

Nevada Revised Statutes (NRS) 341.185 requires an annual report on the status of all projects. As a matter of fact, we just submitted our annual report in February to the Legislative Counsel Bureau (LCB). It reports on the status of the scope, the project schedule for design and construction, the budget, and expenditures to date. *Nevada Revised Statutes* (NRS) 341.191 reports to the Legislature any changes in the priority of construction. The report basically comes as a recommendation from our board. Based on those three other reports, this report that we are asking to have deleted is somewhat duplicative of the other reports. Therefore, we are asking that that particular report be deleted. We will continue to do the other three reports; one is monthly, one is yearly, and the other is on an as-needed basis.

Assemblywoman Neal:

I have a question on section 7, page 8, lines 19 through 21. Why are we deleting the personnel and other expenses of operation when we try to show the final cost of building a building for the state?

Gus Nuñez:

The reason for this particular deletion is that the agency that is going to occupy that facility is already reporting on their budget how much it is going to cost to run that particular program. That is a lot more accurate. They know exactly what their costs are going to be to run the program within that facility. The facility cost is what we would report on; but, how much does it cost to run the program within that facility? The agency or department, whatever it may be that is going to occupy the building, is in a better position to report on those actual numbers, which are reported within their budget, and both the budget office and the LCB use those numbers with respect to that part of the expenses, not the numbers that are included in the CIP project. So we thought as long as no one is using them, why include it again? That is why we are using that part. The issues regarding maintenance, utility bills, et cetera, whatever it may be within that facility, that is a portion that we are in a better position to report on, which is why we are leaving that in the statutes. We are only deleting the portion that the particular cost of the program is going to be to run within that facility. Hopefully, that is clear.

Assemblywoman Neal:

That is clear.

Chairwoman Benitez-Thompson:

Committee members, any other questions?

Assemblyman Healey:

In looking at section 5, where you talk about excluding the buildings of the universities, did I understand you correctly that you said that you currently, or you have not in the past, inspected those buildings?

Gus Nuñez:

That is correct. We do not do the annual inspections on those buildings for the maintenance needs. If there is construction work going on, we do plan check and inspection. The routine identifying the deferred maintenance needs of that particular facility and then prioritizing them the way we prioritize them for state buildings is what this group does. We also identify code or any Americans with Disabilities Act issues. For each one of those issues that we find, we attach a dollar value as to how much it is going to cost to fix the particular item that

was identified. Then we put it in a report. We have never been able to do that for NSHE. Basically, it is a staffing issue.

Assemblyman Healey:

By excluding them out of the bill now, this would not be putting a new burden onto them? Are they currently paying an outside contractor?

Gus Nuñez:

My understanding is that they are doing that work on their own. My understanding is that that cost has been outsourced; that particular program was outsourced by NSHE.

Assemblywoman Swank:

I actually have a question on the same section. Do you know how much NSHE pays to have that task outsourced? Would it be less expensive to have it still within your program? What is the most cost-effective way to take care of the buildings?

Gus Nuñez:

When I first came to Public Works, we looked at that because we were using software that is utilized by this particular company, who not only provides the software, but they will actually come out and do the work for you if you hire them to do that. At that time we saw that our facility group was doing the work for about three cents per square foot. That was about 10 or 11 years ago. The particular vendor that we were buying that software from to do this report charged approximately 10 to 11 cents per square foot to do the same thing. At that point, we made a decision to keep that function in-house and not outsource it. Recently NSHE went to do this work which we do on a routine basis. We are continuously going out there, because right now, we are doing those inspections on about a five-year iteration. I do not have any information on what NSHE's facts and figures were when they went to do theirs. I do know that they did outsource that particular work.

Assemblyman Daly:

On section 4, can you reexplain a little bit about who has authority to promulgate regulations now versus what you are planning under this change? Everybody is still going to go through NRS Chapter 233B in front of the Legislative Commission before anything gets done. Absent emergency and temporary regulations, I am assuming that is all correct. Then a little follow-up on my colleague's last question. The university... you are not doing it; they are outsourcing it. You have decided, if I just heard your testimony right, you found it was cheaper to do it yourselves. Can we get some information back on coordination with that before we not have you do it? Maybe you can do it for

less than they are. Before we approve that, I think we might like to see that information if you can.

Gus Nuñez:

To address the first part of the question, in section 4, the reason for clarifying the roles and responsibilities is that the Public Works Board has historically looked only after the Public Works Board issues, which have been professional services, the building official, and the planning function. When we merged with B&G, that section worked outside of Public Works and all these policies, and procedures, and regulations. So, basically what this part of the bill clarifies is that, when it comes to Public Works, the Public Works Board will continue to oversee and hold all the hearings, et cetera, and adopt the regulations for Public Works functions of the Public Works Division.

Any regulations in the future for the B&G section will be done by the Administrator, and then processed through the LCB, and then through the Subcommittee to Review Regulations of the Legislative Commission, and then eventually be recorded with the Secretary of State. It is a difficult process, but the board will not be involved in the B&G section, as they currently are not, nor ever have been. This just clarifies that.

The second part of your question, with respect to the facility group, all I can tell you is that, since I have been at Public Works, not only were we using this particular company's software and paying for those licenses, we were doing the work ourselves. We were just using their software. Now, we have actually developed in-house our own software to do that work. So, we no longer buy or purchase that particular software to do our reports. It basically does the same thing. So, we now have our own software that we have developed in-house, and we are doing the work ourselves. The actual cost of the program, since I have been here, because of some reductions—when I first got here we had three full-time equivalents (FTE), now we are down to two-and-a-half FTEs—our cost has actually gone down, and we are still inspecting approximately the same amount of square footage per year. So, on a per-square-foot cost, I know that we are still staying at three cents or less. I have not checked recently about what the going price would be from a private vendor, but, as I said, about ten years ago it was approximately ten cents per square foot.

Assemblyman Daly:

That is what I was trying to get at; if you can do it in-house, you are doing it for about three cents per square foot. I guess the question is, can you find out what the university is paying before we absolve you of having to do it? Maybe there is an efficiency to be gained there.

Gus Nuñez:

I would be happy to ask, and I will send you back what we find. I would be happy to send that in writing to your staff.

Chairwoman Benitez-Thompson:

Are there other questions? I just had two quick questions Mr. Nuñez. In your presentation, we saw your current organizational chart. Last session we integrated B&G into Public Works. Does that organizational chart reflect what section 1 does in this bill, which is create the Compliance and Code Enforcement Sector, and the Professional Services Sector? Those are already existing positions within your department, correct?

Gus Nuñez:

That is correct. They were existing. When the merger came together, they identified the administrator, the board, and the B&G section, but it was silent with respect to the building official function and the public services function. It did not say anything about it, so we thought it would be better to just, as a matter of housekeeping, make sure that it is clear on the law that it includes all of those functions.

Chairwoman Benitez-Thompson:

My second question is: on section 14, with the annual report to the Legislature that we would be repealing, do you know if anyone requests that report right now? I know the information is redundant and duplicative and can be found in other reports, but is this report, to your knowledge, one that is requested?

Gus Nuñez:

The only time that we get a request on those projects is if we are late, your staff from LCB will remind us that we have a report that is due. That is usually where the request comes from: your own staff.

Chairwoman Benitez-Thompson:

Any other questions for Mr. Nuñez at this time? [There were none.] At this time I will go ahead and take testimony in support of A.B. 59. Just for clarification with our new rules, support means a person who supports the bill as written, or with any amendments from the bill sponsor. The bill sponsor has no amendments. So, if you are bringing forth an amendment, you will be in opposition.

I believe my folks in Las Vegas are all on for the next bill, but I will just check for anyone in Las Vegas wishing to testify in support. [There was no one.] I will go ahead and take testimony in opposition.

**Jack Mallory, representing International Union of Painters and Allied Trades,
District Council 15:**

We have some concerns about the content of the bill, and I have spoken with Mr. Nuñez regarding these concerns. I did not speak with him directly about this particular section: section 4, subsection 2. We are concerned that one single individual has the ability to adopt regulations on his or her own. I believe that is a function that should be recommended to the board for approval, even though the scope is limited to the B&G section.

On section 5, I understand their desire, and Assemblyman Daly has clarified in the manner of a request whether or not to include this deletion. It is a little bit ambiguous on its surface because it does not specifically require NSHE to submit a report to the division regarding their inspections of their buildings. Effectively, NSHE has to respond to the Board of Regents, and there may be a breakdown in communication. Even though these are NSHE buildings, they are still state buildings.

On section 7, the deletion of "personnel and other expenses of operation," when you are considering maintenance costs. Particularly when you talk about maintenance of heating, lighting, and air-conditioning systems, there are personnel costs and other additional expenses of operation that are included within those costs. We are concerned that the deletion of this removes the clarification of what is included in those costs.

Finally, section 14, deleting NRS 341.129: we have a concern with this, because, principally, this section was substituted in revision for NRS 341.185 in 2005. It includes some very specific information that has to be reported to your body. The section that was replaced does not include this requirement. Looking prospectively, our concern would be that the division could theoretically say that this information does not need to be required in this report that is submitted annually to the Legislature.

Chairwoman Benitez-Thompson:

Just to clarify for the legislative record, Mr. Nuñez, I believe in section 4, subsection 2 in your testimony you talked about how those regulations would go through the subcommittee to Review Regulations, and then through the Legislative Commission. I sit on the Subcommittee to Review Regulations, so I will be seeing those at some point. Is that clear?

Mr. Mallory, I have a question on section 14: Is that report one that you or your trade council has ever requested, read, or reviewed?

Jack Mallory:

To the best of my knowledge it is not. However, the Legislature, in 2005, replaced NRS 341.185 with NRS 341.129, which was a clarification of what would be required to be submitted in that report to the Legislature. It is our opinion that if there is a section that needs to be repealed, it would be NRS 341.185, and not NRS 341.129.

Chairwoman Benitez-Thompson:

Did you have any testimony in writing for the Committee?

Jack Mallory:

I will work on something, Madam Chairwoman. I am still working on something for a previous bill. I would be happy to submit it.

Priscilla Maloney, representing American Federation of State, County and Municipal Employees (AFSCME), Local 4041:

I want to always piggyback on Mr. Mallory's excellent research and thorough grasp of the issues. I do have a prepared statement which I will leave with staff. That is what our statement focuses on. Our main concern is, of course, building safety and worker safety. So, with the concerns about section 5 that have already been articulated by the members of the Committee, we are not clear, from the language of this bill, exactly what NSHE is actually doing. We have established that they are subcontracting these services out, but we do not know where the reports are going, so the existing law provides for the reports to go, I believe, to the Legislative Commission. We have no information based on the language of this bill as it stands.

What is NSHE doing? Is there a correlative report that is going to the Legislative Commission about the state of these buildings? As always, for AFSCME Local 4041, it is a concern when we hear that a state function is not being done because of staffing issues, rather than there is some other conflicting procedure that has been adopted by the Board of Regents. In this instance, we do not know that from the language of this bill, so our concern is that the articulated reason for this is not that there has been some formal legislative process that is put formally into place for the Board of Regents to take over this obligation to keep these buildings safe and, of course, our workforce safe, but rather that this activity is simply just not being done because of staffing levels. [Referred to prepared text ([Exhibit E](#)).] So, if there are no questions from the Committee, I will give my statement over to the staff.

Assemblyman Ellison:

Your testimony said that you do not know where this report is going. It looks like this has been done as a practice for the last several years. Is there any way we can get staff back up to answer that question? I think that is important.

Priscilla Maloney:

So far, what we have heard this morning was simply that we know for sure that it has been handled by NSHE through outsourcing, but that is all we know. We do not know if it is being done annually, as needed, or where the report is going, whereas the existing law provides for it to go to the Legislative Commission.

Assemblyman Ellison:

Madam Chairwoman, could we get that answered, please?

Chairwoman Benitez-Thompson:

Does anyone else wish to give testimony in opposition on the legislative record? [There was no one.] Is there anyone wishing to testify in a neutral position? [There was no one.] There is no NSHE representative available. We will follow up. Seeing none, I will go ahead and close the hearing on A.B. 59. We will open the hearing on Assembly Bill 13.

Assembly Bill 13: Revises provisions relating to hearings conducted by the Local Government Employee-Management Relations Board. (BDR 23-353)

Brian Scroggins, Commissioner, Local Government Employee-Management Relations Board, Department of Business and Industry:

Assembly Bill 13 requests a minor change, or what we consider a minor change or housekeeping item, to *Nevada Revised Statutes* (NRS) 288.110, subsection 2, regarding the ability to schedule board meetings. The current law NRS 288.110, subsection 2 states: "The Board shall conduct a hearing within 90 days after it decides to hear a complaint." If approved in its current fashion, the wording would simply be changed to: "If the Board decides to hear a complaint, the Board shall conduct a hearing." [Continued to read from prepared text ([Exhibit F](#)).]

The Employee Management Relations Board (EMRB) wants to be able to schedule board meetings farther in advance than 90 days. There is no fiscal impact to the state or the agency. The EMRB simply wants to eliminate the 90-day provision so that the agency can schedule hearings farther than 90 days out; thus, providing better service to local governments, local government employees and their unions, or employee associations.

With your permission I would just like to give a brief background of the EMRB. [Continued to read from prepared text ([Exhibit F](#)).] The EMRB is a neutral third party, and we have been very fair in taking time to meet with all interested parties.

The process of filing a complaint with our board is simple. When someone files a pleading with the EMRB, it may be a 5-page complaint, or it may be a 150-page complaint. The original goes into the EMRB files, and four additional copies are submitted: three for the board members, and one for the Attorney General's Office. The complainant then has to mail or deliver a copy of that complaint to the respondent, who has to file another original response and four copies to the complaint with the EMRB. Sometimes the response is accompanied by a motion to dismiss (another original and four copies), and then the respondent gives a copy of their response to the complainant, who either submits a response to the motion to dismiss, or each party will submit prehearing statements. As you can see, it is a fairly paper-intensive process. We are currently working towards an electronic filing system, which would be better for our clients.

In simple terms, when pleading before the EMRB, you generally have a complainant and a respondent, at least two attorneys, and generally representatives from a local government entity and the union, as well as witnesses. In more complex hearings, you may have multiple complainants and multiple respondents. We have had cases where there have been up to 20. So, you may have a county or a city, and the union, and several others as respondents, numerous attorneys, and local government officials and union representatives. Imagine as a committee if you could only schedule three bills to be heard, and could not schedule another bill until one of the original three had been heard. Imagine if the court system, at any level, could only schedule three cases at a time, and could not schedule another case until one of the original three had been tried.

I do try to call the parties well in advance and tentatively schedule a hearing, but the board is the only one that has the authority to schedule a hearing. They are currently restricted that if they decide to have a hearing, it must be held within 90 days. What happens in the process is, I will call the parties and tentatively schedule for, say, August of this year. Then, three months before August, the board will approve that hearing. Then I will call the parties back or send them a notice. They will say, "Well, we never heard back from you, so we have already scheduled another arbitration, another mediation, or another court case, so we cannot meet with you at that time." Then we have to have all parties sign a 90-day waiver. So it is very difficult for us to schedule far in

advance, and we feel that if we had the ability to do so, it would serve our client base much better.

We currently have 53 cases filed before the Board. Twenty-four of those are ready to come to hearing. It takes about 18 months to get through our process, and, as I explained, the board only comes in once a month for a three-day hearing. Sometimes the hearings go for more than two months, which obviously jams up the process. Sometimes we are able to hear one or more cases during the three-day hearing. What ends up happening is, occasionally, if we have scheduled a hearing 90 days in advance, perhaps 30 days before the hearing, we will get a call from the parties saying that they have stipulated for settlement, which is a good thing. We are grateful when they do settle. However, if we do not have another case in the bullpen ready to go, that has already been previously approved, then we end up having to cancel the hearing for that month. It is an opportunity that a case could have to go forward that cannot because of that. As you are probably well aware, it is very difficult to get several attorneys, complainant and respondent witnesses, local government representatives, and union representatives all on the same page within 30 days.

There has been some discussion. I believe Mr. Dreher will have some remarks for you. I believe there is opposition to this bill. I certainly support and understand their concerns. They feel that eliminating the 90-day clause overall would, potentially, with a different board or a different commission (we know that they change) it would maybe cause a problem in the future. We are simply looking at this from a scheduling standpoint. And again, we feel hamstrung or restricted in the ability to schedule farther out in the future. If the 90-day rule were eliminated completely, then the board could listen to cases as they come. In other words, as I stated before, we have about 50 cases in the hopper; about 24 of those are ready to come forward. If we could eliminate the 90-day rule, the Board could go ahead and consider hearing those 24 cases, and we could get those scheduled as quickly as possible. Under the 90-day rule, the board really cannot consider a hearing in any of those 24 cases, unless it is within 90 days of actually having the hearing. So, if we have a case that comes in and all the paperwork is filed properly, all the T's are crossed and the I's are dotted, and everyone gets their information in properly, the board may not even look at that file, to some degree, unless there is another motion for dismissal or a motion to amend the complaint. They may not look at it for a year, because, technically, even if they did look at it, they could not decide to hear it. So, again, we understand that there is opposition to this.

I was not around in 1969—I was six years old—so I do not know what the intent of the 90-day rule was when NRS Chapter 288 was originally started. We want to be able to freely schedule hearings in advance. In fact, if we could

schedule all 24 of those hearings in advance, then we could move the process along for these individuals. We want to be able to better serve our client base.

Chairwoman Benitez-Thompson:

Thank you, Mr. Scroggins. Any questions from Committee members?

Assemblyman Daly:

I want to try to make sure that I understand this. If there is a dispute over, say, a collective bargaining issue or a mandatory subject, that dispute has to, under NRS Chapter 288, come to the EMRB, and then you guys have first crack at it. You can say, we are not going to hear it, motion dismissed, make a determination there, or you could proceed to go ahead and have a hearing. I am assuming there is an appeal process, so they can go to court or do something after that so if you decide not to hear it. I am curious about how exactly that works if you decide not to have it. I think there is a flaw in the language that you have where there is no time to have a hearing. You could take a case where you are going to have a hearing, and if you have to decide before it can be taken to anyplace else to get final judgment, and then you just never have a hearing, effectively eliminating persons. I think that is a flaw in the proposed structure, but if you could answer my question on what the appeals are, and go from there.

Brian Scroggins:

Certainly. Currently, the process is: someone files a complaint with us. The board normally does not just dismiss a complaint unless there is a reason. Say an individual does not want to go through the union and they file a complaint on their own volition, which they are able to do without being a legal expert. We always advise them to go to find an attorney or go through a legal service so that they can get some help because we, as state employees, are not attorneys and we do not offer legal advice. Sometimes they will file a complaint. For example, they will say, I was terminated from county employment, and I do not think that it is fair. That is pretty vague, and the board will dismiss a complaint similar to that perhaps because it is vague. Now, if they want to come back and refile it, there is a certain period of time where they can ask that it be reheard, and they can say, "Well, I was terminated and it is a violation of NRS Chapter 288." Where it is more specific, then the Board would consider that again. Normally, the board does not just dismiss complaints at random unless there are particular reasons.

Now, I mentioned we had 50 cases in our hopper, only about 24 of which could proceed to a hearing. The reason some of the others are not, is because, say you have a dispute between a school district and a school district union over a collective bargaining agreement. They may go to an arbitrator. Normally, our

board will stay proceedings in that case until they get the outcome of an arbitrator, or a mediation, or sometimes if individuals have an ongoing arbitration, or disagreement, they will work that out through the grievance process, and we will stay our proceedings based on the outcome. So, we let them solve the problem at the lower level if they can. If our board makes a decision, normally 50 percent of our clients are unhappy because if the board makes a decision in the favor of a city, then maybe the union is unhappy. If the board makes a decision in favor of the union, maybe the city is unhappy. So, there is a process where they can then file an appeal. They can ask for us to rehear it. They can ask for an appeal to district court or the State Supreme Court; we have several cases that kind of go back and forth through the court system. So there is an appeal process. If they feel that their case is different in some way, they can do a motion for an expedited hearing, where the Board would then be required to hear it out of order to make sure if it is something that is very time-sensitive to a lot of employees. Those are the processes that can happen. I would point out that the board, as any administrative body, already has tools that they are able to use to delay a hearing if they want to or deny a hearing if they want to. What I mean by that is, the board can table or deny them, or the board can ask for clarification of some point, et cetera.

Our objective here is not to delay hearings; it is to move forward with hearings. As I said, you have probably heard the old saying that "justice delayed is justice denied." We do not want to deny justice to anybody. This is more of a private sector thing but, for our agency, time is money, so we want to get through the process. We know that the longer the process takes, the cities and unions rack up a lot of money in legal fees, we have to pay our deputy attorney general's fees, and so, from our vantage point, this is an opportunity where, when a case comes in, the board could at least consider the case. They could determine whether it is valid or not. If it is not valid, they could dismiss it. If it is valid, they could ask the Commissioner (myself) to go ahead and schedule a hearing. I have been there for about two years, and my experience has been that individuals know that it takes a long time to get through the system, for government entities as well as union representatives. Sometimes we have cases filed that we know will never come to a hearing, but they are mainly done to get the other side off the dime, to get the process moving. That is okay, but when we actually get to the point where we start scheduling the hearings, we have quite a number that once we go ahead and decide to have a hearing and have a prehearing conference with them, they go ahead and do a stipulation for settlement.

From our vantage point, if we can get them to the scheduling process more quickly, then they know that we are serious about it and they start having more conversations instead of waiting. In a normal process, the board, in a January

meeting, would determine to hear a case in March. Then I have to call them, and then they start talking to each other a little bit more, because they know the hearing is coming up. Because we have this shortened scheduling period, we had one case where we flew down two board members from the Reno area for a Tuesday morning meeting. They were already en route, and the parties came in first thing on Tuesday morning and said they had come to a stipulation for a settlement. So, we were able to conduct other board business, but we were not able to hold a hearing, and so it wasted an opportunity for another hearing to come forward. Again, we understand that this is not the perfect process either, but we see it as an additional management tool that, for these 24 hearings that we currently have ready to go, will allow us to be able to basically clear the decks and say, out of these 24 these 12 are good. These other 12 will be dismissed. That way we will go ahead and schedule it, and it will be a way that we can serve government employees and government employers in a more effective manner.

Assemblywoman Neal:

I have two questions. The first one is leaning towards what Assemblyman Daly was asking. Procedurally, must a private citizen or someone else file with you first before they go into court?

Brian Scroggins:

Normally, in the procedure, they could go to district court, but, as we had talked about, if they come to us and they are still in the grievance or arbitration process, we will stay our proceedings and tell them to finish up those issues and grievances or arbitrations before it comes to a hearing. If someone were to file a complaint with the district court, they certainly have the right to do that. My experience has been that the district court would probably stay their proceedings and ask them if they have filed a complaint with the EMRB. If not, then they would have to go through our process. We have a six-month statute of limitations. So, for instance, if someone lost their job at a city entity last July and they wanted to come in right now and file a complaint, they could still file the complaint, but the respondent could say that it falls outside the six-month statute of limitations. Once they have filed a complaint or a pleading with us, that statute of limitations is halted, because it is already in the works. If someone files a complaint through district court, and they did not go through the EMRB, and after a year they are told to go through the EMRB, it may be problematic for them because they may miss that six-month statute of limitations. So there are other avenues, like we said: arbitration or grievance proceedings, which they can do before they get to us. Or, when they come to us, they could certainly go to district court, but my guess would be that it would be remanded back to us, to have them file a complaint with us and go

through our process first. In other words, solving the problem at the lowest possible level, if that makes sense.

Assemblywoman Neal:

Yes it does. My second question is this: I read the bill as a whole, on section 1, lines 7 through 25, and then I went back and read what the statute currently says. The statute currently says "The Board shall conduct a hearing within 90 days after it decides to hear a complaint. The Board, after a hearing, if it finds the complaint is well taken . . ." X, Y, Z, right? So if you are taking out the 90 days, number one, you are taking out the word shall, which mandates, and there is no 90 days. Then to me it seems like you fall into this issue in section 1 subsection 4, lines 23 through 25, where you find yourself in this time limitation because you cannot consider any complaint or appeal after the six months. So let us say the person comes and they want to file, but they do not file their complaint within the six months. This is not the person who has already filed, but it seems like they do not work together because it is "if" the board decides to hear the complaint. And so, the first thing that I went to was, what are the vested rights of the person who has a contract and who needs to then go and figure out whether not their contract rights have been violated? I kept trying to understand. It seemed like it took out protection that should be there because, that wonderful word "if," "if" the board decides to hear the complaint, leaves them with the District Court, or leaves them with an arbitrator, and that is expensive. The commission is supposed to act as a reduced cost way for a private citizen to get a complaint heard. That "if" takes them out and puts them in a more expensive category, puts them in district court, or to deal with an arbitrator, which they may not have the ability to do. So, help me understand the language, because to me that is what I see. I do not know what you see, but that is what I see. Help me.

Brian Scroggins:

Again, the EMRB is a neutral third party. We are not promanagement, we are not prounion; we are not antimanagement, we are not antiunion. So, if you are a county employee and you are terminated for some particular reason, if you are discriminated against, you can approach the union if you are a dues-paying member, and they can represent you because you have been paying dues to them. They can file a complaint on your behalf with the board. There is a cost to the union to do that, but not to a dues-paying member because they have already paid their dues to the union.

Now, individuals who are perhaps county employees and not dues-paying union members are still under the same umbrella of that collective bargaining agreement. They may opt to not pay union dues. The union still has a responsibility to fairly represent them, but there is some legal precedence that

the union would be able to charge them. In other words, if you are not a union member and you say, I want you to represent me on this grievance, the union could represent you, but you would have to pay them whatever the set fee is. Again, the process of getting through the EMRB is normally attorney-intensive on every portion; not only the state, but the unions, the county entities, and the government entities. So, I do not necessarily say that the EMRB is a cost-saving way to get through the process because again, everyone has a right to hire attorneys, and that sort of thing, but we are trying to just get them through the process quicker, so that it is cheaper and more effective for them.

Assemblywoman Neal:

This is my issue. I heard your explanation. My computer cut out so I cannot cite this case, but the Ninth Circuit Court said that in order for a right to be vested, it must arise from express statutory language. So, when you delete that "shall conduct a hearing within 90 days," my concern is, what are we then replacing the vested right that was in express statutory language with? What is replacing it? There is nothing left. There is nothing there. I understand the clogged-up process, but the "shall conduct a hearing within 90 days" must have been placed in there for a reason to somehow establish a right in statutory language for a citizen to move forward or force you to move forward. That is what I am trying to understand, and maybe you can give me a better answer than just deleting the 90 days.

Brian Scroggins:

I guess it comes to a definition of what rights are. I am not sure, under NRS Chapter 288, that employees have rights, per se. What I mean by that is, we do not tell counties or cities or government entities or unions what to negotiate into a collective bargaining agreement. It is just that once it is in place, they all have to play nice in the sandbox and do what they were asked or what they agreed to do. The board does not give them those inherent rights; it is whatever is agreed to between the government entity and the union representing them at the time. By "rights" I mean any mandatory subject of bargaining. In other words, how much they are paid, how much vacation they get, how much sick leave they get, how they are disciplined, how they are terminated, how they are dismissed, et cetera. As a government agency, we are not trying to deny any rights to anybody. Again, I was not around when this was created, so I do not know the original intent of the 90 days. As we talked about, really the only thing that we are trying to debate here is when a hearing will take place. For instance, if we left the language as it currently stands, but instead of 90 days, we put two years, then that would eliminate our problem, because then we would have a 24-month period in order to schedule up 24 cases. So, we would not be here doing that.

There has been some talk that the language would be changed, perhaps in an amendment that may be presented later. They might ask that it be changed to 180 days. That would be better than 90. Nine months, or 270 days, would be better than six months, and a year would be better than nine months, although the only thing that we are looking to do, from my standpoint, is to have better alternatives so that when these cases do come forward we can have the board look at them and say that, you know, this does not fall under our jurisdiction. That way it expedites the opportunity for that individual to then say, I am going to appeal this quicker to the District Court, instead of waiting with us for a year-and-a-half, where eventually the board hears it and says we are not going to go forward with this, and then they have to appeal to District Court. I am trying to expedite the process. We are just a little bit hamstrung.

The only thing to debate here is that it currently says that the Board has to hear it within 90 days of deciding to hear it. That is difficult for us schedule-wise, but we have been making it work for a long time now. The longer the time we get, the more we are able to schedule into the future to be more efficient. If we were to say for some reason this is a contract issue and deny it, then they could go up to the appeals process quicker.

Chairwoman Benitez-Thompson:

Thank you, Mr. Scroggins. I am going to take just two more questions from the Committee, and then I think we have it established that the spirit of the bill sponsor is to adjust this time frame. I know I have lots of folks who want to get on the record against, and hopefully we will be proposing, but we have an amendment with one time frame, and we are talking about a time frame issue, as opposed to completely striking language, so anything that anyone can add when we move to the testimony of a suggested time frame would be helpful. I will take these last two questions, and then we will move on.

Assemblyman Oscarson:

Mr. Scroggins, would it be possible for you to put together a flowchart to basically show the system now and the system you are proposing, so that we could see the time frames and how that is going to work out?

Brian Scroggins:

Yes, that certainly would be possible to do. From my simple look at it, the process is going to be much shorter if we can do it without the 90-day clause. As I said, our difficulty is simply that if we are hamstrung, then we can only schedule three months in advance. If someone cancels in the second month, it is very difficult to get everybody together.

We can certainly put a flowchart together and estimate to you how much time it might save if we were to do it with no 90-day clause.

Assemblywoman Swank:

I actually made a flowchart trying to sort out all of these dates. I think I need clarification. I do not see that there is a time limitation between when a complaint is made and when the board decides to hear a complaint.

Brian Scroggins:

That is correct. There is nothing in NRS Chapter 288. As I was stating before, this is not a backdoor method where we are trying to not have complaints heard. We are looking at it as a way to expedite the process, but the board can really not even consider hearing a complaint until 90 days before they are going to hear it. So, again, if we go strictly by chronological order, when the last complaints were filed with us, or, in other words, if we got a complaint in December of 2012, if we did not have the 90-day rule, then in February the board could consider those complaints if they were on the agenda. Then they could validate them, and ask the Commissioner to schedule a hearing, or they could dismiss them, and then that individual could appeal, or go to district court.

You are correct. There is no set time where the board has to hear it. So, as I was mentioning earlier, there are already tools in the EMRB tool belt. If they did not want to have a hearing, they could table an item, or they could leave it off the agenda, and again, that is not our purpose. But, you are correct.

Chairwoman Benitez-Thompson:

We will go ahead and move into testimony in support of A.B. 13. Is there anyone in Reno or Las Vegas? [There was no one.] We will begin with opposition to A.B. 13, and that includes anyone who supports the spirit of the bill but has an amendment or input into different sections of the bill. Please come forward. I know we have some folks in Las Vegas as well. We will go ahead and start with Las Vegas.

Ronald Du Van, representing Las Vegas Police Protective Association Civilian Employees, Inc.:

We are an organization down in Las Vegas that represents approximately 1,450 civilian employees of the Las Vegas Metropolitan Police Department. Of those employees, we have 90 different classifications, ranging from range master, to dispatcher, to motorcycle mechanic, to crime scene investigator, just to name a few. We are fortunate to have a good relationship with our employer. When we have issues arise, 99 percent of the time we are able to work those issues out. When we are not able to work issues out, the EMRB is

an important asset to our organization. We would like to acknowledge the good work that the Commissioner does, that the EMRB does, and that the employees do.

During those times that we have issues, there is that six-month timeline that the Commissioner mentioned. During that timeline, when our organization is working with the employee involved and the employer to try and reach resolution, we are not just sitting there. For six months we are trying to reach resolution on the issue. If we are unable to reach resolution on that issue, as the timeline mentioned, we are able to file that complaint with the EMRB, who may schedule a hearing 90 days farther out. Then they have 120 days to reach a decision on that issue. This means that this issue can progress for a period of over a year. It is important to the employees involved and to the employer that they have a timely resolution to the issues. They can be emotionally charged for all the parties involved, and they can also have budgetary impacts. The employee, the employer, and most importantly, the public is not well served when these issues take excessive time to reach a resolution.

We stand opposed to the proposed language in A.B. 13. I believe Mr. Ron Dreher is possibly going to submit a proposed amendment. We would be in support of that proposed amendment.

Chairwoman Benitez-Thompson:

Questions from the Committee? [There were none.] We will move up here to Reno. I will take you first, Mr. Dreher, and if you could, walk us through your amendment as well.

Ronald Dreher, representing Peace Officers Research Association of Nevada, Washoe County Public Attorney's Association, and Washoe School Principals Association:

The amendment that I bring forward to you is just a little bit different than what Mr. Scroggins stated. First and foremost, I have to tell you that Mr. Scroggins and the EMRB have worked religiously over the years to expedite the processes. They are hamstrung, obviously, by a lack of money. As you heard Mr. Scroggins say, they have done an outstanding job, in my opinion, to move the peace and resolution between labor and management over the years. With 50 cases, it is very difficult to move with a 3-member board that has to go all over the state and with little money to do so. Over the years I have worked religiously with this organization. That is why when I saw A.B. 13 come out I had a concern over doing away with a number and replacing it with an "if," for that reason. I do not have a problem with 180 days because what it does, as Mr. Scroggins says, it helps the system move. It gives him a procedure to schedule a meeting; we do not have that right now. They are going on for

years at this point, so he needs some help. The board needs some help, and I think that by moving this to 180 days we give him the ability to schedule the meetings and the hearings, but we need to keep the number in the law. That is why the proposed amendment states, keep the current language as it is; just move it from 90 days to 180 days, and let us see if that works. If it does not work, then we will all come back next session with him and his board and try and fix that. [Read from ([Exhibit G](#)).]

If I could, Madam Chairwoman, for one brief moment, I would like to help Assemblywoman Neal understand the process a little bit better, because she asked a question, and I do not think it was answered. She asked, "What happens if you do not file it within six months? And, does this 90-day thing hamstring us?" It is completely apples and oranges. You have six months to file a complaint. Once that complaint is filed there are no time lines to move it. The board meets, and, if they decide to hear the hearing, as we said, then they have 90 days to schedule it, once they make a decision to schedule it. So, the six-month thing that you are reading in subsection 4 means nothing to what we are trying to accomplish in this bill; nothing whatsoever.

That is the system in place. You have six months. If I had a discrimination case go down three months ago, it would be over with. You have six months, thereafter, to file it. The point is, with subsection 2, once it is filed the board meets, then you go through all of the procedures that Mr. Scroggins put on the record, and then the board has the meeting and finally decides to have a hearing. When they have that hearing, we are going to set a date 90 days thereafter. As you heard him say, that is when the system breaks down because they cannot do it within that period of time. There are motions and all kinds of things that happen, and he is stuck at that point. They have 90 days to do it; the 180 days provides them with three additional months.

I hope that clarified Assemblywoman Neal's concern because I heard Mr. Scroggins answer and, having been involved with the EMRB for twenty-plus years, I can tell you they have a system that works; it just needs some tweaking.

Chairwoman Benitez-Thompson:

Are there any questions for Mr. Dreher?

Assemblyman Daly:

I understand this. I am used to how the EMRB works; essentially, it is similar to the National Labor Relations Board. So I am used to that process: you have a complaint, you file your complaint, the board processes the complaint, they either dismiss it or they make a decision, in which case you can appeal to the

five-member board in Washington, D. C. If they dismiss it, you can then go to court, and take it all the way to the Supreme Court if you want. I am trying to make sure that in the state section of that, for public employees, they have six months to file the complaint. They file the complaint with the EMRB. Then, say I decide to have a hearing, and I know that is not the intent of the board here, but there is a flaw. I decide to have a hearing, but then I have no time limit to schedule it. If they wanted to, they could say, let us have a hearing; but they never schedule it. That is what I was trying to get to: What are your other remedies? I am fully aware, for instance, if a private sector person tries to go to court over an issue that is grievable, the court says: Did you exhaust your administrative remedies that are available to you? Then they remand it back. That is what I heard in the testimony before. If they try to go straight to court, they are going to say: Exhaust the administrative remedies either through grievance or through the EMRB.

So they have to get to this. They have to make some type of decision before you get to that other avenue if you are still not satisfied. That is what I understood. That is why I say we need a date in there. Is that clear as to what the process is now?

Ronald Dreher:

That is the process right now and, yes, it presents a little quagmire, but not much because they go through the motions: the dismissal, the answer, the prehearing statements, and the like. If we force the EMRB to have a meeting or a hearing within 90 days after we file the complaint, it would be almost impossible to ever do that because of the motions and all of the other things. It is quite similar to a court setting. So, you cannot get there as quickly as Assemblyman Daly pointed out. That is not the point of the bill; that is not the way I saw it, but obviously that would be a good thing to put in, maybe as an amendment to something else dealing with an NRS Chapter 288 system, like NRS 288.110. But that is not the point that he is trying to accomplish here. I certainly understand, and I am empathetic of what you are talking about, because we would love to have these matters decided more quickly, but that is not the point of the bill. It is just to give them more time. Once they decide that they are going to set a hearing, then they have to do that, and/or amendments in 180 days versus the 90. Ninety days is too short. I will tell you that, and I support what Mr. Scroggins is doing.

Lisa Foster, representing Nevada League of Cities and Municipalities:

Our members also have concerns with the elimination of a deadline, feeling that, if there is not a deadline in place, then these could drag on for an excessive amount of time. Regarding a specific deadline, such as the one which Mr. Dreher has suggested, we will need to convene the cities and talk about

this particular deadline to see if that might be more workable for them. I will do that, and we will get back to you as soon as we can.

Chairwoman Benitez-Thompson:

Thank you, I appreciate that. Any questions for Ms. Foster? [There were none.]

Priscilla Maloney, representing American Federation of State, County and Municipal Employees, AFL—CIO, Local 41:

I have a written statement that opposes the bill as written, but given that Mr. Dreher has come forward with an amendment that might alleviate some of the pressure on the docket of this forum, and just to clarify that, if there are any more questions from either Assemblywoman Swank or Assemblywoman Neal on that issue, both Assembly members raised important questions, as did Assemblyman Daly—what we are really talking about is docket control of this particular forum. It sounds like the 90 days was created at a time when Nevada was smaller and times were different. If 180 days is what is going to fix the problem, or at least alleviate the pressure on the good work that the EMRB does, AFSCME is in support of that amendment, though it is not in my written statement because, again, until we had this hearing I was not aware that that was already on the table.

Chairwoman Benitez-Thompson:

Thank you. Any other questions? [There were none]. We will go back down to Las Vegas.

Leonard Cardinale, representing North Las Vegas Police Supervisors Association, Inc.:

Before I begin with my statement, I would like to add to what Ron Dreher said. Commissioner Scroggins and the committee over at the EMRB certainly have their hands full these days with a lot of complaints, and with the limited resources that they have, they do a very good job. There is a lot of backlog, and we do appreciate the Commissioner's efforts. Nevada's first collective bargaining law passed in 1969. [Read from prepared text ([Exhibit H](#)).]

If I may address Assemblywoman Neal's comment, I believe you asked about the intent of this when it was first put into the law. I believe the intent was due process; I believe that is where the language came from. You were saying that once you accept the complaint you shall have a hearing within 90 days because there has to be some kind of due process that we can attach to, and not just have an open card and say, Well we will get the hearing done when we get a chance, and we will schedule it when we get to it. I hope that clarifies, somewhat. [Continued to read from prepared text ([Exhibit H](#)).]

For instance, if you are successful in the EMRB, it can be appealed to district court. If you are successful in district court, then the adverse party could appeal to the Supreme Court. In some cases, even after the Supreme Court rules, there have been cases where a city, county, or employee group has come back and appealed again, even though the Supreme Court ruled. That can tie it up for an additional amount of time. [Continued to read from prepared text ([Exhibit H](#)).]

Before I finish, and in closing, I will give you a little bit of language, and keep in mind that this is proposed language.

Chairwoman Benitez-Thompson:

Is this proposed language for a bill draft request (BDR) that we may be hearing?

Leonard Cardinale:

A possible amendment, yes.

Chairwoman Benitez-Thompson:

I will save that, so that we can make sure that when that BDR gets a hearing, that it goes into the correct legislative spot for the legislative record. So I will go ahead and hold that there. Are there any questions? I want to make sure that I keep the questions specific to the suggested language change with the 90-day time frame. [There were none.]

Leonard Cardinale:

Would I be able to finish my statement?

Chairwoman Benitez-Thompson:

Yes. Just do not read in language on the other BDR, but you can finish your statement otherwise.

Leonard Cardinale:

Thank you for helping me with that.

For example, a couple of years ago, we had an issue with health benefits, and we filed for an injunction in district court. We were granted an injunction because there was a possibility of irreplaceable damage. The EMRB is not able to give injunctions; they can only enjoin, or give relief after they have a hearing. Assemblywoman Neal asked the question about what is heard in different courts—mostly unfair labor practices, failure to bargain in good faith, and disputes over who has representation are heard in the EMRB. There are some matters that really cannot be heard in district court. It does not relate to arbitration because arbitration is mostly with contracts. So, there are some

things that have to go through the EMRB, especially with an unfair labor practice. There may not be other remedies in those particular situations. If you have any questions, I will take them.

Assemblywoman Swank:

Going back to the question I had about when the complaint is made and when the Board decides to hear the complaint, is this something that, since there is no time limit, is problematic? Is there a suggested time limit on this?

Leonard Cardinale:

I believe that there are some time limits. In other words, when we file a complaint, there is about a 10-to-20 day limit on a response, or an opposition. Then once there is an opposition and that is heard by the Board, and maybe Mr. Scroggins can help me with the time frames, but once that is heard by the board, then there is a time frame of, I believe, 20 to 30 days before you file prehearing briefs. I think where the time comes in is, as Mr. Scroggins said, there are some complaints that are 50, 100, 150 pages. The committee has to sit down and wrap their head around the whole complaint and look at the briefs, the oppositions, the motions, and the prehearing statements so that they have a good idea of whether or not they should go to a hearing. I think that there are some time limits on there, but if that is where everything is basically bogged down, that is where it is. They only hear three cases every three months, and there are only three personnel, so possibly an additional committee could be a suggestion in the future. I do not know.

Chairwoman Benitez-Thompson:

Welcome up here to northern Nevada, Mr. McAllister.

Rusty McAllister, representing Professional Fire Fighters of Nevada:

We signed in as in opposition of this bill as it is currently written. We do have some concerns with taking out any time frame limits and putting none. We also understand Mr. Scroggin's dilemma. Taking the language and placing no time limit on it is the way the situation is right now. Following along the same lines as Assemblywoman Swank and Assemblyman Daly, because the time frames for hearing a case do not start until they actually decide to have a hearing or agree to hear it, the delay really takes place already. We need some means by which you could, in a more timely fashion, make a decision about whether or not you are actually going to have a hearing, and then extend that time frame out to better match the time frames that the EMRB needs to hear those cases, whatever that may be. I am not sure what their average time frame is to be able to hear cases, but at least the employee or the local governmental entity would know whether or not there was going to be a hearing; whether it was going to be accepted to be heard, as opposed to sitting in limbo for an extended

period of time not knowing. That way they could make a better informed decision about whether to go through a different avenue, whether to pursue the district court, and when they got to district court, they would at least know and be able to present that, yes, we had exhausted, or at least we had approached the EMRB and they have decided not to hear our case, so that is why we are moving on to the district court level.

Chairwoman Benitez-Thompson:

Mr. McAllister, can I get your comments on the record about the amendment? Or, would you like to check back with your association about the 120-day time frame versus the 90-day time frame?

Rusty McAllister:

With regard to the amendment proposed by Mr. Dreher, I have not actually seen it, but with his discussion about 180 days, again, I would like to hear from Mr. Scroggins if we could. What is his average? We are hearing cases now, because again, they have the ability to delay these cases out as long as they want anyway. Not purposely, but just based on their resources, they have no choice. They are not just deciding to hear a case, because once they decide to hear it, then they have got 90 days. That is when the time frame starts; so they are just delaying it out. Maybe there is a way to flip that around.

Chairwoman Benitez-Thompson:

I do not want to go down that path, just because I want to stick to the bill draft that we have, with the 90 days and the proposed amendment, and contemplate that section of it. I bet if I let you all, there are lots of different parts of labor relations that we could spend much very good time on. Questions for Mr. McAllister? [There were none.]

Ryan Beaman, representing Clark County Firefighters, Local 1908:

I will not go over the same issues, but we understand the EMRB's problems with not being able to have the meetings within that time frame. Expanding the time frame would allow us to have those hearings. We would be in support of looking at the 180-day time frame.

The only other concern that I did have, and Assemblywoman Neal raised the question, was the board deciding to hear a complaint? We are just wondering, because Mr. Scroggins went on record stating that that was not their intent. They still wanted to have the remedy through the EMRB process. I appreciate your asking that question, because that was one of ours. If you have any other questions, I would be more than happy to answer them.

Craig Stevens, representing Nevada State Education Association:

Just in the interest of time, we do oppose this bill; however, we are certainly interested in looking at Mr. Dreher's amendment and working with him on those time frames, and what Mr. McAllister said is right on, and we agree with him completely.

Chairwoman Benitez-Thompson:

Is there anyone else wishing to testify in opposition? Anyone else in Las Vegas? Seeing none, we will move to neutral. Is there anyone wishing to offer testimony?

Brian Scroggins:

I apologize. Can I make a one-minute final on this after the remarks I have heard from everybody?

Chairwoman Benitez-Thompson:

Is it on the 90-day or 120-day limit?

Brian Scroggins:

Yes. First of all, I wanted to thank all of those who have given testimony in opposition today, because we do have a good relationship with them, and we strive to do that. That is why I have taken upon myself to do so much public outreach. I agree with Mr. Dreher that the system works, but it could work better. That was the goal of having A.B. 13.

One of the things that Mr. McAllister mentioned was that it was a difficult process. In other words, the process of getting to the actual 90-day rule is more of a convoluted process, and so, one of the things that I believe A.B. 13 would accomplish is that if there were no 90-day rule, then as soon as the process was completed, in other words, we got the complaint, the responses, all the prehearing statements, and all of that stuff in, then the Board could go ahead and hear that. That might cut the process from a year-and-a-half, down to maybe, let us say six months, and then the Board could hear it and they could say: Yes, this is a case that we would need to hear, or no, this one is going to be dismissed based on these issues. I think that might accomplish what Mr. McAllister was talking about.

I understand their concerns. From the EMRB's perspective, we would like to have the 90-day rule eliminated; 180 days would be better, 270 would be better, 365 would be better than the 90, so anything is better than what we have now to allow us to manage our caseload a little bit better. Again, thank you for your indulgence.

Chairwoman Benitez-Thompson:

Thank you, Mr. Scroggins. We will close the hearing, this time for real, on Assembly Bill 13. Then I will open up the microphones for any public comments. Any public comment in Las Vegas? [There was none.] We will go ahead and close this hearing of the Assembly Committee on Government Affairs [at 10:52 a. m.].

RESPECTFULLY SUBMITTED:

John Budden
Committee Secretary

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: February 11, 2013

Time of Meeting: 8:03 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 59	C	Gus Nuñez / State Public Works Division	PowerPoint presentation
A.B. 59	D	Steve Sisolak, Commissioner, Clark County	PowerPoint presentation
A.B. 59	E	Priscilla Maloney / AFSCME	Prepared text
A.B. 13	F	Brian Scroggins / EMRB	Prepared text and background information
A.B. 13	G	Ronald Dreher / PORAN	Proposed amendment
A.B. 13	H	Leonard Cardinale / NLVPSA	Prepared text