

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

**Seventy-Seventh Session
April 10, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 2:01 p.m. on Wednesday, April 10, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Pat Spearman, Vice Chair
Senator Mark A. Manendo
Senator Pete Goicoechea
Senator Scott Hammond

GUEST LEGISLATORS PRESENT:

Senator Kelvin D. Atkinson, Senatorial District No. 4
Senator Michael Roberson, Senatorial District No. 20
Senator Tick Segerblom, Senatorial District No. 3

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Heidi Chlarson, Counsel
Martha Barnes, Committee Secretary

OTHERS PRESENT:

Douglas C. Gillespie, Sheriff, Clark County
C. Joseph Guild III, Nevada Court Reporters Association
Eric Spratley, Lieutenant, Washoe County Sheriff's Office
Robert Roshak, Nevada Sheriffs' and Chiefs' Association
Chuck Callaway, Las Vegas Metropolitan Police Department
James Kinsey

Chair Parks:

We have a work session today. However, before we begin I would like to revisit a bill that has already had a hearing in this Committee, Senate Bill (S.B.) 294.

SENATE BILL 294: Revises provisions governing constables. (BDR 20-902)

Senator Michael Roberson (Senatorial District No. 20):

Sheriff Douglas C. Gillespie is here from Las Vegas to testify on S.B. 294. When the bill was first heard, there seemed to be some confusion as to what would be the optimal effective date. The effective date is July 1. At the time of the hearing, a representative from the Las Vegas Metropolitan Police Department (LVMPD) expressed concern that July 1 is too soon and a better effective date might be October 1. Sheriff Gillespie, LVMPD and Clark County now agree that the effective date listed in the bill is workable.

Douglas C. Gillespie (Sheriff, Clark County):

To clarify testimony provided by my agency in an earlier hearing on S.B. 294: When I had conversations with the Clark County Commissioners in regard to their approach to dealing with this particular issue, we spoke about timelines for implementation if their vote was for the Constable's Office to be abolished. We talked about the Clark County Sheriff's Office taking over the responsibilities now held by the Clark County Constable.

There was some discussion prior to the Senate Government Affairs Committee hearing when timelines were discussed about how we will approach the changes if this bill passes. From my perspective, if the law goes into effect at the State level, I am in a position to take over the responsibilities on July 1 or October 1. If this Committee determines S.B. 294 should go forward, I will make sure my office maintains a high level of service when taking over these duties.

Senator Goicoechea:

During this transition period, will you put key personnel in place and run it as a Constable's Office under LVMPD?

Sheriff Gillespie:

That would be the short-term approach. Once, we actually had a captain from our organization move into a vacant position when we had a similar problem.

I cannot tell you that is what we will do, but that would be my initial approach on a short timeline.

Chair Parks:

The Constable's Office is responsible for summons, evictions, garnishments and other processing services that you would be absorbing. In recent Legislative Sessions, we have given the Constable's Office additional responsibilities, some of which alleviated the police departments from having to provide the services. One of the programs dealt with abandoned vehicles and the second one with the Fair Share Vehicle Registration program to get people who live in Nevada to register their vehicles here. Do you see these two programs continuing?

Sheriff Gillespie:

Yes. We would be looking at a number of models associated to the Constable's Office and the services it provides to determine what tasks we would continue and what could be provided by a private service. We would look at the Office as a whole and come forward with some recommendations. We are in the process of doing that now.

Chair Parks:

The first bill for us to consider on the work session agenda is S.B. 68.

SENATE BILL 68: Provides for the creation of underground utilities districts.
(BDR 20-497)

Patrick Guinan (Policy Analyst):

The work session document ([Exhibit C](#)) includes amendments for discussion. Four amendments have been proposed and approved by the sponsor of the bill.

Senator Goicoechea:

Before the newly established district can have any bonded indebtedness, it must be approved by the voters in the county. My concern is the whole county has to pay for the underground utility district for small areas within the city or county. The bill requires a countywide vote for any indebtedness which would be the only way the whole county could be taxed. The county should not be able to increase the property tax of everyone in the county to fund the underground utility district, so it would have to be a bonded indebtedness.

Chair Parks:

Yes. Short of having a taxing district comprised of less than the full county, that would be the only way this could be accomplished. Does this bill now become permissive?

Mr. Guinan:

Yes. The amended language makes it permissive for all counties. If you read section 5 of proposed Amendment 7842 to S.B. 68 in [Exhibit C](#), "The board of county commissioners in any county may, by ordinance"

Senator Spearman:

I received concerns from some of the cities regarding the cost of creating an underground utilities district.

Senator Tick Segerblom (Senatorial District No. 3):

There are actually two portions to the bill. There is a permissive countywide section dealing with the underground utilities district that requires a vote by the countywide assessment district. The second section is mandatory relative to redevelopment entities in either counties or cities and will be paid for by the redevelopment funds.

Senator Spearman:

The concerns I received were if people have to pay for this new district, what happens to the repair of sidewalks and road improvements?

Senator Segerblom:

That is a question to be answered by the Committee. Why would you fix up an area with sidewalks and not put the utilities underground at the same time? This is what I want mandated, otherwise it will never happen. As an example, near my house the hospital spent a fortune tearing up the road and made many improvements but left the power lines above ground. It is the ugliest thing in the world. If something is going to be improved, underground utilities should be part of the improvement.

Senator Spearman:

Is there a compromise like a phase-in period?

Senator Segerblom:

I am willing to put a phase-in period of 1 year, 2 years or 5 years in the bill.

Senator Spearman:

Some of these counties and cities already have the funding approved for a project, and if we allow this bill to become effective upon passage and approval, it may affect those projects.

Senator Segerblom:

Five years would be fine. We need to focus on planning our redevelopment projects to be completed correctly the first time. If we give the cities and counties 5 years, there will be time to raise more money and complete the project properly.

Senator Hammond:

I still have concerns with the bill, since you are talking about tying up a great deal of money because you do not want to complete these projects cheaply. I am glad to see the permissive language added, but I still have concerns about how the bill is structured. The people who have contacted me have problems with the bill even if it is phased in over 5 years. I have a problem with the burden we might be putting on a redevelopment project.

Senator Spearman:

One of the things we might consider as a compromise is to amend the bill to phase this in over a 5-year period. Perhaps the cities and counties could submit plans of how to complete the redevelopment. Sometimes making written plans helps to complete it more quickly.

Senator Segerblom:

The redevelopment agency needs to submit the plans with and without the undergrounding of utilities for all redevelopment projects to determine the appropriate costs for the city councils or county commissioners. I want to force people to start thinking about this issue.

Senator Goicoechea:

Because it is a redevelopment area and most projects are ongoing, the money is committed. I am very concerned about how we make the commitment from the funding levels and projects already in place. There could be projects bonded out for 20 years in some of these redevelopment districts.

Senator Segerblom:

I do not want this bill to apply to existing projects. If there is a plan to redevelop an area of 10 square miles and 1 square mile has a plan, then we could consider the 9 square miles that have not been dealt with yet.

Senator Goicoechea:

Plans could probably be incorporated into the new projects. I do not know how much money is already tied up in these projects. I am also not sure where all the money comes from that goes into a development district. I want to make sure my constituents in Logandale and Moapa Valley are not going to pay for a redevelopment downtown.

Senator Segerblom:

The redevelopment is strictly the area being redeveloped.

Senator Goicoechea:

Because of the language in the bill and since it becomes countywide permissive, you could float a bond that would just focus on a redevelopment area.

Senator Segerblom:

No.

Chair Parks:

Section 10 of the amendment makes reference to all new utilities which are constructed in a redevelopment area must be constructed and maintained underground. I am not sure that was discussed when this bill was initially heard in this Committee. This bill addresses projects in the future and not existing redevelopment projects.

Senator Segerblom:

Yes.

Chair Parks:

Regarding a timeline, that would alleviate some of the concerns expressed by the members of the Committee. For clarification, there are two parts to this bill. One part deals with the countywide aspect and the other deals with redevelopment and the possibility of phasing in the mandatory portion.

Senator Spearman:

I will support the bill as long as we use a phased-in approach so it is not so cost-prohibitive or burdensome to the cities and counties. Would you agree to 5 years with an opportunity to get a waiver?

Senator Segerblom:

Yes.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 68 WITH A 5 YEAR EFFECTIVE DATE PLUS A WAIVER PROVISION IN THE REDISTRICTING.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HAMMOND VOTED NO.)

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Chair Parks:

Mr. Guinan will provide a summary of S.B. 74.

[SENATE BILL 74](#): Revises provisions relating to public records. (BDR 19-603)

Mr. Guinan:

The work session document ([Exhibit D](#)) includes several conceptual amendments submitted previously. The proposed Amendment A incorporates proposals submitted earlier and was offered by Clark County, dated April 4.

Senator Tick Segerblom (Senatorial District No. 3):

Amendment A is missing a piece related to court reporters in smaller counties who complete the minutes. We want to exempt them from the bill so they can charge the standard court reporter fee.

Chair Parks:

There are several State agencies that also employ the use of a court reporter.

Senator Segerblom:

A court reporter can charge the standard fee.

C. Joseph Guild III (Nevada Court Reporters Association):

A letter was sent to Committee members with a proposed amendment exempting the transcript created by a court reporter when it is considered to be the minutes of the agency or the local government. The exemption pertains to the requirement of not producing the record upon request, but reaffirming it is the reporter's private property. A court reporter has to keep records longer than the bill requires an agency to keep records. We are addressing payments in these special instances.

Senator Segerblom:

I have no opinion on the amendment just offered.

Chair Parks:

That was in regard to the foreclosure mediation. Is there a specific records requirement relative to that entire process?

Senator Segerblom:

Yes. The process is controlled by the Nevada Supreme Court, so it is separate from this bill because we do not have jurisdiction. The recorded information is confidential. We met with the Nevada Press Association and the counties and cities to develop this compromise.

Chair Parks:

The proposed amendment we have in our packet has been approved by the Press Association?

Senator Segerblom:

Yes.

Chair Parks:

For many years, local governments adhered to a policy of \$1.00 for the first copy and \$.10 for every page thereafter. Was that something you discussed?

Senator Segerblom:

We did, and basically most places are not going to change their policies to make it worse, but we want to have consistent charges. This is a compromise.

Senator Spearman:

Would you be amenable to add language to address technology? The more we can do through email and electronic transfer, the cheaper it is, not just for the requestor but also the person preparing the copies.

Senator Segerblom:

If copies can be supplied electronically, there would be no charge—and that is the goal. Many entities are not doing this now. Oftentimes, the press must go back to historical records to get the information. If microfiche is used, it costs more than 10 cents a page to gather the information.

Senator Goicoechea:

The problem in the rural communities is the materials are archived in a backroom. When you talk about microfiche, this has not even been accomplished in most of the rural counties. When you say you can get 10 cents for the first page, you know full well when a document is requested that it might take 3 days of work in some warehouse with no heat as someone tries to locate the requested documents. Employees in these small counties could spend hours costing thousands of dollars to retrieve some of these documents, and we are mandating they cannot charge over 50 cents per copy. I will oppose this legislation because it is not a one size fits all.

Senator Segerblom:

We have included some language for the smaller counties.

Senator Goicoechea:

There has to be a budget to pay a salary.

Senator Hammond:

There are three different sections of amendments for this bill. Are you saying they will all be added?

Senator Segerblom:

I am referencing Amendment A submitted by Clark County.

Mr. Guinan:

The first three amendments were requested during the hearing on the bill. The sponsor of the bill met with those folks and the amendments no longer apply as long as you take Amendment A listed in the work session document. Everyone

has agreed the new Amendment A submitted by Clark County takes care of all concerns except the proposal from Phil Olsen of Civil Rights for Seniors and the exemption for court reporters we just discussed.

Senator Hammond:

I have reviewed the amendment and feel my concerns have been addressed.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 74 WITH THE PROPOSED AMENDMENT AND THE EXEMPTION FOR COURT REPORTER-PRODUCED MINUTES.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GOICOECHEA VOTED NO.)

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Chair Parks:

We will discuss S.B. 144.

SENATE BILL 144: Revises provisions governing the investigation of peace officers. (BDR 23-100)

Mr. Guinan:

The work session document for S.B. 144 ([Exhibit E](#)) includes the mock-up of proposed Amendment 7841. During the first hearing for this bill, there were concerns voiced that some interested parties did not receive the opportunity to work through their concerns with the sponsor. Since that time, the sponsor has discussed the language with more people and had proposed Amendment 7841 drafted by the Legal Division.

Senator Tick Segerblom (Senatorial District No. 3):

After the last hearing, we revised the language and removed documents in the administrative file. We determined the audio and video of the incident itself was appropriate for review prior to an interview. This does not include any witness statements that could be used against the officer or a witness. We met again with representatives from the Sheriffs' and Chiefs' Association, and they remain opposed to the bill. They are also opposed to the peace officers' statements being admissible during administrative proceeding.

Senator Spearman:

Are there areas where you still disagree?

Senator Segerblom:

There are two areas. We made corrections to the first portion by narrowing it down so the administrative files are not available for review by the officer prior to the interview. The bill only addresses video and audio recordings being made available but not witness statements. There is still no agreement on the bill.

Senator Spearman:

The concern is there is no balance in this approach. For someone who is truly trying to evade proper scrutiny, he or she would have the advantage, and then the administration would not have any. We have to walk a fine line to ensure the accused officer does not lose any of his or her constitutional rights. The concern for the people on the other side is making sure to find the truth, and with too much latitude, that may not happen.

Senator Segerblom:

We believe we addressed these concerns because we took out access to the administrative and investigative files. That information is no longer discoverable. The testimony indicated LVMPD already provides access to the audio and video recordings. A videotape of an incident is objective evidence. You should not have to go in blind when under oath and look at something and answer questions when the other side has reviewed the information many times. It would not tip the balance one way or the other to allow the officer to review the audio or video tape of the incident prior to being interviewed.

Senator Goicoechea:

I am still concerned about an audio or video recording of the incident. That could mean anything that occurred at that scene. It could even be witness interviews. I was focused on the dashboard cameras. I want it limited to what happened at the scene.

Senator Segerblom:

We are happy to work with you. This is intended to be the dash camera.

Senator Goicoechea:

We should say dash camera.

Senator Segerblom:

If you go into a 7-Eleven, there would be videotape of what the camera was focused on.

Senator Goicoechea:

If you open up all of the videotapes of everything you have in evidence and try to make it fit under video evidence, it is too broad.

Senator Segerblom:

The LVMPD testified it already provides this information to the officer prior to the interview.

Senator Hammond:

Could we hear from some of the officers who testified in the prior hearing to address some of the compromises?

Eric Spratley, Lieutenant (Washoe County Sheriff's Office):

We are still in opposition to the bill. It is my recommendation that officers tell the truth. When it comes down to an investigation, it means tell the truth.

If there is video evidence, and you say, "I went into the 7-Eleven and turned right and went over by the beer cooler," and the video evidence shows you turned left, you may have some explaining to do. If the officer is lying because something may have happened over on the left and he or she wants to create distance from what happened, an explanation is in order. It comes down to telling the truth. The officer should not receive documentation in advance.

If I was under investigation and trying to cover something up, I would love to have all of the evidence in advance. It is not appropriate in this circumstance. The officer needs to be interviewed cold turkey. When citizens are taken in for interviews as potential suspects in a case, they are not afforded that opportunity. Why are we affording that to our police? It takes away the transparency. This is without merit. Every session more and more of *Nevada Revised Statutes* (NRS) 289 goes more toward the officers.

Senator Spearman:

I am always looking for the middle ground. Is the purpose of the bill to enshrine the rights of police officers to ensure there is nothing untoward that happens in the accusatory phase or other parts of the investigation? If they go to the left

instead of the right, and memory says to the right and they hear the person say to the left, how much detail are we referencing when jogging someone's memory? One of the things we were required to do 30 years ago was to make sure we carried a small notebook so we could use notes to jog our memory.

Lt. Spratley:

In those circumstances, we should take notes, and I believe in audio and video recordings. I was instrumental in getting video cameras installed in our patrol vehicles at the Washoe County Sheriffs' Office. I believe in technology. Trained investigators know when somebody is being untruthful. We also know that some witnesses will say, "I heard the shot and then I saw the black van drive away," when the vehicle was actually a red sedan. The mind does tricky things sometimes. We understand that. Giving officers audio and video recordings of the incident may have something to do with the witness statements or something they should not be part and parcel to during that investigation. Police officers are already afforded great protections under NRS 289. It is much greater than what is afforded to the public. We should stick with what we have.

Senator Spearman:

Previously, someone said what officers are asking for is already provided by the LVMPD. Is that true? Only with LVMPD? So it is not provided uniformly throughout the State. Is there a reason why?

Lt. Spratley:

I am not sure if the Washoe County Sheriffs' Office of Professional Integrity provides audio and video information, but it is a management decision to operate the way the office sees fit, depending on how the agencies under its control generally operate. The LVMPD is a very large, high-speed agency. Washoe County, being one of the larger agencies as well, has a completely different way of doing business and completely different way our officers behave and interact with the public. In each jurisdiction, local police agencies, sheriffs and bailiffs behave differently on a daily basis. It is up to management of those agencies to operate the way it sees fit.

Senator Spearman:

I really need to understand this issue so I can make an informed vote. If the LVMPD provides this information, and it is left to management discretion in other agencies, is that an aspect of this bill that you might consider? I think the

term used was the dash camera. Would that be something you would consider as part of the management protocols?

Lt. Spratley:

We would certainly provide our dash camera recordings to officers if that is the only issue, but when addressing audio and video recordings of the incident, it is still too broad.

Senator Spearman:

Both sides seem to be going toward the same thing but in a different way. My questions are designed to say: how can we go down the same road, to the same goal, in the same vehicle? If the dash camera is the sticking point, is that something you would be amenable to at least considering? If both sides are trying to get to the same thing, how can we get there together?

Lt. Spratley:

I am not sure we can because we oppose the bill.

Senator Hammond:

Would you perform these internal investigations if anything was conducted against policy or your practices? After you go through an exhaustive investigation and you terminate the officer, does the officer have any kind of due process? Can he or she sue the agency for wrongful termination?

Lt. Spratley:

I believe so, but I am not well-versed in what happens during investigations because I have not worked in the Office of Professional Integrity.

Senator Hammond:

The Office probably has recourse of some sort, and the evidence might be available in a court of law where it is forced to get discovery.

Lt. Spratley:

Yes. The officer would have seen all of his or her videos and have access to them.

Senator Hammond:

The police agencies have policies that provide you with certain discretion, but if we put something like this into statute, it no longer gives you the flexibility you

want. Maybe there was an interview conducted next to the hood of the car after the incident was over and some of the conversation can be heard over the dash camera; is this admissible now? The LVMPD or the Washoe County Sheriffs' Office could have said yes. If this language is put into statute, are you worried that it is actually too broad?

Lt. Spratley:

Yes. If the LVMPD is providing video, we applaud them and we would like to do that also. In this circumstance, we know we have, but we are not in this circumstance for these reasons. You still provide management the right to run that investigation and the agency rather than codifying in statute as to what it shall do.

Chair Parks:

I had not intended to have a full rehearing of this bill today. I did, however, want to afford both the LVMPD and the Sheriffs' and Chiefs' Association to make brief statements.

Robert Roshak (Nevada Sheriffs' and Chiefs' Association):

This is the first time I have seen this amendment during the work session. I had some conversations about this bill but nothing about this amendment.

Chuck Callaway (Las Vegas Metropolitan Police Department):

The sponsor of the bill did share the amendments with me, and I was under the assumption they had been shared with the other law enforcement folks as well. I spoke with Kirk Hooten, who represents the Las Vegas Police Protective Association. Although LVMPD does allow officers to review the audio and video prior to giving a statement, there may be certain circumstances where that is not appropriate. We want to retain the right not to provide any information if that circumstance should arise.

We still have concerns about the civil *Garrity* section in this particular bill; based on this information, we could not come to consensus of agreement. We remain opposed.

Senator Spearman:

It is still my belief we are all heading to the same place. Given the fact that everyone has not had the opportunity to review the amendment, I would like to hold the bill over until the next work session.

Chair Parks:

We will hold S.B. 144 for 48 hours and, hopefully, all parties can find a workable solution to their differences. Mr. Guinan will provide a summary of S.B. 122.

SENATE BILL 122: Revises provisions governing a regional authority for housing in certain counties. (BDR 25-638)

Mr. Guinan:

The work session document for S.B. 122 ([Exhibit F](#)) also includes a mock-up of the proposed Amendment 8113.

Senator Spearman:

We talked about adding some type of training for people representing a housing authority so they could become more proficient.

Senator Kelvin D. Atkinson (Senatorial District No. 4):

We did discuss this issue with some of the folks, and the problem is that training adds a fiscal note to the bill. More training would have occurred if we had to replace members, which the original bill did by downsizing the number of members. We began with 11 members, and the citizens wanted 7 members. It would have been much more involved if we were replacing members. It seemed more applicable to add members to the Southern Nevada Regional Housing Authority board so the citizens could feel like they are being heard. The Housing Authority Board can be somewhat adversarial, so the amendment simply adds three members. There is an at-large member, and that person is from Henderson. The bill will add a representative from North Las Vegas and one from Clark County.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 122.

SENATOR SPEARMAN SECONDED THE MOTION.

Senator Hammond:

Everything being done now will remain. The proposed Amendment 8113 just added one more citizen seat to the board.

Senator Atkinson:

Yes.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

Our next bill is S.B. 201, and Mr. Guinan will provide a summary.

SENATE BILL 201: Revises provisions governing the employment of retired public employees. (BDR 23-559)

Mr. Guinan:

The work session document for S.B. 201 ([Exhibit G](#)) includes the proposed amendments.

Senator Hammond:

After the first hearing, in order to understand how Public Employees' Retirement System (PERS) will lose money if this bill passes, I spoke with Dana Bilyeu, PERS executive officer. I actually understood it at that time but cannot explain it today. I understood her concern because once you leave the system and go into retirement, you still pay on the retirement that you have and PERS loses money if you come back. I still have a hard time with the bill as written.

Senator Tick Segerblom (Senatorial District No. 3):

The amendment proposed by Senator Parks works in conjunction with the amendment I proposed as far as returning the PERS contribution to the employee. The amendment keeps the contribution with PERS. Senator Parks' amendment changes the 24-month period to 12 months and limits the positions to boards and commissions.

Chair Parks:

My intent was to determine the number of potential participants. I thought it should be very low, but after looking at the number of participants, it could be substantial. However, if it is for those top level positions appointed by the Governor, then here is an opportunity to access the expertise that comes from a person who has had a substantial number of years of service and experience as well as limiting it to those top level positions.

Senator Segerblom:

This is really the intent of the bill. Certain positions are comparable to an elected person, so why exclude a whole group of people who have given their lives to the State and have knowledge in certain areas that could be utilized on boards and commissions?

Senator Hammond:

Once that employee goes into retirement, PERS has to factor in how much it has to pay for the lifetime of that retiree. Once that person is reemployed, there is still money coming out of the system. If the person wants to come out of retirement and not get paid for the retirement and go to work, we are talking about positions with a substantial salary. I do not understand why someone would have to continue to draw retirement and also receive a salary.

Senator Goicoechea:

Are we utilizing your amendment, Senator Segerblom, or the amendment submitted by Senator Parks?

Senator Segerblom:

It is the amendment I proposed plus the amendment proposed by Senator Parks and changing the time period from 24 months to 12 months.

Senator Goicoechea:

Can you hire someone back to the same position?

Chair Parks:

My amendment would be silent to that particular prospect, although I presume it certainly could be a possibility, but in all likelihood it would not.

Senator Goicoechea:

The way I read the bill, a person may be appointed for a period of up to 12 months, but after that he or she could come back in the same position.

Chair Parks:

Yes. I was assuming somebody would retire from a high-level position and then the Governor would see his or her qualifications and want to continue to utilize his or her expertise on a board or commission.

Senator Segerblom:

We are not talking about the same position, we are talking about a different position.

Senator Goicoechea:

I need clarification that it would not be the same position because that would be true double-dipping.

Chair Parks:

Yes. That could be made part of the amendment if this bill were to pass.

Senator Goicoechea:

Are we considering Dr. Wheeler's amendment?

Chair Parks:

The third amendment submitted by J. K. Wheeler, M.D., in letter form came across as a person who worked, retired and then turned around and wanted to be rehired into the same position he or she just left.

Senator Goicoechea:

Under this plan when someone comes back to work, the date at PERS stays with the system?

Senator Segerblom:

Yes.

Senator Goicoechea:

I cannot see how the system will lose money under that scenario.

Senator Segerblom:

We are changing the language from 24 months to 12 months, the position cannot be the previous position and the person can only be appointed to a board or commission.

Senator Goicoechea:

Will the amendment narrow the number of positions a person can fill?

Chair Parks:

It will significantly limit the number of individuals who could be appointed.

Senator Goicoechea:

It almost sounds like the Governor must appoint a retired person to the board or commission, and I know that is not your intent.

Chair Parks:

My intent is to allow the Governor to appoint someone who is part of PERS to a position, and that person would not have to forego his or her PERS retirement to accept the position.

Senator Goicoechea:

In other words, the Governor may appoint a retired employee to a board or commission. At that same time, if it is a paid position, can we apply the first amendment so the person could contribute to PERS from salary even though his or her retirement salary is not to be held by PERS?

Chair Parks:

It would also apply if the first two amendments were incorporated into the bill.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 201.

Mr. Guinan:

The desire of the Committee seems to be to include the amendment proposed by Senator Segerblom but add the language proposed by Senator Parks. The waiting period for returning after retirement would be 12 months, and the retiree could only be appointed to a PERS board or commission by the Governor after 12 months of retirement. The contribution made to PERS stays with PERS and does not go back to the employee once he or she has completed the appointment.

SENATOR MANENDO SECONDED THE MOTION.

Chair Parks:

I think 24 months might be regarded as unconstitutional, whereas 12 months seems to be a standard.

THE MOTION CARRIED. (SENATOR HAMMOND VOTED NO.)

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Mr. Guinan:

I want to make a clarification. The amendment includes that the retiree returning to work is not assuming the same position on the board or commission as before.

Chair Parks:

We have one last bill. We will discuss S.B. 440.

SENATE BILL 440: Makes various changes to the Charter of the City of Henderson. (BDR S-870)

Mr. Guinan:

The work session document of S.B. 440 ([Exhibit H](#)) has a two-page summary, but there were no opponents to the bill when heard in the Committee. Questions surfaced about a couple of changes for which the Committee received answers. In the time between the hearing and now, there is neither opposition nor amendments to the bill.

Senator Parks:

There were some concerns regarding this bill, but those Senators have been reassured and have seen their concerns were unfounded.

SENATOR MANENDO MOVED TO DO PASS S.B. 440.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

That concludes our bills scheduled for work session today. Is there anyone who would like to provide public comment?

James Kinsey:

My public comment is short and to the point. I observed Clark County Sheriff Gillespie in his testimony. There was a discrepancy I would like to bring to the attention of the Committee. In a March 19 video public record of the Clark County Commission hearing, Sheriff Gillespie testified on the abolishment

of the Constable's Office for the Las Vegas Township and that his office was not prepared to take over the duties. On April 2 before the County Commission, a report of the Sheriff's Office indicated a \$46 million shortfall requiring 119 officers to be laid off. With a \$46 million shortfall plus a \$5 million loss of income and revenue from the Constable's Office I do not see how the Sheriff's Office is prepared to take over the duties of the Constable's Office as early as July 1. It does not seem plausible. For budget reasons, it does not seem fiscally sound.

The County Commission decided to wait until the end of the Constable term because this is an elected official. This is a highly controversial issue, and I still believe this situation should be left to either the County or the courts. Abolishing an Office in such a hurry to just to get rid of one person and appoint someone else is something we should not be involved with at all. As members of the public, we are now looking at a 0.025-cent tax increase because of the Las Vegas Metropolitan Police Department, budgetary shortfall and 119 officers and 52 constable deputies being laid off. This is almost 200 officers in Clark County while someone is saying he can take over the office by July 1 with no problem. The numbers do not add up, and I just wanted to bring the information to the attention of the Committee members. The information is a matter of public record and the videos reside on the Clark County Website. I urge the members of the Committee to look at them.

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Chair Parks:

Is there anyone else who would like to provide public comment? Not having any further business to come before the Committee, we are adjourned at 3:35 p.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	3		Attendance Roster
S.B. 68	C	9	Patrick Guinan	Work Session Document
S.B. 74	D	40	Patrick Guinan	Work Session Document
S.B. 144	E	11	Patrick Guinan	Work Session Document
S.B. 122	F	4	Patrick Guinan	Work Session Document
S.B. 201	G	6	Patrick Guinan	Work Session Document
S.B. 440	H	4	Patrick Guinan	Work Session Document