

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

**Seventy-Eighth Session  
April 7, 2015**

The Committee on Government Affairs was called to order by Chairman John Ellison at 8:08a.m. on Tuesday, April 7, 2015, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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: [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman John Ellison, Chairman  
Assemblyman John Moore, Vice Chairman  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblywoman Amber Joiner  
Assemblyman Harvey J. Munford  
Assemblywoman Dina Neal  
Assemblywoman Shelly M. Shelton  
Assemblyman Stephen H. Silberkraus  
Assemblywoman Ellen B. Spiegel  
Assemblyman Lynn D. Stewart  
Assemblyman Jim Wheeler  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Edgar Flores (excused)



**GUEST LEGISLATORS PRESENT:**

Assemblywoman Robin L. Titus, Assembly District No. 38  
Assemblyman Erven T. Nelson, Assembly District No. 5

**STAFF MEMBERS PRESENT:**

Jered McDonald, Committee Policy Analyst  
Eileen O'Grady, Committee Counsel  
Erin Barlow, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Tina Leiss, Executive Officer, Public Employees' Retirement System  
James Smack, Chief Deputy Controller, Office of the State Controller  
Brian McAnallen, Government Affairs Manager, City of Las Vegas  
Javier Trujillo, Director, Intergovernmental Relations, City of Henderson  
James Sherk, Research Fellow, Heritage Foundation  
Dan Schinhofen, Commissioner, Nye County  
Frank Carbone, Commissioner, Nye County  
Jim Galloway, Private Citizen, Reno, Nevada  
Gerald Antinoro, Sheriff, Storey County  
Geoffrey Lawrence, Assistant Controller, Office of the Controller  
Andy Matthews, President, Nevada Policy Research Institute  
Greg "Bum" Hess, representing Storey County  
Justin Harrison, Director, Government Affairs, Las Vegas Metropolitan Chamber of Commerce  
Tray Abney, Director, Government Relations, Reno-Sparks-Northern Nevada Chamber of Commerce  
Rusty McAllister, President, Professional Fire Fighters of Nevada  
Ronald P. Dreher, representing the Peace Officers Research Association of Nevada, Washoe County School Principals' Association, and Washoe County Public Attorneys' Association  
Ruben R. Murillo, Jr., President, Nevada State Education Association  
Carla Fells, Executive Director, Washoe County Employee Association  
John Faulis, representing Las Vegas Metropolitan Police Department Police Managers and Supervisors Association  
Norm Halliday, Secretary-Treasurer, Nevada Alliance for Retired Public Safety Officers  
Richard McCann, Executive Director, Nevada Alliance for Public Safety Officers

Marlene Lockard, representing Service Employees International Union  
Local 1107

Danny L. Thompson, representing the Nevada State AFL-CIO

Priscilla Maloney, Government Affairs, Retiree Chapter, Local 4041,  
American Federation of State, County and Municipal Employees

Lonnie Shields, Assistant Executive Director, Nevada Association  
of School Administrators

Brian Wilson, Private Citizen, Las Vegas, Nevada

Brett Kandt, Special Assistant Attorney General, Office of the Attorney  
General

Lynn Chapman, representing the Independent American Party

Janine Hansen, State President, Nevada Families for Freedom

Megan Bedera, representing the Nevada Firearms Coalition

**Chairman Ellison:**

[Roll was called. Committee rules and protocol were explained.]  
Assemblywoman Titus, please come forward. There are a few questions about  
the bill. We will start with a work session and Assembly Bill 430.

**Assembly Bill 430:** Revises provisions governing channel clearing.  
(BDR 48-1130)

**Jered McDonald, Committee Policy Analyst:**

We are looking at Assembly Bill 430. This revises provisions governing channel  
clearing and was sponsored by the Assembly Committee on Natural Resources,  
Agriculture, and Mining, and this Committee heard it on April 3.  
Assembly Bill 430 requires the State Engineer to maintain a list of proposed  
projects for the clearance, maintenance, restoration, surveying, and  
monumenting of navigable rivers in Nevada and the estimated cost of each  
proposed project. [Continued to read from work session document ([Exhibit C](#)).]

**Chairman Ellison:**

Is the \$250,000 cost for trying to apply for a grant or asking the state to do the  
funding for this?

**Assemblywoman Robin L. Titus, Assembly District No. 38:**

It is seed money. The cost of \$250,000 will have to go directly to  
Ways and Means. I have talked to the Chair of Ways and Means. It is at the  
discretion of this Committee to pass this bill forward. The State Engineer's  
office will probably be able to pony up that money by applying for grants. Most  
of these grants are matching funds. The community also does volunteer work  
or there are soil conservation groups, so we are asking the state to start  
these programs.

**Chairman Ellison:**

Please work with Assemblyman Paul Anderson to make sure he knows this is coming right away.

**Assemblywoman Titus:**

I just spoke with him before this meeting, and that is what he is hoping this Committee chooses to do.

**Chairman Ellison:**

Is there a motion?

ASSEMBLYMAN SILBERKRAUS MOVED TO DO PASS  
ASSEMBLY BILL 430.

ASSEMBLYMAN MOORE SECONDED THE MOTION.

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

Assemblywoman Titus will do the floor statement. You had one more bill,  
Assembly Bill 415.

**Assembly Bill 415:** Revises provisions relating to the use of water in a federal  
reclamation project. (BDR 48-928)

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 415 revises provisions relating to the use of water in a federal reclamation project. This was another bill sponsored by the Assembly Committee on Natural Resources, Agriculture, and Mining, and was heard in this Committee on April 3. For the purposes of water rights, A.B. 415 revises the definition of "farm" to include two or more tracts of land within a federal reclamation project under common ownership and primarily used for agricultural purposes, regardless of whether the tracts are contiguous to one another. There was discussion of an amendment during the meeting, that the definition would include leased land. There is a mock-up on the next page [page 2, ([Exhibit D](#))] that was provided by the Legal Division. That would apply to land leased by the same person who owns the lands.

**Chairman Ellison:**

Is there a motion?

ASSEMBLYMAN SILBERKRAUS MOTIONED TO AMEND AND DO PASS ASSEMBLY BILL 415.

ASSEMBLYMAN MOORE SECONDED THE MOTION.

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

Assemblywoman Titus, I will give you both floor statements.

**Assemblywoman Titus:**

Thank you very much, Chairman and Committee.

**Chairman Ellison:**

We will move on to Assembly Bill 159.

**Assembly Bill 159: Makes various changes to provisions governing public works. (BDR 28-936)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 159 makes various changes to provisions governing public works. This was sponsored by the Committee on Government Affairs and heard on March 11 and 12. Assembly Bill 159 provides that a public body shall not: (1) require or prohibit a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to the public work; or (2) discriminate against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. [Continued to read from work session document ([Exhibit E](#)).] We have no amendments on this bill.

**Chairman Ellison:**

Is there any discussion on this bill? We have done a lot of work trying to get amendments on this bill, and we could not get anybody to the table. If there are any changes that need to be implemented, they will be done on the floor or in the Senate. But I have done everything in the world to get everybody at the table to get an amendment, and not one person provided one.

**Assemblywoman Neal:**

I was hoping that people had worked it out. I will be voting nay. My intent was to not get rid of project labor agreements, and I wanted to try and find a middle ground.

**Chairman Ellison:**

I totally agree. I went to the Minority Leader. I bet I asked about 20 times in the hallway for an amendment, and not one came from that. That upsets me because I am hearing complaints but nobody is coming to the table.

**Assemblywoman Spiegel:**

I will be voting nay as well. I think this bill will be bad for Nevadans, and I just cannot support it.

**Chairman Ellison:**

We have been trying to get people to help.

**Assemblywoman Spiegel:**

I understand, and I appreciate that you have been trying to get people to work together. But as it is, I cannot support it.

**Chairman Ellison:**

There is still a chance with this bill. They will either come to the table and add an amendment on the floor or in the Senate, and the bill will pass. I have done everything in the world and held it five times.

**Assemblyman Carrillo:**

I will be following my colleagues and voting nay.

**Chairman Ellison:**

I want to thank you, Assemblyman Carrillo. You have done everything you could to help me get amendments on this bill.

**Assemblyman Silberkraus:**

Chairman Ellison, I would like to commend you on your hard work for this bill. I have seen how many times you have reached out to so many of our colleagues about this, and I am disappointed in parties on both sides for not coming together and finding some common ground. I think we could have come up with better legislation. But as it stands with no amendment, I will support it out of committee.

**Chairman Ellison:**

Is there a motion?

ASSEMBLYMAN STEWART MOVED TO DO PASS  
ASSEMBLY BILL 159.

ASSEMBLYMAN MOORE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARRILLO, JOINER,  
NEAL, AND SPIEGEL VOTED NO. ASSEMBLYMAN FLORES WAS  
ABSENT FOR THE VOTE.)

We will now turn to Assembly Bill 363.

**Assembly Bill 363:** Provides an optional benefit to the surviving spouse  
of a deceased police officer or firefighter. (BDR 23-1056)

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 363 provides an optional benefit to the surviving spouse  
of a deceased police officer or firefighter. This was sponsored by  
Assemblywoman Diaz and others, and heard in this Committee on March 31.  
Assembly Bill 363 provides an additional benefit option for the surviving spouse  
of a member who was a police officer or firefighter killed in the line of duty.  
[Continued to read from work session document ([Exhibit F](#)).]

We did receive an amendment from Assemblywoman Diaz which is on the next  
page, and a conceptual amendment processed by the Legal Division. It extends  
the additional benefit option to survivor beneficiaries of the deceased member,  
and changes the term "killed in the line of duty" to "killed in the performance of  
his or her duty" in section 1, subsection 4. There were a couple other  
conceptual amendments discussed during the meeting, and there is a summary  
of those for the Committee's consideration. The first one would extend the  
additional benefit option to all members of the system killed in the performance  
of their duties. It would also include a remarry provision, whereby the benefits  
will be discontinued upon the remarriage of a surviving spouse.

**Chairman Ellison:**

Would a representative from the Public Employees Retirement System (PERS)  
come up? We have some questions on this. We do not know if we should  
send this bill to Ways and Means or pull it until these questions are answered.  
We still do not know what the impact will be. I know you kept saying they  
were minimal, but what is minimal? Your minimal might be a million to me.  
We can pull it until tomorrow, but I am hoping you can answer these questions.  
Is the funding of this going to go strictly to PERS internally, or will this go back  
to Ways and Means to be assigned to PERS? How much money are we  
talking about?

**Tina Leiss, Executive Officer, Public Employees' Retirement System:**

The way the benefit would be paid for is through the contribution rate. The fiscal impact, if any, would be the amount by which it would increase the contribution rate to pay for the benefit in the future. The estimated cost impact is 0.02 percent of payroll. Under the statutory mechanism, the contribution rate only changes if the actuarial rate is 0.5 percent higher than the current statutory rate, and then we round to the nearest 0.25 percent.

The change of 0.02 would not change the statutory contribution rate for this biennium. If this were to go into effect, and we added 0.02 percent to the contribution rate, that is still within the contribution rate that is scheduled to come in. There would be no cost impact to the employers for this benefit in this biennium, because it would not change the contribution rate. That being said, 0.02 percent could potentially change the contribution rate in future biennia. We do not know that for sure, because there are a lot of factors combined together. But 0.02 percent of payroll has very little impact and little chance of changing the contribution rate in the future. But I know for sure it will not change this biennium.

**Assemblyman Stewart:**

I believe in your earlier testimony you said that there is a very small number of people this would apply to. There are maybe one or two every other year that are actually killed in the line of duty.

**Tina Leiss:**

We estimate that we have had ten killed in the line of duty over the last ten years. That would be an average of one per year. We cannot predict if an event will happen in the future where a number of public employees are killed in a tragic accident. In general, we have had about one per year.

**Assemblyman Stewart:**

And if this new program would apply to all public employees, it would not change too much?

**Tina Leiss:**

The amendment does apply to all public employees. It really would not change the cost estimate, because now we are spreading that cost over 100,000 people. I do not think it really changes the rate at which we would see the benefit used. The amendment itself will not change the cost estimate.



**Assemblyman Stewart:**

The conceptual amendment to stop benefits when the spouse remarries would actually help you as well, is that correct?

**Tina Leiss:**

It potentially could save costs if someone were to choose this particular option since there are other existing survivor beneficiary options. The other options do not have a remarriage penalty. It is possible now that the survivor would not choose this option and choose the other existing options because there is no remarriage penalty. The work session document does not have the actual language concerning remarriage, so I am guessing. What could happen is when the widow or widower comes in, they choose between the potentially higher benefit that would stop upon remarriage, or a lower benefit that currently exists that would not stop upon remarriage.

**Assemblyman Stewart:**

And that is a choice in PERS now, is that correct?

**Tina Leiss:**

The choice in PERS now is that they have certain survivor benefits based on the years of service that the deceased member had. For instance, if they had fewer than 10 years of service, there is a flat rate of \$400 per month. If there are between 10 and 15 years of service, it is what we call an option three benefit, and they receive essentially 50 percent of the earned benefit. If there are more than 15 years, then it is essentially close to the earned benefit, and it is a lifetime benefit.

**Assemblyman Stewart:**

Is that up to the individual?

**Tina Leiss:**

That is for the individual to choose, as I understand from the conceptual amendment.

**Assemblywoman Joiner:**

I have not had a lot of time to think about the remarriage provision. I know it was mentioned during the hearing, but I did not realize it was a formal proposal for an amendment. I am trying to understand. It sounds like people will be forced to take the lower benefit just on the chance that they might remarry. It seems like adding that factor to force someone's hand to choose the lower benefit is something I might have a concern with.

**Chairman Ellison:**

I think if you have benefits, and you want your spouse to receive your benefits, you would take the lower rate anyway. Survivor benefits are the same, correct?

**Tina Leiss:**

The survivor benefits are set by statute. There really is no option there. It is totally based on the years of service the member had when they died, and their average compensation.

**Chairman Ellison:**

I am talking about the standard. Say I was receiving PERS, and I wanted that to go on with my wife. I would have to take a lower rate to make sure she would still receive the benefits, is that correct?

**Tina Leiss:**

That is correct, if you are retired and you choose the optional benefit. The benefits we are talking about in this amendment to the bill are survivor benefits for members who die prior to retirement, so that option has never come into play. This is a separate benefit. The benefit that you are discussing is if you retire and decide to take a lower benefit to cover a spouse. This is the survivor benefit for someone who has never gotten to retirement.

**Assemblywoman Joiner:**

So if a spouse were to be killed in the line of their work, would the survivor have any options about repayment of those benefits? I think I misunderstood your answer before. It sounded like there were options for how it would be repaid, and it sounded like the options would be a lower benefit.

**Tina Leiss:**

Currently, there is a survivor benefit available for spouses or survivor beneficiaries of members killed prior to retirement. That is based on the service credit the member had, so it will either be a flat rate of \$450 per month or a calculated option three benefit, or a calculated option two benefit. Those benefits are for life. What this would do is add an option, so you can take those existing benefits that do not have a remarriage provision on them, or this would allow the spouse of a member killed in the line of duty the additional option of a benefit that is either 50 percent of salary, or 100 percent of the calculated benefit that the member had earned. However, under the conceptual amendment, this would not be for life but until the surviving beneficiary remarried. Either way, it would set up an option. But now whether or not they believe they will remarry is in the decision-making process.

**Chairman Ellison:**

Is there a motion?

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 363.

ASSEMBLYMAN MOORE SECONDED THE MOTION.

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

Our next bill is Assembly Bill 429.

**Assembly Bill 429: Revises provisions relating to the collection of debts by the  
State Controller. (BDR 31-1096)**

**Jered McDonald, Committee Policy Analyst:**

Assembly Bill 429 revises provisions related to the collection of debts by the State Controller. It was sponsored by the Assembly Committee on Government Affairs, and heard in this Committee on April 2. Assembly Bill 429 revises the fees the Controller may assess against a debtor, including a percentage of the debt. [Continued to read from work session document ([Exhibit G](#)).] I would point out that this bill requires a two-thirds vote on the floor, but not in this Committee.

**Assemblywoman Neal:**

I know there were questions asked on section 1, subsection 2. I have not checked my email. Were there answers provided for that? I know I had asked for a real-life example of this. There was a strikeout of "any prejudgment or postjudgment interest." I did not get specific examples of what that was and what that meant. Did you, Chairman Ellison?

**Chairman Ellison:**

Will the presenter of the bill please come forward?

**James Smack, Chief Deputy Controller, Office of the State Controller:**

I have a copy of the email that I sent to you here. I sent it to you the next day after the meeting, and I also sent it to Chairman Ellison.

**Chairman Ellison:**

Do we have a motion?

ASSEMBLYMAN SILBERKRAUS MOVED TO DO PASS  
ASSEMBLY BILL 429.

ASSEMBLYMAN MOORE SECONDED THE MOTION.

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

Now we will move on to Assembly Bill 445.

**Assembly Bill 445:** Makes various changes relating to redevelopment.  
(BDR 22-1100)

**Jered McDonald, Committee Policy Analyst:**

We have one more bill in the work session, Assembly Bill 445. It makes various changes relating to redevelopment, was sponsored by this Committee, and heard on April 2. Assembly Bill 445, as drafted, extends to a maximum of 45 years the date of termination of a redevelopment plan, and any amendments to the plan, adopted by a city whose population is 250,000 or more but less than 500,000 if the city council adopts the extension of the plan by ordinance. [Continued to read from work session document ([Exhibit H](#)).]

We did receive an amendment from the City of Henderson, which is attached [page 2, ([Exhibit H](#))]. The amendment proposes to change the population restriction to an agency of a city located in a county whose population is 700,000 or more, currently only Clark County, and would clarify that the 18 percent that is set aside for public education applies to revenue the agency receives from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted pursuant to A.B. 445. There was an amendment discussed in the Committee hearing that sought to set an expiration date for this bill, which would be July 1, 2015, that would require agencies to enact by that date, by ordinance.

**Chairman Ellison:**

There was a lot of discussion on this bill and in Committee. I respect those that live in that area who have to work with this yearly. This is up to you.

**Assemblywoman Neal:**

What changes are we adopting?

**Jered McDonald:**

It would be the attached amendment from the City of Henderson. This was also reviewed in Committee at the hearing. Also, this has a July 1, 2015, date.

There was a provision that these redevelopment areas (RDA) included in the bill started in 1990, and this 2015 date would put an end date on which RDAs are going to be covered by this bill.

**Assemblywoman Neal:**

In section 2, subsection 2, paragraph (a) of the bill, "each" was struck and replaced with "the aggregate number of the redevelopment project." In this amendment on page 8 ([Exhibit H](#)), it reads "the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property...." We heard a lot of discussion from Clark County on the effect of changing assessed value. Even though it may be minor, definitions mean everything in tax. I want to know about "total sum of assessed value" versus "aggregate number of redevelopment projects." What is the difference? What is the effect?

**Brian McAnallen, Government Affairs Manager, City of Las Vegas:**

As I understand Assemblywoman Neal's question, it is directed toward us, is that correct? What I think we shared with you was that the number of projects we were looking at in RDA 1 for the City of Las Vegas was about 110 to 118. I had some information in a report that we compiled, and it does talk about those 118 projects' assessed value. I can work on getting you the details and any other information you want. I know we have those projects done from an assessed value, as much as we can determine, from 1986 when RDA 1 started.

As we testified in the hearing, part of the challenges in coming up with that amount and why we are asking for section 2 in this bill related to the Henderson RDA request is because our three-pronged approach for that requires us to know the assessed value from those properties in 1986, and many of them are now split parcels and difficult to figure out because of the changes. We do not have entirely accurate information for that, and that is why we are asking for the ability to look at the assessed value for RDA 1 on an aggregate versus an individual project basis. I will try to get you as much information as I can on the individual properties and improvements that we know of.

**Assemblywoman Neal:**

In the amendment, where it says "total sum of the assessed value," what are we trying to do? Is "the total sum of the assessed value of the taxable property as shown on the assessment roll" before or after depreciation? You have properties that are worth zero and properties that are worth something. I am not clear on what "total sum of the assessed value" means, "based on the assessment roll." You had "aggregate number for the redevelopment projects" in the original bill. I did not like that, but I could understand it. I do not know

if you are trying to capture more revenue with that definition. I am not clear on this.

**Brian McAnallen:**

As I understand your question, to be perfectly honest, what we were trying to do is get our section on the aggregate value related to RDA 1 in section 2, and we were able to find a bill that had a similar chapter and was trying to accomplish good things for Henderson. Sections 1 and 3 were really City of Henderson's language, and as the amendment has gone along and we have tried to meet some concerns, I think it was amended for this language to come in, which was the amendment that was reviewed by the Committee. Maybe we can continue to work on language that might make you more comfortable.

We were approaching this related to RDA 1 for the City of Las Vegas purely in section 2. The only change we were seeking was the "aggregate number" change. I understand where you are going with your question, but I do not have a solution. We will continue working on that.

**Assemblywoman Neal:**

Chairman Ellison, I do not know if you want this, but could we have one more day?

**Chairman Ellison:**

We can pull it for a day and see if we can work it out.

**Assemblyman Stewart:**

I would like to address the end date that was put in the bill. What was that put in for?

**Javier Trujillo, Director, Intergovernmental Relations, City of Henderson:**

That final date is something I am unclear about. That is not part of our amendment, and I have some concerns that it would expire.

**Jered McDonald:**

The July 1, 2015, date was mentioned during the hearing.

**Javier Trujillo:**

That is not a date that the City of Henderson is proposing as part of their amendment. We would ask that it not be passed as part of the bill, only the amendment proposed by the City of Henderson.

**Assemblyman Stewart:**

Does anyone know what the intent of the date was?

**Jered McDonald:**

I think the intent was that there would be an end date for when they could reset these RDAs so they could not keep resetting RDAs into the future.

**Assemblywoman Spiegel:**

My comment about that date is that it expires the day the bill becomes effective.

**Javier Trujillo:**

This bill does not deal with reset of the base. That was Assembly Bill No. 413 of the 77th Session. That bill required that an RDA that qualified to be reset could only be reset once, and the decision to reset was irrevocable. I am concerned and confused about where that date came from. Also, if I recall, we had discussed it with the Legislative Counsel Bureau (LCB), and I think it was mentioned by Michelle Romero, that perhaps we should put a date that would lock in only those RDAs that would be able to qualify for this kind of extension. I confirmed with LCB after the hearing that the change would still create a special class, and that is why the final amendment did not include a second date. That was the concern about putting in another date that would create a special class, and I would refer to the LCB's legal counsel on this Committee to confirm that. That is why a second date was not included.

**Chairman Ellison:**

We are going to go ahead and pull the bill and reschedule it for the next work session so we can get this ironed out. I think it is important that nothing come out of this Committee that is not correct. We will pull the bill and rescind the motions.

**Assemblyman Silberkraus:**

I will withdraw my motion.

**Assemblyman Stewart:**

I withdraw my second. Mr. Trujillo, was the intent just to extend the downtown redevelopment for that period so you would have more time to get investors that you could not get during the recession?

**Javier Trujillo:**

That is correct. The intent of this entire effort was to extend the Downtown Henderson RDA. When we worked with the LCB on narrowing that language, it was deemed unconstitutional, hence the result of it being applied at

the county level. The original intent was to impact only a single RDA, and that was our goal.

**Brian McAnallen:**

That is exactly the intent of the City of Las Vegas as well—to seek more time with our RDA 1, which is what this amendment would only apply to. We also have legislation that guides our ability to run that RDA, and we have a three-pronged test that we have to pass. As of now, we are only able to pass two of the requirements because of the way the value is assessed. We are asking for a change, and seeking more time to do what we need to do, and get the investments in that RDA. Our intent was similar to Henderson's.

**Assemblyman Stewart:**

The "aggregate" language is a major part of that, right?

**Brian McAnallen:**

Correct.

**Chairman Ellison:**

Please make sure you get with staff to ensure everything is right before coming back tomorrow. At this point, we will close the work session and open the hearing on Assembly Bill 280.

**Assembly Bill 280:** Revises provisions relating to relations between local governments and public employees. (BDR 23-858)

**Assemblyman Erven T. Nelson, Assembly District No. 5:**

Assembly Bill 280 is a collective bargaining bill which allows a local government employer such as a county, city, or school district to have the option to either continue to collectively bargain with its unions in compliance with *Nevada Revised Statutes* (NRS) Chapter 288, or determine not to continue with collective bargaining. If a local government employer chooses not to collectively bargain according to A.B. 280, the local government employer would have the ability to determine the terms and conditions of employment for its employees.

I am presenting A.B. 280 in order to allow the elected representatives of Nevada citizens to have complete control over their respective governmental entities' fiscal matters, including establishing the level of compensation and benefits for their employees. This would be similar to how the State of Nevada currently determines salaries and benefits of state employees. If the local government employer so chooses not to collectively bargain, it eliminates the authority of outside private fact finders or arbitrators to mandate to the elected governing board the level of compensation and benefits which shall be provided,



and the amount of compensation and benefits which the taxpayers will pay for. [Continued to read from ([Exhibit I](#)).]

To reiterate and sum up, the voters' elected representatives should have the final say on public policy. [Continued to read from ([Exhibit I](#)).] In locales where collective bargaining is working well, they can decide to keep using it. In other words, this is not forcing the local governments to abandon collective bargaining. If things are going wonderfully, they can keep it. But cities facing financial shortfalls or tax increases would gain new options to hold costs down. I put two newspaper articles on the Nevada Electronic Legislative Information System (NELIS), one from 2011 ([Exhibit J](#)) and one from 2012 ([Exhibit K](#)). I will not read those, but both articles talk about recipients of the New Teachers of the Year award who were laid off only because of seniority concerns.

I would like to turn to Mr. Sherk. I am grateful for him calling in. He is calling from the East Coast, and I think he is in Washington, D.C. today. He is a research fellow at the Heritage Institute. His biography is posted on NELIS ([Exhibit L](#)).

**James Sherk, Research Fellow, Heritage Foundation:**

I am a research fellow in labor economics at the Heritage Foundation, but the views I express in my testimony are my own and are not an official position of the Heritage Foundation. Making collective bargaining optional for local governments would provide significant benefits for Nevadan taxpayers. This morning, I would like to explain to you how compulsory collective bargaining reduces democratic accountability and raises the costs of public services.

There are three main consequences of compulsory collective bargaining that you should consider. The first consequence is that it prevents voters' elected representatives from having the final say on public policy. They must reach agreement with government union leaders who are unaccountable to the general public. Voters' representatives simply do not control spending and policy decisions. For example, in a school board, voters could elect members who campaign on a platform of performance-based layoffs and salary freezes in downturns to avoid letting quality teachers go. Collective bargaining takes away their power to implement this agenda. They must obtain the consent of government unions strongly opposed to these policies. If the school board and the union disagree, unelected arbitrators have final say over public policy irrespective of the wishes of the voters.

This happened in the Clark County School District (CCSD) in 2012. The district faced a financial shortfall and had to choose between laying off 1,000 teachers or foregoing pay increases that year. The district's elected officials wanted to

avoid layoffs, but the union insisted on them because they wanted the pay increases to go through. The issue went to arbitration where the arbitrator, a lawyer from California, sided with the union. This forced CCSD to lay off 1,000 teachers. One of those layoffs was Edward Savarese, a recently hired fifth grade teacher at Sewell Elementary School. His ability to help underperforming children to excel won him recognition as one of the district's New Teacher of the Year award winners. The district wanted to keep Mr. Savarese at Sewell Elementary School, but the union seniority system required the district to lay him off instead.

Compulsory collective bargaining undermines this principle of voter sovereignty. Elected officials, not government unions, should control government operations. Union leaders once believed this too. As recently as 1959, the AFL-CIO Executive Council stated flatly that "in terms of accepted collective bargaining procedures, government workers have no right beyond the authority to petition Congress—a right available to every citizen."

The second consequence of compulsory collective bargaining is that it inflates government compensation. Compulsory collective bargaining allows government unions to veto compensation packages they consider inadequate or to send disputes to an arbitrator. Unfortunately, government unions' notions of fair pay considerably exceed private sector rates. As a result, many government employees receive benefit packages and total compensation that few private sector workers ever see. In many local governments, employees pay nothing toward the cost of their expensive health insurance benefits. For example, the City of Reno pays 100 percent of their employees' health, dental, and vision premiums. So does the City of Las Vegas. By contrast in the private sector, the average worker pays over one sixth of the premiums for a single health plan, and over one quarter of the premium for a family health insurance plan. Similarly, government employees in Nevada enjoy a retirement benefit that almost no one sees in the private sector. Participants in the Nevada Public Employees Retirement System (PERS) collect pensions equal to 2.5 percent of their average compensation in their three highest years of pay multiplied by their years of service, to a maximum of 75 percent of their salary. After 30 years, they could retire with full benefits. This allows many local government employees to retire in their early 50s, with nearly full salaries. The vast majority of private sector workers cannot retire until they become eligible for social security at age 66.

In theory, government employees are supposed to contribute a portion of their payrolls to these pensions, and in some local governments in Nevada, that happens. But in many other cases, what happens is the unions negotiate to have the public employer for local governments pick up both the employer and

employee costs for PERS. This is what happens in CCSD. Other research focusing on Nevada's nonunion state employees finds that these workers enjoy a compensation premium between 20 and 30 percent, depending on whether or not you take the value of job security into account. The local government employees whose unions negotiate to have their health insurance and retirement premiums governed by collective bargaining surely enjoy a greater compensation premium.

The third consequence of compulsory collective bargaining is that these higher compensation costs translate into increased total government spending. The Heritage Foundation will be releasing a special report examining the effects of collective bargaining on government spending. We expect to have this report out within the next month or two. We used two different approaches to examine this question. Both show that collective bargaining substantially increases spending. The first approach involved case studies of states that have expanded collective bargaining. For example, Ohio passed comprehensive compulsory collective bargaining legislation in 1984. We compared the growth of per person government spending in Ohio to a synthetic control of comparable states that do not have similar requirements. Government spending began rising more rapidly after the legislature made collective bargaining compulsory. In 2012, state and local government spending was 11.5 percent higher per capita in Ohio than in the control states that did not impose this requirement.

More comprehensive evidence beyond case studies comes from regression analysis of panel data. My coauthors and I used regression analysis to evaluate the effect of collective bargaining powers for government unions on state per capita spending, and control variables from the period between 1957 through 2012. This is basically the period where collective bargaining became widespread in state and local governments. Before 1959, there were no states that had these laws. Ohio was the last state to pass a major law like that in 1984. The analysis covers the period in which these laws were adopted and the decades since to see its impact.

Researchers often evaluate the strength of collective bargaining laws at the state level on an 8 point scale, with 1 being laws like Virginia and North Carolina which flatly prohibit collective bargaining at any level of local government, and 8 being a system like Nevada has for local governments where you are required to collectively bargain and there is mandatory binding arbitration. We estimate that each point states move up the scale is associated with approximately \$85 higher per capita state and local government spending. The legislation in A.B. 280, if enacted, would reduce Nevada's score on this scale by approximately 3.6 points. This policy change would reduce per capita spending by slightly over \$300 per resident in the long run.

**Assemblywoman Spiegel:**

During our economic downturn, many of our public unions voluntarily cut back salaries and benefits so that they could pitch in and help the municipalities deal with their budget issues. If a bill like this were to go through, how do you think the morale and performance of folks who do not have collective bargaining would change if cutbacks were forced on them in a way that was not done on a voluntary basis? Do you think that the local governments would realize as much savings? Do you think that productivity would be impacted? Can you speak to the effects of voluntary versus compulsory changes?

**James Sherk:**

I think there are many state and local governments that provide a great example of that. The employees of the State of Nevada themselves do not have collective bargaining. In the state of Virginia where I currently live, collective bargaining does not exist at either the state or local level. We have not seen massive crises in morale or drops in productivity in these states. I think North Carolina and Wisconsin would be other examples where they had these reforms that were hugely controversial at the time. The changes in Wisconsin were much more far-reaching than what this legislation proposes, yet they saw significant reductions in the costs of government services and not much in terms of a reduction in the quality of those services.

I think it is also a generalization to say that all the unions got on board with some of these changes. Some of them were fairly responsible in making cutbacks that were necessary to avoid layoffs. But there were others, like the teacher's union in CCSD, that said they would rather have the pay increases than layoffs. Those layoffs were quite devastating to a lot of teachers who were involved. The news articles about the layoff of Mr. Savarese is a situation I mentioned in my testimony. I discussed how devastating that was to his morale. He worked so hard and was doing an amazing job coming into the fifth-grade classroom with really underperforming students from difficult family backgrounds and was able to turn things around so that they were engaged with the academic material and doing well. None of that excellence mattered when it came time for layoffs, only his seniority. That knowledge that his performance did not matter and only his lack of seniority did was quite harmful to his morale. I think morale concerns can go both ways there.

**Assemblywoman Neal:**

Mr. Sherk, you used the CCSD example in this seniority piece as, I guess, causing problems. Could you potentially understand why a teacher may want to keep a salary increase versus layoffs? Because of how little teachers earn, could you understand that it was potentially a very difficult decision, and that the decision to hold on to a salary increase was probably more important than

some other factors? What do you think would be the appropriate balance to be found in a recession where teachers potentially do not make a lot of money? What would you see as a balance?

**James Sherk:**

I think that decision should be made by the voters and elected officials. Certainly, all the teachers have every right to be heard by the school district. That should not just be based on seniority, where the more senior teachers have to choose between a pay increase and seeing their colleagues laid off. I think the school districts should hear from teachers and parents but, ultimately, it should not be the decision of a government union to make that trade-off. I think that is why the voters elect a school board to make those decisions. The positions of the school board candidates are known by parents who do the research before they vote. In a representative democracy, that is a decision made by the voters' elected representatives and not in conjunction with the unions given the union veto power. The school board in CCSD wanted to have a pay freeze and keep the teachers to avoid layoffs, but the union said no. In this case, the union had their way. I do not think that is the way a representative government should function.

**Assemblywoman Neal:**

You used the example of a representative democracy. Then you say that the unions should not have had that veto power. Talk to me about the balance between a union, which acts as a structure that supports and aids its members and operates to a certain degree as a representative democratized group, and the school board, who you believe should have the ultimate veto power to make a decision for what is best for their structure. There is a common ground and a balance to be had. You are pitting one principle against the other, but the principle operates inside that labor organization.

I need you to help me understand how you take a representative principle, which CCSD has in its labor organization, and pit it against the organization it already exists in. At the end of the day, the recession was not the teachers' fault. It was the fault of a lack of perspective. The bubble was coming, and everyone knew it was coming, and no one took action. How do you balance the representative principles in both the union and the school board? Everyone is trying to do the right thing in their own structure.

**James Sherk:**

I think the core difference is accountability. The school board is elected by everyone in the school district. The parents get to vote for the school board members who decide if teachers like Mr. Savarese get to teach or not. The people who are paying property taxes get to vote on the school board

elections. The teachers get to vote in those elections too. Everyone who is impacted by the board's decisions gets to vote in the school board election, and the board is accountable to the entire community. The union is only accountable to one small slice of the community. The parents of the children in Mr. Savarese's fifth-grade class did not get to elect the union representative who said the teacher they loved would be fired. They had no say in that decision whatsoever.

I think there is a vast difference between unions who are accountable only to their members, and an elected body such as a school board, city council, or county commission that is accountable to the entire community and whom everyone gets to vote for. I think unions are like any other project membership organization, but they certainly have every right to have elections, elect officers, and to have people lobby the school board or county. They have every right to do that, but they should not then get the power to veto the school board because they do not like it, and bring in an outside operative to decide which is right. It is the school board who is accountable to the voters in the community. They are the ones who should have the final say in public policy in an elective representative democracy.

**Assemblywoman Joiner:**

I do not even know where to start with this bill. I think this is such an attack on our middle class here in Nevada. I find it fascinating that you think our state system and the way it treats its employees is a model we should extend to our local governments, teachers, and firefighters. Having been a deputy director in an executive branch agency, I can tell you that the furloughs, pay cuts, and freezes have done incredible damage to the morale of our staff and also to the ability to recruit and retain good people. The state loses employees constantly to private industry and other places where they can make more money and have better job security. How do you propose we retain and recruit, for example, teachers, when we already have a huge teacher shortage, and we know that teachers leave after three or four years due to their low pay and extremely high work load? How on earth are we going to recruit and retain more teachers to the field if we cannot guarantee them a certain level of benefits and salary, or even that their job will be there?

You suggest that there were layoffs under the collective bargaining agreement, but I would also suggest that any time a school district wanted to cut the budget, they could easily cut positions in a similar way without any working condition hours or benefits provided to any of their teachers. I would not enter the field knowing there were not any benefits at all that I could be guaranteed. In other states, in your experience, how has recruitment and retention worked with no collective bargaining at all?

**James Sherk:**

There are really two questions here, one on state employees and one on recruitment and retention. On state employees, the research shows clearly that in Nevada they are paid more than comparable private sector workers. It is one of the states with the highest disparity between comparable project pay and state pay. Andrew Biggs of the American Enterprise Institute did a report comparing the state employees state by state, and found that Nevada had a 20 percent premium in Nevada if you ignore the value of job security and the fact that if you are a state employee, you are less likely to get laid off in a recession, which is something a lot of private sector employees did not enjoy in Nevada. If you include the value of job security, it is about a 30 percent pay premium for state employees. I think a 30 percent pay premium is a pretty good recruitment incentive. I am sure there are plenty of agencies that lose employees, that happens all the time. But it happens all the time in the private sector too. There is a fairly large amount of turnover in the private sector. In any given month, there are about 2 million workers leaving their job voluntarily, and moving to a different job. In a given year, that is approximately 24 million workers. I think the state employees in Nevada have one of the better compensation packages out there.

In terms of recruiting and attracting local employees and teachers, I think one of the big things that works against Nevada and lots of states is actually the seniority based provisions in the union contracts. There are steps in seniority for pay increases, seniority-based layoffs, and a huge backloading of the compensation package in the form of retirement benefits, which really are not going to pay for themselves once used for the employees until 25 or 30 years into the future. A new hire will look at the starting salary and benefits and determine it is not enough and look into something else. For the people who have been there for 25 or 30 years, though, you have this generous package since they stuck it out.

What I would recommend, and what this bill would give the school districts flexibility to do if they chose to, would be to adjust that compensation system, and perhaps not have the school district cover the employee's share of the pension benefits, or not adhere to the seniority grade for pay increases, and have a higher starting salary. If you have a system where the employees are not forced to accept backloaded compensation under the terms of the union contract, offered a higher starting compensation, and also offer the knowledge that if they are new they will not be laid off, it will not be very difficult to take them on in difficult economic times. This is something teachers are well aware of, that as new hires they would be the first ones to be let go. While it is great to anticipate job security down the line, for the first few years there is a high degree of job insecurity. The teachers know they are going to be forced to walk

the plank, no matter how well they perform. In terms of recruitment and retention, particularly for new hires, this bill would give local governments that are having problems in that area more flexibility. They do not have to use that tool if they do not think they would be helpful, but it would give them the flexibility to make use of them.

**Assemblywoman Joiner:**

You suggest that we start people at a higher salary. Is that in the bill? My understanding is that without collective bargaining, there would be no guarantee of salary at all. One year, I may enter making \$32,000 per year and the next the school board could decide to drop me to \$18,000. Is that correct, the way the bill is currently worded?

**James Sherk:**

The way unions negotiate is that the people who have the most influence in the union are generally the senior union members who have been around the longest and have the most contacts within the union and almost always vote in elections for union officers. They are the teachers or employees whose interests are negotiated with unions, because they are the ones who the union officers answer to most often in the election. The way the school district contract is set up is that the entire compensation package is tremendously backloaded. The senior employees who have advanced up the seniority scale are making fairly good salaries. Retirement benefits are heavily backloaded. The compensation package is quite generous for senior employees and not nearly so generous for new hires. That is the sacrifice the union is willing to make, because the senior employees have more influence within the union. That is why the unions are almost always willing to make the tradeoff of accepting layoffs in exchange for pay increases for everyone, because it benefits the senior employees and the new hires who are laid off do not have the clout within the union to speak up for themselves.

You would not be forcing anyone to do anything with this bill. If the school district were to determine that things are working well for them, then they could continue to do that. But this bill would allow them to say that they are not concerned with providing a generous compensation package for members with seniority, and that they want to raise the starting salaries. They do not have to do that if they do not want to, but this gives them the tools to, whereas right now they lack the flexibility because they have to get the union buy-in on just about everything.

**Assemblyman Wheeler:**

This question is actually for the bill sponsor. I live very close to the state capital, and so is my district. A lot of state employees live in my district and



they do an outstanding job. They do not need collective bargaining to do that job. I think we are getting away from the intent of this bill, and I would like to get back to it. Assemblyman Nelson, is there anything in this bill that would preclude a municipality or county from going ahead and bargaining with the collective bargaining unit?

**Assemblyman Nelson:**

No, there is nothing in there. The way the bill is written, any existing collective bargaining agreement would finish its course. Under NRS Chapter 288, right now there are certain deadlines before which the union then gives notice to the employer that they want to negotiate. The way the bill is written, if the local government employer does not respond to that notice, they go ahead and do collective bargaining just like they always have. On the other hand, if the governmental employer decides to opt out, it gives that notice. But there is nothing to require them to do that. The bill leaves everything up to the local governmental entities to decide. It is just an option.

**Assemblyman Wheeler:**

So this is basically enabling legislation for the counties and municipalities, and each individual case can be taken as an individual case?

**Assemblyman Nelson:**

Yes. I have spoken with a number of officials throughout the state. Those who would respond to me have shown different attitudes in different counties. Some counties, like Nye County here today, are desperate for help. Other counties such as Clark and Washoe Counties have had their difficult times and are maybe coming out of them, and maybe there is not the political appetite to do this, but it is up to the employers.

**Assemblyman Carrillo:**

You put some of your documents about Mr. Savarese's layoff on NELIS. I looked on TransparentNevada online. It shows that Mr. Savarese has been employed after 2011. In the private sector, despite my skill, I may not be the first person hired, just as in the case of Mr. Savarese. The first one in was always the first one out. That goes on any job that I have ever been on. It is not always based on your performance or how skilled you are. This is not the public sector I am talking about, but the private sector. I am trying to understand the justification of the complaint that people are being laid off when I see that Mr. Savarese has been employed by CCSD since after 2011 and is still employed. I see that this man is probably contributing to our economy, as well as Mr. Cano from the same article, who was never laid off. How do we justify the reasoning of making this a collective bargaining issue and saying it should be left up to the voters? In my experience, everything is subjective in

the private or public sector. Performance could be put in there, but as a private employee for the last 30 years of my career, it has always been the subjective rationale of last one in, first one out.

**Assemblyman Nelson:**

You are correct. Fortunately for Mr. Savarese, he was picked up by another school. He was hired by a school which has a special dispensation and was not able to return to his former school. As for the rest of your question, I think it depends on the employer. I know that my employer sometimes lets people go regardless of their seniority. If they are not performing well, they are out the door. The intent of this bill is to give flexibility to the governmental entities.

**Assemblywoman Neal:**

I was reading your amendment ([Exhibit M](#)). If the local government does not collectively bargain because you are giving them that chance to opt out, they set the terms and conditions through the ordinance. I am sure you had a vision of this. Say there are bad times. Our economy is on a boom-bust cycle. So say ten years from now we get into another situation where our economy is unstable with no fault of the employees, but because we are a consumer-driven economy, we are at the bust part of the cycle. What do you envision as being fair terms and conditions that support not only the employee but the government? Have you thought that through? I am trying to think through the fact that at the end of the day, something will come out. So what do we do in bad times? What would be fair terms and conditions for employment? That would help me understand. What is your vision?

**Assemblyman Nelson:**

I think that depends on the circumstances. It would depend on the economy, taxes, and the budget. If you look at the letter that I posted from Butch Borasky, a Nye County commissioner ([Exhibit N](#)), he goes through and talks about what they have had to do in Nye County and all the cuts they made in services. There are other witnesses who will get to that and talk about what they have had to do. I think what is fair is different in every case. I am not trying to dodge the question, but I think that we would envision something like what the state does right now.

**Assemblywoman Neal:**

In your initial presentation, you used North Las Vegas as an example. I totally support my city. The only reason I do not think North Las Vegas is a good example is because the reason they were in a bind was because they did not plan. They misused enterprise funds and did all kinds of things that led to a situation and problem. At the end of the day, the collective bargaining agreement was that last thing they threw on the table, and they got sued for it.

My use of that example is because each city or county has its own issues and state of flux that may be dependent upon factors that have nothing to do with the employees' behavior, conduct, or actions.

What if you were to put something in your bill that at least said that the government agency or employer needs to discuss the variable factors that may have created or started their own revenue issues? There must be some kind of discussion involved. To me, that would be helpful and provides a balance. Someone usually makes a horrible, ridiculous decision that had nothing to do with the economy, or did, and their decision exacerbates the economic situation. Those terms and variables are real to me, no matter what city or county you are in, and I think they should be a part of the conversation. There should be a framework in statute saying that these variables must at least be looked at to make a decision. I think that otherwise, it will not be fair. If I was a government employer, why would I not lean to my own advantage? If the City of North Las Vegas had won the suit, it would not have been right. What they did was wrong. That would have been a horrible situation. I want to make sure that we prevent that kind of encounter. I do support my city and it is on the upswing and trying to do well. We have to be mindful of similar situations.

**Assemblyman Nelson:**

I am sure you know more about the City of North Las Vegas than I do. I know what I read in the newspaper and heard on the radio. There were many factors that led to the economic downturn nationally, internationally, and locally. None of us could have controlled any of those things. We could make things worse, or we could ameliorate them. I guess all I can say is that this gives some flexibility to the local governments, depending on their particular circumstances. Maybe it is more appropriate for rural counties at certain times and appropriate for larger counties other times.

**Chairman Ellison:**

We have testifiers who have traveled a great distance. Will the representatives from Nye County please come forward?

**Dan Schinhofen, Commissioner, Nye County:**

I am a county commissioner representing Nye County, or as a January 2015 *USA Today* article called us, "The Poorest County in Nevada." I am here to speak in support of A.B. 280. While Nye County supports the bill in its entirety, I want to limit my remarks to section 3 of the bill. But before I do, I want to share a little information about Nye County. We are the third largest county in the United States, 18,000 square miles in size, with about 45,000 residents. Of that vast land area, 98 percent is owned, controlled, or managed by the

federal government, leaving only 2 percent from which we can derive revenues to provide services to our citizens. Our ten communities, several with fewer than 50 residents, are spread out from the extreme north, bordering Churchill, Lander, Eureka and White Pine Counties, to the extreme south, bordering Clark County. The National Association of Counties' 2014 Economic Tracker reported perfect zeroes for Nye County in jobs recovered, unemployment rate recovered, gross domestic product recovered, and home prices recovered. Collective bargaining for government employees is a privilege granted by legislation and not the right it seems to have turned into. [Continued to read from ([Exhibit O](#)).]

In Pahrump, every economic indicator we have seen leads us to the conclusion that we have not bottomed out there yet. While our general fund revenues have reset to 2005 and we struggle to provide services with significantly reduced revenues at today's inflation and costs, collective bargaining agreements have forced employee salaries and benefits higher and higher, until today they consume 80 percent of our budget. Passage of A.B. 280 would, in part, allow the county to notify bargaining units that we do not intend to negotiate, although in Nye County's case, that we simply are not in a financial position to negotiate. [Continued to read from ([Exhibit O](#)).]

**Chairman Ellison:**

Are you saying that right now you do not have the right to go in and negotiate?

**Dan Schinhofen:**

When we negotiate, it ultimately goes to an arbitrator, and if you look at all arbitrations, they go to the unions. The point I left out was that those 400 people have substantial control over what services we can continue to provide to 45,000 people. We are tasked with representing all of the county, and less than 4 percent of them control our budget. We do not have that control.

**Frank Carbone, Commissioner, Nye County:**

I will go through a few charts on this PowerPoint quickly ([Exhibit P](#)) to give you the idea of what Mr. Schinhofen was saying about our total assets for the county. This is just a general fund. The numbers I want to show you here [page 4, ([Exhibit P](#))] are on top of the normal salaries of the employees. This is what is garnered by collective bargaining. Every year, these numbers of benefits and salaries climb. It hurts this community because we are very small. We have 48,000 people in our whole county spread out over 18,000 miles. It is a lot of community to take care of, specifically when your tax base is really small. With the way the tax structure is set up, it will take multiple years to catch up to sustaining something we had many years ago.

I have heard things, and Commissioner Borasky wrote about things that we had to reduce. We had to reduce the size of our jail in Tonopah because we could not afford it any longer. That goes back to where we are in our budget cycle. We had to cut \$3.2 million out of our budget just to survive to the next year. It could get worse in the next year. Today, from what we are getting from collective bargaining groups, it seems they are not looking at doing any more furloughs which would help us and help them. We will end up having a 10 percent layoff, which will hurt services throughout the entire county. The sheriff will be cut by 10 percent, which means they will not be able to respond as quickly as they are able to today. Any of the volunteer fire departments out there will have their equipment reduced as well. We have to choose where we want to go.

I came out of the aerospace sector at Northrop Grumman. We did not have a union. We had very strong, highly paid employees. There are different ways of handling things through a strong human resources organization that would protect the people. Those are the people who are currently in the collective bargaining group. There are other things that can be taken care of, such as performance for pay. Performance reviews are something that should be implemented completely instead of helter-skelter when we have the unions telling us what the performance base is. Ninety days was our probationary period, and usually the 90-day people were the first to go because they were on probation. But after they left probation, it was based on performance and where they sat in the curve of all the other people they were working with. As a county, we are really hurting, and collective bargaining really hurts us. I support this bill.

**Chairman Ellison:**

Those slides were helpful.

**Jim Galloway, Private Citizen, Reno, Nevada:**

I am a former three-term Washoe County commissioner, and I sat at closed meetings for many years in which we discussed bargaining. I support the bill because this process is lopsided and inequitable. This is nothing resembling what goes on in the private sector, and it has led to senior employees distorting the market situation. During times of crisis, like in 2008 and subsequent years, we have no alternative but to cut back staff out of pressure and concern. If we let things get to an impasse in collective bargaining, the result is that we cannot make a case of inability to pay, and then we have to pay the full desires of the bargaining unit and cut back staff and services. We had already had a cutback because of tax revenues and in 2000, after I left, the county was again in collective bargaining and lost bargaining with deputies. They got increases, but it came at the expense of departments that had already been cut that could not

be restored. I was sad to hear that after I left. When I was there, I was always supportive of putting as many public safety employees in the field as possible.

I had very good relations with the Washoe County Sheriff Deputies Association. This bill does allow those talks to continue when the employee groups so desire. We can still negotiate with them; it is simply that it does not have to be under this compulsory framework. In the compulsory framework, terrible things have happened. You know something is wrong when a city like Reno effectively has half its fire stations closed right now because they were coerced by collective bargaining into agreeing to contracts they could not afford. This is a serious public safety issue, and I have always been concerned about that. That is what happens.

We are dealing only with government. Employees will still have in their favor the desire of the governing body to maintain services. Public service employees are the only ones that get to vote for management. There is no private organization of any size in which the employees vote for the management of those organizations. There is an advantage there that will not go away.

**Assemblyman Wheeler:**

You made a very interesting point. It seems to me that there is a lot of collective bargaining money that goes into election campaigns for the very people that will be negotiating the contracts with the collective bargaining. Is that what you are trying to say?

**Jim Galloway:**

No. Certain private sectors also have the freedom to donate to political campaigns. What I am saying is that government is the only employer in which employees have a substantial voice in elections. They have that advantage. If I worked for Ford Motor Company, I would not be able to vote on the management of Ford. It is an advantage that public employees will always have that the private sector does not have.

I do not really think that we will find that government employees have been mistreated if there is no collective bargaining. They are treated well, and discussions still take place in the absence of the compulsory framework as this bill allows. If the local government elects not to use this bill's framework, they can still negotiate in good will and in good faith outside of that framework. They want to serve the public, they want good morale, and they want good employees.

**Chairman Ellison:**

How many bargaining units did you have in Washoe County?

**Jim Galloway:**

It was over a dozen. Not only was there a sheriff's deputies association, but also a sheriff's deputy management association. There were two district attorney associations. The largest unit was the Washoe County Employees Association, with what seemed like a couple thousand employees. The smallest groups were ten people.

**Gerald Antinoro, Sheriff, Storey County:**

I submitted my testimony in writing ([Exhibit Q](#)). I am in support of this bill. I would like to address a few questions that the Committee asked. Assemblywoman Spiegel asked a question about voluntary cutbacks. Storey County has three different bargaining units, and the sheriff's deputies association is just one. There will always be the give and take of who wants what. Two of the bargaining units in the county agreed to work with the county and take some cutbacks, not take some raises, and similar things. The sheriff's deputies association chose not to do that and saw the exact same thing: last one in, first one out. My shop has only a couple dozen deputies, and the loss of five deputies severely impacted our abilities to provide services to the community. This bill would allow us to get some of those concessions or to work with the employees in a manner where we can still provide services, yet not hurt anyone too much. I do not know of any managers who want to go in and start firing people.

Assemblywoman Neal asked about the representation in the associations. I can refer to my own shop and tell you that is not necessarily the case. In my written testimony ([Exhibit Q](#)), I put the number of grievances that I have faced alone in the last few years. I can assure you that all but two of them were handled. They were grievances from individual members of the bargaining unit. Those were not handled through their grievance committee or through any type of process. I know some of them were denied by the grievance committee, yet their union representatives proceeded with the grievance anyway even though the collective chose not to do that.

Assemblywoman Joiner had concerns about the morale, recruitment, and retention process. These things I have been talking about, arbitrary layoffs based on seniority, and grievances that are not about representation of the unions, have a much greater impact on the morale and efficiency of the organization on a day-to-day basis. My shop has the bare minimum membership possible, yet they are calling the shots for everyone in the scope of the bargaining unit. The people that are in that scope, but who are not members, are not happy with what the union is doing in my shop. I am in support of this bill. I believe it gives the local governments better self-determination in working with and managing employees.

**Geoffrey Lawrence, Assistant Controller, Office of the Controller:**

I am a professional economist. Last year, I led a research team that compared changes in collective bargaining laws across all 50 states over a period of 55 years. You heard earlier from one of the coauthors, James Sherk. I will not rehash that synopsis for you, other than to say that the findings were strongly indicative that increasing the compulsory powers awarded to union leaders does result in higher spending by state and local governments, even after considering controlling factors such as education levels and other things.

I also want to provide historical context on this because prior to 1933, there was no such thing as compulsory collective bargaining anywhere in America. Collective bargaining existed at that time but it was on an optional basis, as would be the case under A.B. 280, and was decided between the union representatives and the employers themselves on a basis of mutual consent. In 1933, the National Industrial Recovery Act was passed. It created a compulsory requirement for most private sector employers to negotiate with a labor union that was recognized by federal authorities. That act was later declared unconstitutional a little over a year later by the U.S. Supreme Court. In 1935, the Wagner Act, which is now encoded at the National Labor Relations Act, was lifted almost word-for-word from Section 7(a) of the National Industrial Recovery Act. At that time, it was widely believed that the Supreme Court would rule that unconstitutional as well for a number of reasons, the most significant of which is that the compulsory requirement limits the freedom of association for employers. Normally in the business world, you are free to contract with whomever you want for labor, goods, services, or anything else. Those contracts are governed by the principle of mutual consent. In this case, you are required to go to a specific person and negotiate toward a labor contract. It was widely believed at the time that it would be ruled unconstitutional as well. President Roosevelt threatened to pack the court, and so the court acceded to his demand, now known as "the switch in time that saved nine." Even President Roosevelt believed that collective bargaining could not be transplanted to the public sector. He explained so in a letter to the National Federation of Federal Employees in 1936, saying that it destroyed the principle of democratic accountability by giving one special interest group a privileged position in the policymaking realm.

Compulsory collective bargaining did not come to the public sector until 1959 when Wisconsin's first compulsory collective bargaining act was passed. Some states reacted almost immediately to refute that type of effort. Nevada was one of them in 1965. Our first collective bargaining law prohibited public sector bargaining across the board. That law is still in place for state employees, and was later reversed in 1969 by the current Local Government Employee-Management Relations Act after a series of somewhat violent



protests on the Las Vegas Strip by the Clark County Education Association prompted then-Governor Laxalt and the Legislature at the time to take action. The business owners on the Strip were asking to get teachers off the street by any means necessary. The current law for compulsory bargaining was put into place later. Things like mandatory arbitration were added.

In many states, there is still an option for state or local governments, or individual agencies, to bargain with recognized bargaining groups. This is not something that would set Nevada apart or be unique in the United States by any means. Some states operate very well with this policy. The Controller thinks this bill is in the broad public interest and helps to protect the taxpayer as well. We are strongly in support of this bill.

**Andy Matthews, President, Nevada Policy Research Institute:**

My organization has written at length about the enormous costs to taxpayers that result from laws that force governments to bargain collectively with public employees through their unions. In Nevada, we have found that collective bargaining produces an additional cost to taxpayers in the tens of millions of dollars annually—that is the additional cost above and beyond what government would otherwise cost without collective bargaining in place. Nationally, the combined additional yearly cost to all state and local governments is approximately \$100 billion.

At a time of serious financial and economic challenge, nationally but especially here in our state, this arrangement is one that we simply can no longer afford. The collective bargaining process serves as a massive burden for local government officials who are charged with managing a balance sheet. They are felt by the citizens in our communities whose access to basic and legitimate public services becomes threatened, as policymakers are forced to choose between providing these services and meeting the ever-increasing demands of the public sector unions. [Continued to read from [Exhibit R](#).]

**Chairman Ellison:**

Are there any questions? [There were none.] I will open this up for those in favor of A.B. 280.

**Greg "Bum" Hess, representing Storey County:**

I was a 14-year county commissioner in Storey County. We are in favor of this bill. As you have heard in a lot of testimony here today, it is plain to see that what may work in some areas of the state would not necessarily work in all others. What is good in Assemblywoman Neal's and maybe Assemblywoman Woodbury's districts may not work in Storey County. One of the reasons it is not as efficient for us to have the collective bargaining template

that we negotiate with is because we are the smallest county. For instance, in 2001, we lost about \$600,000 due to an NV Energy online system, and also the government took away a few legal businesses that we had. At the time, we only had one collective bargaining unit at the table, which was the sheriff's group. We had to go to firefighters, public work employees, and courthouse employees to ask them if they would be able to take some cutbacks to help us through those times.

When we were down \$600,000, that was roughly 10 percent of our budget. We previously had a budget of about \$6 million. What happened was those employees were able to accept cuts from us in order for us to sustain. The bargaining unit for the sheriff and police association declined to take any cuts. It was not because the police did not want to help—the majority of them wanted to negotiate with us and help us out—but it was because the union would not allow that.

We are not here to ruin anyone's lifestyle. We have our ups and downs like anybody else, and it is hard to accommodate the ups and downs when you have certain programs that keep escalating. It is not just collective bargaining, but the infrastructure within governments that people do not understand. If we lose money, we cannot take it out of our own pockets and give it to people. Things have to be flexible. Therefore, I think it is best left to the political divisions of the locale they represent to decide if they can afford, and will be able to collectively bargain, or whether it would be better for the employees to just negotiate directly with the county commissioners. I represent 4,500 people—3,000 of whom I probably know by name. Storey County is dealing with neighbors, basketball coaches, and friends across generations who we are working with in the county. We are generally going to make sure that they are well taken care of, and the collective bargaining goes along with that. There is a very big price tag that we have to pay for.

**Chairman Ellison:**

With the way ad valorem tax is and its cap, there is no way to raise the revenues other than sales tax. If you were at the maximum, what did you do?

**Bum Hess:**

In 2006, the cap was put in. In 2008, everything really started to go down. We had three unions at that time. Firemen unionized, as did the public employees. At that time, we had to go back to them because we had a deficit of about \$2.5 million. We went back to them to see if there was any type of renegotiation that we could do. Two unions said they would absolutely not. The one union that came to the table was the firemen's union. They overrode their own collective bargaining people and said no, we are going to help the

county. We worked very well with that union and there were no issues. In fact, I was the one working with them as directly as I could at that time.

We came to an impasse where if we did something for the firemen, we had to do it with all three collective bargaining units. What happened was we asked for a 6.5 percent decrease in pay for one year, and for pay to be frozen the next year. That was not accepted by the other two unions, so we were forced to lay off one third of our staff. That affected public safety because that laid off seven firemen. For them to come to the table and be such good citizens to us, our return to them was laying off seven of their members. That was one of the hardest things I have ever had to do. They are neighbors and friends. Those are the sad realities. If you do not have the money, you cannot pay. We laid off one third of our county employees at that time because the unions refused to take pay cuts. One bargaining unit was all for it and had no problem with it, but you cannot deal with just one. Those are the issues we experience. I am not saying the state should regulate whether there is collective bargaining. It just should be left up to the local governments whether or not they can or cannot work with them.

**Justin Harrison, Director, Government Affairs, Las Vegas Metropolitan Chamber of Commerce:**

We are here today in support of A.B. 280, as it gives options to local government. We believe that is the real heart of this bill. It gives options to people to either enter into collective bargaining or to not. It does not outright ban them, it is enabling legislation. We believe this is a piece of the larger discussion to reform NRS Chapter 288.

**Tray Abney, Director, Government Relations, Reno-Sparks-Northern Nevada Chamber of Commerce:**

It has been a top Chamber priority for several years to unshackle our local government officials from restrictive collective bargaining agreements. We think the circumstances in Ely could be much different than in Reno or Las Vegas. While this bill is important, it cannot be passed alone or in a vacuum. We need to consider Assembly Bill 182 that is in the Assembly Committee on Commerce and Labor, which fundamentally restructures NRS Chapter 288 and makes the system more sound. I know it is a stretch, but if the City of Reno or the Clark County Commission decides to keep collective bargaining and NRS Chapter 288 as they are, there are a vast majority of taxpayers in the state that will still live under that system. We want to make sure that system, for those governments that keep it, is sound as well.

Earlier, there was a mention of an attack on the middle class. In Nevada, 14 percent of the workforce is in a public or private union. That means that

86 percent of the workforce is not unionized. I think a large majority of them would probably be considered middle class. We need to look out for all Nevada taxpayers, and not just specific groups. When unelected union leaders talk about bargaining against management, management is really everyone when we talk about collective bargaining in a public sense. We need to keep that in mind as we talk about this issue. I urge support of this bill.

**Assemblywoman Neal:**

I keep hearing the argument that somehow, to protect the existing people who use collective bargaining, we are not protecting the other middle-class families and working-class families, and we have picked a select group to protect versus other families. I disagree with that, because I think it makes a viewpoint that we are not thinking about all of the working-class families. I am middle class, and I am not protected by anything. When I speak out for unions, what does that make me? I am trying to understand why that keeps coming up. At the end of the day, we are here to protect all families' rights and protections, and we are trying to create fairness and balance. When you brought up A.B. 182, it was almost like you were trying to pick a fight because A.B. 182 is an extreme measure. At least A.B. 280 has a middle ground. I find it interesting that you keep throwing that out there.

I respect everybody in this building, but I need to hear some new arguments that make sense. To me, this argument makes it sound like since I am a middle-class person and a single mom, I cannot see the reality that we are going after individuals because we know we have an unstable tax revenue. We know we have an unstable economy in this state, which has a traditional 10-year boom-bust cycle, yet we keep laying blame at the feet of people who work, and I do not see how that argument makes any sense. When we brought tax bills up, the same people were at the table saying it was none of their business. I hope we can bring this conversation to the entirety of what it is, pass revenue measures that makes sense for the state, try to stabilize the economy, or at least plan for the boom-bust cycle so that we stop going after the employees who actually work and take care of their families.

**Chairman Ellison:**

Is there anyone else in support of the bill? [There was no one.] Those in opposition, please come forward.

**Rusty McAllister, President, Professional Fire Fighters of Nevada:**

We are in opposition to this bill for multiple reasons. Some of the discussion has been that this bill does not take away the right to collective bargaining. But it essentially does, in many places. As you have heard, many of the local government employers have come up and said that if they did not have

collective bargaining, they would not do it. They will say that they would do it if they wanted to. Who would want to? Most of them have described a situation where that would not be the case. As many of the people who spoke in support of the bill came up, something they said was that they did have people come to the table, and there is the ability for local government employees to come to the table and negotiate for concessions to save or provide relief to local governments. That took place all across the state of Nevada. I know my locals did it, as Commissioner Hess said, the firefighters were one of the first ones to the table, and stepped up and did what they needed to do.

Another bill being considered by this body, Assembly Bill 54, allows for entities that are in financial crisis to reopen contracts and renegotiate. Mr. Sherk testified earlier. The Heritage Foundation certainly has an agenda, and anyone can research that, which is no different than the expert we brought in a while back, Mr. Jeffrey Keefe, who presented the other side of the story on how collective bargaining works. There are two sides, who will both have extreme positions. I saw all the documents in regards to Wisconsin [([Exhibit S](#)), ([Exhibit T](#)), ([Exhibit U](#)), ([Exhibit V](#)), ([Exhibit W](#)), ([Exhibit X](#))] and the great job that Governor Walker did. In 2010 they passed that bill and in 2011, Wisconsin ranked 15th in the nation in job growth and in 2012, they dropped to 41st in the nation. They were 30th in 2013, and are 40th in 2014. That is the worst Wisconsin has been in over a decade. Governor Walker is walking in with an \$800 million shortfall in his projected budget, and is proposing cuts to education and borrowing a billion dollars to pay for roads. He promised 250,000 jobs in his first four years and delivered 147,795. Of those, 53,000 came in the last four months of 2014. Cutting collective bargaining out of the system does not necessarily save the world.

**Assemblyman Moore:**

Mr. McAllister, who are you representing today?

**Rusty McAllister:**

I represent the Professional Fire Fighters of Nevada, which is a consortium of 17 local unions spread throughout the state. In southern Nevada, there are 5 local unions, including the Pahrump firefighters in Nye County, and the rest are scattered across northern Nevada.

**Assemblyman Moore:**

Are you paid by the union or by the taxpayers of Clark County?

**Rusty McAllister:**

My paycheck comes from the City of Las Vegas Fire Department, where I work as a fire captain and have for 30 years.

**Assemblyman Moore:**

You are representing the unions being paid by taxpayer dollars, is that correct?

**Rusty McAllister:**

What are you asking me, sir?

**Assemblyman Moore:**

You are representing your union, correct?

**Rusty McAllister:**

In this particular instance, I am representing 17 local unions, yes.

**Assemblyman Moore:**

What I am saying is, you are not a firefighter in your day-to-day job. Do you ride a truck and put out fires?

**Rusty McAllister:**

Yes, I do. I am a fire captain located on Lake Mead Boulevard and Del Webb Boulevard.

**Assemblyman Moore:**

While the Legislature is in session, you are still paid by the taxpayers of Clark County, is that correct?

**Rusty McAllister:**

I am. I am paid under a provision that is negotiated in our contract with the concession made by the firefighters to equal a certain amount of leave time that they have provided to me as negotiated in the collective bargaining process.

**Assemblyman Moore:**

So I can assume that since I am a taxpayer in Clark County, you represent me and my interests as well, not just the unions, while we are in session.

**Rusty McAllister:**

I am not sure what you are asking.

**Assemblyman Moore:**

We will talk after the meeting.

**Assemblyman Wheeler:**

Mr. McAllister, you mentioned A.B. 54 and intimated that there is no need for A.B. 280 now. Did you not testify against A.B. 54, and want an amendment on it that changed it?

**Rusty McAllister:**

Yes, we testified against the bill and offered an amendment which was accepted by the Taxation Committee to make a better bill. We worked with them to come up with the final language, and they were very receptive and willing to work with us on that bill.

**Ronald P. Dreher, representing the Peace Officers Research Association of Nevada, Washoe County School Principals' Association, and Washoe County Public Attorneys' Association:**

We are in opposition to this bill for a number of reasons. As soon as this bill came out, the first thing I did was speak to the sponsor. I spent about 45 minutes to an hour with Assemblyman Nelson walking him through the collective bargaining process that I have been part of for the last 31 years in our state. Formerly, I was a Reno police officer, as well as the president of the Reno Police Protective Association (RPPA), but I will not get into the history that some of you have heard me talk about before.

I do want to rebut a lot of the things that were said earlier. Collective bargaining means just that. It is collective. The elected representatives are in complete control. To those who want this the same as it is for state employees as set in NRS Chapter 284, I would propose instead that many of the bills that have come before this Legislature in the past 19 years be reversed, and give the state employees the collective bargaining rights that they do not have so that they do not lose their homes anymore. You have made them a recruiting base for the rest of the places they can find employment.

I heard before that we are all taxpayers. I am a taxpayer and so are all the people I represent. We do provide all kinds of services and we are the middle class. This comes down to trust and credibility, and that is what I have lacked with the City of Reno for 30 of the 31 years that I have negotiated on their behalf. Every year for 30 years, they told me they were going to lay off people because they had no money. It has been pay-as-you-go every year. The benefits we negotiated over those times were done not by going to fact-finding, impasse, or last best offer, but they were done at the negotiations table. It was always adversarial, but we got to a yes in the end. Impasse, fact-finding, and last best offer are used only when you cannot get anywhere. They force the negotiations and force a yes. We have a lot of out-of-state people coming in and forcing fact-finding and last best offer issues. Mr. Sherk

is from Washington, D.C., and Assemblyman Nelson put a lot of credibility in an outsider. All the outstanding arbitrators that I have worked with are trained neutrals.

**Chairman Ellison:**

Are not most arbitrators from California who do not pay taxes here? I would ask that you remain professional.

**Ron Dreher:**

I would ask if the others who have sat and testified in support of this bill have ever sat at the collective bargaining table, but I can tell you they have not. I have negotiated in Elko, Humboldt County, Pershing County, and Winnemucca, and they do have city council and county commissioners sit at the table. I negotiated in Lyon County, and they have county commissioners sitting at the table. To say that elected officials do not have a say at the table is false; they do have a say. It is a collective process, and goes back to trust and credibility. We have a recruitment and retention problem in law enforcement all over the state. State employees have it too. We collectively bargain on their behalf to make sure we get the best of the best, and college graduates. I do not want law enforcement standards lowered, but I guarantee you that if you do the things the bill has in it and get a cop for \$1 an hour, you will get what you pay for. You can get a public attorney, teacher, or educator for \$1 an hour, but you will get what you paid for.

As the president of the RPPA, I was also a major crimes detective. One day in February 1998 when I was conducting an interview with a child murderer who was telling me where the little boy's body was that he killed in Elko, I came out of my office after a six-hour interview and on my desk was a note transferring me from homicide back to patrol. I was the president of the RPPA, and the reason I was transferred on that day was because of the actions I took against some members of the Reno City Council. To this day, I have been the only person transferred out. I did go to arbitration, thank God I had that right, and I won. I also won the employee-management relations case. We have talked about teacher evaluations and who should be laid off and so forth. My evaluations were outstanding. My Chief of Police, Steve Pitts, is the person that gave me the evaluations. I was the best of the best, but I got transferred because of my activities in the association.

Collective bargaining works, and A.B. 280 is a step backward. Please do not do this. We have a great process that has been working for all these years. We have other bills. The process works and continues to work. I ask that you oppose A.B. 280 in the form it is written.



**Chairman Ellison:**

There is no disrespect for our people in uniform whatsoever. That is not the point. The point is that they have a problem and are trying to fix the problem, and I hope everyone will come to the table and make this work. There is no disrespect in this Committee, and I ask that we all show professionalism.

**Ruben R. Murillo, Jr., President, Nevada State Education Association:**

I think the root of our problem here is the lack of funding due to the crisis that came up. Our budget is dependent on property, gaming, and sales taxes. We are in a situation right now where we have to defend what happened during that time, which was not in our control. I wanted to talk about the reality of what is going on in our classrooms right now. I can only speak for CCSD, because that is my home school district. This also reflects what is going on statewide.

At the beginning of the year, 1,200 teachers were hired. Of those, 450 were substitutes and another 450 were rehires, which left about 325 brand new teachers to the profession who came in. It is estimated that in the 2015-2016, there will be a thousand substitutes in CCSD. I do not think we have to worry about layoffs for a while. Statewide, as far as in Carson City, I know they are short 12 teachers in critical shortage areas. This goes on to Washoe County School District (WCSD) and across the state. The issue with this bill is that it can be subjective. How your collective bargaining goes depends on who your superintendent is.

Many of you know that in legislation there are references to empowerment schools. Those came from the Clark County Education Association (CCEA) and CCSD when Walt Rulffes was the superintendent. We started a collaborative approach to addressing issues that were important to our teachers in the classroom and also support staff. When Mr. Rulffes retired, Dwight Jones became superintendent. It was a huge step back for all CCSD employees, especially teachers and administrators. You referenced a rift that happened during that time period. Approximately 438 people were given a pink slip. They were hired back just a couple weeks later. It was something they had to do to demonstrate they needed to be independent. No one lost their jobs; they were called back. Pat Skorkowsky is now our superintendent in CCSD and is crawling his way back out of the hole that was created under Superintendent Jones. If this bill was in place in Mr. Jones's time, I guarantee you that he would have gone down the route you are proposing. Pedro Martinez also worked with the WCSD and the Washoe Education Association (WEA) to propose different innovative things that were going on. Members from CCEA, WEA, and WCSD went to Montgomery County, Maryland, because it is a hotbed of innovation when it comes to collaboration

on school reform, collective bargaining, and other issues that impact our members. Out of that, CCSD and WEA are looking at National Board Certification teachers, peer assistance review, professional development, and mentors. In WCSD, they have peer coaching, a Science, Technology, Engineering, and Math lattice, and the Teacher Incentive Fund grants, which is a paid for performance collaboration.

I want to talk about the collective reduction in force (RIF) process in CCSD. When I was president, this was negotiated. People volunteer to leave first, then it goes to discipline. Anyone with a discipline that has been filed against them is at the top of the list if there are two unsatisfactory evaluations, and seniority is at the bottom, but it does play a part. We have had wins and losses in arbitration. It has not been that the union has won every single arbitration. During that time period, CCSD also won some arbitrations. It has been a fair process.

In the recession, we had a freeze in steps for experiences. I bet Mr. Sherk, who has probably never worked in a classroom for a full 7.11 hours, does not know that the teachers in Clark County did take a step freeze. That was a big issue for our teachers. They are not paid according to what the area standards are compared to California, Utah, and Arizona. We held meetings with other employees to walk them through the RIF process. Districts have to prove that they have the funds. I have heard from both sides of the aisle that people do not really know if school districts are being honest about how much money they have. There is a lot of distrust. It is an issue in the process. We want to make sure the district has the monies necessary for us to be successful in the classroom so that our students are successful when they graduate or go to other professions. I invite you to go to Montgomery County, Maryland to see what innovation is taking place in our school districts. I would be more than happy to assist you. I was paid by the CCEA when I was president of that organization, and I am now being paid by the Nevada State Education Association.

**Assemblyman Wheeler:**

You said you need the money and, in my opinion, teachers are pretty well underpaid. I am looking at TransparentNevada and I see ten pages of administrators with 40 people per page who are making over \$100,000 a year, some of them in the \$300,000 range. Those are not benefits, just salary. That is about \$40 million. Do you think you could get some money from there? Was that not a result of collective bargaining by a different union?

**Ruben Murillo:**

I represent teachers; the administrators negotiate their own contracts. We are looking at funding across the board. Honestly, \$40 million is not going to do a lot to help the students of CCSD or Nevada. What we need is stable funding and a tax program that will bring a broad-based and stable tax to our state so we do not have to go through these issues again.

**Ron Dreher:**

As a representative of the Washoe School Principals' Association, I wanted to say that very issue has come up. One of the reasons why you see the disparity is because the administrators work longer time periods through the year.

**Chairman Ellison:**

So instead of working 9 months, they work 12 months?

**Ron Dreher:**

Some do work 9 months, but they work more days during the year and are paid by their days. They do not have overtime; they work on a contract.

**Assemblyman Moore:**

Mr. Murillo, you stated that \$40 million would not go very far to the students and teachers in CCSD. How many schools would \$40 million fund? Would that build one school?

**Ruben Murillo:**

Probably not.

**Assemblyman Moore:**

It would build two. So two schools in CCSD would not help?

**Ruben Murillo:**

No, two schools would help CCSD. You can build two schools, but what if you do not have teachers to fill the positions? What if you do not have materials and resources to teach the children, or the transportation to get the children to school? Make no mistake, \$40 million dollars is a lot of money. But you need more than \$40 million to fund a school system.

**Carla Fells, Executive Director, Washoe County Employee Association:**

Over the past several weeks, I have listened to testimony on various bills. I have heard that members are not able to ask their unions what they are putting their dues toward, or whether or not employees have a say in what their unions support, or what candidates that they support. I represent

1,100 members in Washoe County. We have elected officials, such as district attorneys and sheriffs, and we have appointed department heads.

One of the reasons I am opposed to this bill is because much of my time is spent dealing with the county manager in representing employees that are in those departments that have elected officials who do not want to follow collective bargaining because they are elected by the people, even though their employees are the same employees that are in the assessor's office or in community development. They want to treat their employees differently. The only saving grace I have had in the last seven years of dealing with the county manager and beating back disciplinary or pay issues is that all the employees I represent, from office support at the sheriff's or in community development, are treated the same. Opening this up and allowing counties and cities to decide will open the doors to all kinds of problems of employees being treated differently. We are talking about secretaries, road workers, and those types of positions.

There is a compensation issue that keeps coming up. We negotiated a separate compensation and classification study with Washoe County, called the Hay Group. We are bound by that in contract. Our salaries are set by the Hay Group which surveys the jurisdictions that the county and association agreed to for comparison for salaries. It might surprise you to learn that the associations we like to be compared with are other Nevada agencies such as the City of Reno and the City of Las Vegas. The county came back and said they wanted to compare us with Yreka, California or San Bernardino, California. Even the county had a skewed view of whom they wanted to compare our compensation and salary to.

When we entered into that agreement in 1988, those areas were paid a lot lower than Washoe County. That is why it was to the county's benefit to pick those comparison cities. Now, it is upside down. They are getting paid more, and the last survey of Washoe County's employees that I represent shows that they are paid 6 percent less than the class compensation that we are supposed to be following. That has been going on since the recession in 2008. The county still has to negotiate the cost compensation with us. We do not just make demands. We have a system in place to do class compensation.

The other thing I wanted to address is what Mr. Galloway advised. He said that we have 13 collective bargaining units in Washoe County. That is true. But out of 13, only 2 of them have final binding arbitration. In NRS Chapter 288, it says that the county commissions and city council can implement on those bargaining units that do not have final binding arbitration. Every labor negotiator that I have negotiated with has said, "This is what we are going to

offer, and this is what you came up with. If you do not want to accept it, we can implement it anyway." They know they can implement it anyway. They can implement whatever they had last on the table, unless you have final binding arbitration. If you want to level the playing field, everybody should have final binding arbitration, not just the ones that are in NRS Chapter 288. We are all fighting for the same piece of the pie. Thank goodness Washoe County has always agreed when we have had an issue that we went to final binding arbitration. We have agreed that we will accept whatever comes from that. We split the fee of arbitrators, and Washoe County has graciously agreed to do that. They do not have to, and neither does any other county commission or municipality in Nevada, if they are not covered in NRS Chapter 288 for final binding arbitration. I think that what would be implemented in this bill is redundant. We already have it through NRS Chapter 288, except for those entities that are covered under final binding arbitration in that statute.

**Chairman Ellison:**

Are there any questions? [There were none.] We will move to opposition in Las Vegas.

**John Faulis, representing Las Vegas Metropolitan Police Department Police Managers and Supervisors Association:**

Yesterday I spent the majority of my day asking some of the top executive staff members of the Las Vegas Metropolitan Police Department a very simple question. Is there something wrong with the collective bargaining process? The answer was "No, there is nothing wrong with our process." [Continued to read from ([Exhibit Y](#)).]

**Norm Halliday, Secretary-Treasurer, Nevada Alliance for Retired Public Safety Officers:**

I was also the past president of the Henderson Police Officers Association (HPOA) and the Nevada Association of Public Safety Officers (NAPSO). During my time as the president of the HPOA, we continued a relationship with our city management that allowed two contract negotiations where we were basically giving back to the city, as we recognized the finances of the city were in need for sustainability. One of those negotiations was with a contract opener, which we were not required to open for wages and benefits. It was a concessionary contract giving back to the city. We recognize that we are not only employees of our communities, but we live in our communities and give our time and money, and raise our families.

As the president of NAPSO, I was witness to several of our affiliate organizations making similar concessionary agreements as well. This bill will be a vehicle for local governments to remove benefits for retirees. Most retirees

live on a fixed income, and they depend on retirement benefits that have been earned over many years of loyal service and sacrifice. Retirees have earned those benefits, and they are not entitlements. By taking away the ability for employees organizations to negotiate agreements and secure benefits for the future, you are breaking promises that were made. Retirees are an active part of our economic recovery, and they put much of that retiree pay back in to the community. They pay mortgages, rent, utilities, buy goods and services, and so on. With ever-increasing costs in health care and medical coverage and for goods and services, these benefits are needed to help retirees cover their costs. Retirees generally do not have a voice in the negotiation of their respective former employee organizations, and A.B. 280 would take away the ability to do this. How is it possible to recover our state's economy by removing the ability of employee organizations to negotiate in good faith bargaining for better wages?

**Richard McCann, Executive Director, Nevada Alliance for Public Safety Officers:**

My organization is affiliated with the Communications Workers of America and the Nevada State AFL-CIO, members of which include state, county, and municipal police officers, corrections officers, sheriff's deputies, and parole and probation officers, among many others in 19 separate public safety associations that encompass more than 40 law enforcement departments and agencies throughout Nevada. On behalf of the nearly 1,400 dedicated law enforcement officers and other personnel who are our statewide members, I am in opposition to A.B. 280. [Continued to read from ([Exhibit Z](#)).]

**Chairman Ellison:**

Nobody is trying to break the unions.

**Rick McCann:**

I am tired of hearing that we have a lot of people making a lot of money and that we should change the entire system so that nobody makes any money.

**Marlene Lockard, representing Service Employees International Union Local 1107:**

We are opposed to this measure, as we have been to other measures that have been through this Committee and other committees. I think it has all been said already, on both sides. I regret seeing Nevada playing a role in the National American Legislative Exchange Council and Nevada Policy Research Institute (NPRI) political agenda to divide our state and citizens. We have all worked together in the past and collectively bargained together.

I worked for many years in state government. I have seen firsthand how many state employees we have hired over the years and invested in training for, such

as the Occupational Safety and Health Administration, Highway Patrol, or special law enforcement, only to lose those employees to the counties' and cities' local governments because they do have collective bargaining and the State of Nevada never has. State of Nevada employees did not have any protections in 2008 and 2009, and bore a disproportionate brunt of reduction in health benefits, other benefits, and layoffs. I would hope that the animosity in this hearing can go away and we can come back to trying to figure out how to resolve the state's problems together in a civil manner.

**Danny L. Thompson, representing the Nevada State AFL-CIO:**

I want to clarify a few things. The recession and our problems in Nevada have nothing to do with collective bargaining, and everything to do with the fact that our economy has never diversified. I know now that there have been great steps taken, and with the advent of Tesla Motors and Switch and other opportunities coming here, we may see it diversify. We have a broken tax system in this state that does not pay for education. I would submit to you that if anyone ever brought an adequacy lawsuit questioning if the *Nevada Constitution* provides for adequate education for our children, we would lose that suit.

It is not collective bargaining's fault that we have a broken tax system and a reliance on a single industry. I represent 120 different unions throughout the state of Nevada. In the case of local governments, when the recession happened in 2008, almost all of them in southern Nevada, including Boulder City, Henderson, North Las Vegas, and the City of Las Vegas, asked for and got concessions from their unions. They went back to the table mid-term. They did not have to. They opened up their contracts, went back, and negotiated for less pay and less benefits in order to prevent catastrophic layoffs.

**Chairman Ellison:**

When was that?

**Danny Thompson:**

This has been going on for two to three years. In the case of the City of Henderson, the Teamsters have been back to three rounds of concessions with the city. There is no question that this has been a give and take for all of us. I think you should all understand that making it optional is the end of collective bargaining for public employees. Public employees, including police officers, county and city workers, firefighters, and teachers do not have the right to strike right now. If you pass this bill and a local government opts not to negotiate a collective bargaining agreement, all that goes away. You will go back to the days that we had prior to NRS Chapter 288 and final binding

arbitration. There will never be any resolution to anything, and these issues will just cause strife like they did in the past.

Mr. Lawrence testified to a "violent teachers strike" of all things, but it did happen. By passing this bill, you will return to those days. In those days, they were the primary industry that came forward and said that there needed to be a system to fix this, and that is the system we have today. I want you to fully understand what you are doing and what the consequences would be. On behalf of over 2,000 members of the Nevada AFL-CIO, we oppose this bill.

**Chairman Ellison:**

Mr. Thompson, you always come to talk with me. We do not always agree on everything, but you have always been honest with me and I respect that.

**Assemblyman Wheeler:**

Mr. Thompson, you are not only one of my constituents, but I consider you to be a friend. You have always been honest with me, like the Chairman said, but I have to call you out on something here. You intimated that people on this Committee are saying the economic recession was caused by collective bargaining. I do not believe anyone on this Committee believes that is the case. I believe that when we got into the recession, there were a lot of collective bargaining units that put their foot down and did not want to negotiate. There were also a lot that did negotiate.

**Danny Thompson:**

I am your constituent, and I will tell you that I did not mean to indicate that of anyone on this Committee. I will say that the people who testified in support of this bill, if you draw a conclusion from their testimony, that is the conclusion I have drawn, and that I think many people in this audience listening drew. No one on the Committee has indicated anything like that.

**Priscilla Maloney, Government Affairs, Retiree Chapter, Local 4041, American Federation of State, County and Municipal Employees:**

The initial witness who testified remotely talked a great deal about state employees, their compensation, benefit package, and current situation. I was on staff for the American Federation of State, County and Municipal Employees, representing active members as a lobbyist in 2013 and for our budget hearings I prepared an exhibit. It details all the cuts that state workers took from 2009 onward. We were able to restore a little bit of the budget cuts like furloughs, and step increases were sunsetted, but only after one year into the biennium.

The representation that collective bargaining would not have helped in that situation has certainly opened a debate here. Our position would have always been that we would have sat down with the employer, in this case the



Department of Administration for the state of Nevada, and talked through some of these things. The tradition for state employees has been that towards the end of the session, the budget is looked at, and the employees are in the position of begging for concessions.

**Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators:**

Mr. Stephen Augsperger, Executive Director, Clark County Association of School Administrators, asked me to come up and convey to the Committee that he would be happy to meet with anyone and discuss the high salaries per NPRI. The Clark County Association does supposedly also represent people like architects. Six or seven years ago, CCSD came to the association and asked them to include those people in that bargaining group so they would have a way to be represented.

**Chairman Ellison:**

Are there any questions? [There were none.] Is anyone else in opposition, or neutral? [There was no one.] Assemblyman Nelson, would you like to make a closing statement?

**Assemblyman Nelson:**

I appreciate the time of the Committee.

**Chairman Ellison:**

You got more than you bargained for in this hearing. We will take a recess.

[The Committee was recessed at 11:14 a.m. and reconvened at 11:28 a.m.]

[Assemblyman Moore assumed the Chair.]

**Vice Chairman Moore:**

I will open the hearing on Assembly Bill 100.

**Assembly Bill 100:** Requires the Attorney General to bring an action to protect and secure certain constitutional rights of residents of this State under certain circumstances. (BDR 18-50)

**Assemblyman John Ellison, Assembly District No. 33:**

I am here to present Assembly Bill 100. I respect the Attorney General's Office. I think we have a great Attorney General (AG). But I want to look into the future of this state, and that is why I brought this bill forward. It designates the AG to protect the rights of the citizens of the state of Nevada. As I am sure you know, the Second Amendment to the *United States Constitution* is fairly

simple. It reads that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The Second Amendment is pretty straightforward in saying that the right to keep and bear arms cannot be infringed upon. It is the most basic right to self-defense; however, the federal government continues to seek ways to circumvent this right, and be it through executive order or other actions, our right to bear arms continues to be under threat. This bill is trying to make sure that the future of this state is protected and represented by our elected officials in the state of Nevada. When we took our oath of office and raised our right hands, we solemnly swore to protect the *Constitution* of this country and signed that oath. I am asking this Committee to uphold the *Constitution*. That is all this bill does. It is simple, not controversial, and it is the right of this country.

**Brian Wilson, Private Citizen, Las Vegas, Nevada:**

Our Second Amendment is constantly under attack by our federal government. Just two months ago, they attempted to ban one of the most common rifle-caliber ammunitions in use today for hunting, recreation, and other purposes. Luckily, we have an AG today who will defend our rights, and signed on with 22 other AGs around the country to stop this federal ban. But we may not be in that position in the future. In the past, we have had AGs who were adamantly opposed to the Second Amendment and would do nothing to defend it.

All this bill does is set us up in the position to defend our rights if we need to, so that someone can stand up for the state. The governor can direct our AG to do so if necessary. The AG's office has that discretion on their own now, but if we end up with an unfriendly one in the future who does not think it is worth fighting for, this allows our governor to direct them to take that action. The bill is not about who we have in that office today. It is about who might be there in the future and makes sure our Second Amendment rights are protected. Some of you might ask why we need to single this amendment out. Realistically, it is the one right our federal government constantly tries to infringe on, in spite of the clear language of the *United States Constitution* and what the Supreme Court has upheld. I support this bill very strongly, and I ask that the Committee do the same.

**Assemblywoman Joiner:**

I had a procedural question. Currently, can the governor force the AG to take any other actions? I am wondering where this model came from. It is an elected position, sometimes a different party than the governor or someone with

different opinions. Are there other cases currently where the governor can force the AG to take action?

**Brian Wilson:**

To be honest, I am not aware of any. I do know that the intent of the bill is to put a second layer of protection in so that it is not solely at the discretion of the AG.

**Assemblyman Ellison:**

A lot of the states right now are implementing this policy. Every day there is another law or attack against the Second Amendment. It is the weakest portion of our *United States Constitution* right now. That is what is coming under direct attack daily. We need to uphold this law. It does not mean you have to agree with it, but it is something we have to protect. If they can break just one of the Amendments, they can break them all.

**Assemblyman Wheeler:**

I had this same bill in the last session. The governor can request that the AG files a lawsuit. The AG's office, as far as I can see, is in the business of suing people. That is what they do. This just directs them to sue on behalf of the people, is that correct?

**Assemblyman Ellison:**

As far as I know, the AG's job is to either file suits or defend them. I am looking for the AG to defend this right. I think the AG's office would do that and are doing that now. All this bill does is put it in the law for the future.

**Assemblyman Carrillo:**

Say we fast-forward 40 years, and we are in a perfect world where we have a Democrat governor and AG, what will be keeping their feet to the fire? Would this bind them in 2055 to this law that was passed in 2015?

**Assemblyman Ellison:**

That is what this bill would do. They took an oath of office, and this law would hold their feet to the fire. If they did not act, they would be in direct conflict with *Nevada Revised Statutes* (NRS) and the *Nevada Constitution*. That is the challenge. We are not asking to do anything that the *Nevada Constitution* does not tell them to do anyway. We all swore by the same oath to solemnly swear to support, protect and defend the Constitution, the government of the United States, and the *Nevada Constitution* and government of the state of Nevada. I am not asking for any more than what the law is, I just want to make sure they follow the law.

**Assemblywoman Spiegel:**

I support Second Amendment rights, but I also support a lot of other rights that are enumerated in the *United States Constitution*, like the First Amendment that prohibits establishing of religion for the nation, or voting rights. A number of issues come up, and I really do not understand why it is important to separate out one right that is enumerated in the *United States Constitution* versus looking at something broader as a public policy and saying that if the rights of Americans are being infringed on, why are there not equal protections for all of the Amendments?

**Assemblyman Ellison:**

I agree. But the First, Fifth, or Fourth Amendments are not coming under attack every day. The Second Amendment is the one that is being attacked continuously. You just heard testimony on the ban of certain ammunitions, which is ridiculous. It is ammunition we use continuously for target practice. They are not going after guns anymore, they are going after ammunition. They are going after people who sell weapons or store owners. Every day, there is another attack.

New York City's mayor, Michael Bloomberg, has been here with his gun control group. New York has the worst crime in the United States, yet they are telling us how to run the constitutional rights of Nevada. I have a problem with that. I strongly support our Second Amendment, and I believe he has the right under the First Amendment to speak, but I think he needs to take care of his own backyard first.

**Vice Chairman Moore:**

Are there any other questions from the Committee? [There were none.] We will take testimony in support of A.B. 100.

**Brett Kandt, Special Assistant Attorney General, Office of the Attorney General:**

On behalf of Attorney General Adam Laxalt, the AG certainly has a duty to defend the constitutional rights of all Nevadans. We will faithfully carry out that duty, including the vigorous defense of Second Amendment rights. That duty is set forth in the oath of office spelled out in NRS 282.020 that was referenced by Assemblyman Ellison. I note that it is an oath that not only the AG but all that serve under him, including myself, have taken. To the extent that this body wants to provide the AG with further policy direction on the protection of Second Amendment rights, we appreciate and will respect that.

**Lynn Chapman, representing the Independent American Party:**

The perfect world would be an Independent American Party governor and AG. I wanted to say that this morning I was reading about a 92-year old woman

who was at home minding her own business when her door was broken down. She called 911, but she had to grab her gun because the criminals had gotten into her house. She was 92 years old, and she shot them. That is something we have to keep in mind. We need to have gun rights; they are very important. We need our elected officials to be able to protect us and protect our property and so forth. That is why I would like to see A.B. 100 go through, because it is just another way of reiterating our Second Amendment rights and reminding our elected officials that yes, we do have these rights and we need to keep them. I ask you to please support this bill.

**Janine Hansen, State President, Nevada Families for Freedom:**

Nevada has a wonderful passage in Article 1, Section 11 of the *Nevada Constitution*. It says, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." Nevada has gone beyond the Second Amendment in the *Nevada Constitution* to specifically define and protect these rights.

This bill is very important because right now, on the executive level of our country, our President has issued executive orders which jeopardize our constitutional right to keep and bear arms, which most recently was banning AK-47 rifles in the United States. This is not the only time this has happened. During the George W. Bush administration, the Model State Emergency Health Powers Act was promoted through the President's office. This would have allowed the confiscation of guns. There is a vast history of assault on our Second Amendment rights on the federal level, and we are very concerned about this. In the past, when the governor and the AG were of different parties or disagreed, the governor has had the option available to appoint a special counsel to defend the position of the state of Nevada, and that might be something to consider. We support this bill, and appreciate Assemblyman Ellison, my own representative, for bringing it forward.

**Megan Bedera, representing the Nevada Firearms Coalition:**

Assemblyman Ellison gave a lot of good information. I think the comments made by Mr. Kandt very well articulate how the Nevada Firearms Coalition feels.

**Assemblywoman Neal:**

If a person comes to the AG and makes a claim that an executive order has infringed upon their Second Amendment rights, how is standing established for the resident who might petition? I do not know what the process is as I have never petitioned the AG on the behalf of a right or a situation. What is the process?

**Brett Kandt:**

The AG does not represent private citizens, but does represent the state and the interests of all citizens of our state.

**Assemblywoman Neal:**

So the Legislature or a state agency would have to bring the issue?

**Brett Kandt:**

We are legal counsel to the Executive Branch of state government and provide advice and representation to Executive Branch agencies.

**Assemblyman Wheeler:**

I could maybe clear that up. The bill says "If directed by the Governor or if, in the opinion of the Attorney General...", so I believe it would have to be in their opinion according to this bill.

**Brett Kandt:**

You are right. That would be based upon the independent judgment of the AG. I do not think it is an accident that we have a separately elected constitutional officer that serves as legal counsel for the state. That way, there is a level of independence exerted by that independently elected constitutional officer, taking into account the legal and ethical obligations upon him as an attorney in his representation of the State. I agree with your statement.

**Vice Chairman Moore:**

Is there anyone else in support? [There was no one.] Is there anyone in opposition, either here or in Las Vegas? [There was no one.] Is there anyone testifying as neutral? [There was no one.] I will close the hearing on A.B. 100.

[Assemblyman Ellison reassumed the Chair.]

**Assemblyman Wheeler:**

I was assured by the Minority Leader yesterday that we would be able to vote on some of these bills quickly, due to the deadline.

ASSEMBLYMAN WHEELER MOVED TO SUSPEND RULE NO. 57 OF  
ASSEMBLY RESOLUTION 1.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

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

**Chairman Ellison:**

Is there a motion?

ASSEMBLYMAN WHEELER MOVED TO DO PASS  
ASSEMBLY BILL 100.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN JOINER, MUNFORD,  
AND SPIEGEL VOTED NO. ASSEMBLYMAN FLORES WAS  
ABSENT FOR THE VOTE.)

**Assemblywoman Neal:**

I am voting yes to move this out of Committee, and I reserve my right to change my vote on the floor.

**Assemblywoman Joiner:**

I am a no also, because I believe all of the rights in the *United States Constitution* should have equal weight, and I think the way the law is currently written does do that.

**Assemblywoman Spiegel:**

Like Assemblywoman Joiner, I think that all rights should be treated equally, but I would still like to think about it and reserve the right to change my vote on the floor.

**Chairman Ellison:**

Is there anyone here for public comment? [There was no one.] The meeting is adjourned [at 11:50 a.m.] [([Exhibit AA](#)) ([Exhibit BB](#)) ([Exhibit CC](#)) ([Exhibit DD](#)) ([Exhibit EE](#)) ([Exhibit FF](#)) ([Exhibit GG](#)) ([Exhibit HH](#)) ([Exhibit II](#)) were uploaded to NELIS and will become part of the record.].

RESPECTFULLY SUBMITTED:

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Erin Barlow  
Committee Secretary

APPROVED BY:

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Assemblyman John Ellison, Chairman

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



<b><u>EXHIBITS</u></b>			
<b>Committee Name: <u>Committee on Government Affairs</u></b>			
<b>Date: <u>April 7, 2015</u></b>		<b>Time of Meeting: <u>8:08 a.m.</u></b>	
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 430	C	Jered McDonald	Work Session Document
A.B. 415	D	Jered McDonald	Work Session Document
A.B. 159	E	Jered McDonald	Work Session Document
A.B. 363	F	Jered McDonald	Work Session Document
A.B. 429	G	Jered McDonald	Work Session Document
A.B. 445	H	Jered McDonald	Work Session Document
A.B. 280	I	Assemblyman Erven T. Nelson	Testimony
A.B. 280	J	Assemblyman Erven T. Nelson	Article
A.B. 280	K	Assemblyman Erven T. Nelson	Article
A.B. 280	L	James Sherk / Heritage Foundation	Biography
A.B. 280	M	Assemblyman Erven T. Nelson	Conceptual Amendments
A.B. 280	N	Butch Borasky / Private Citizen	Letter
A.B. 280	O	Dan Schinhofen / Nye County	Testimony
A.B. 280	P	Frank Carbone / Nye County	PowerPoint
A.B. 280	Q	Gerald Antinoro / Storey County Sheriff's Office	Testimony
A.B. 280	R	Andy Matthews / Nevada Policy Research Institute	Testimony
A.B. 280	S	James Sherk / Heritage Foundation	Supporting Document
A.B. 280	T	James Sherk / Heritage Foundation	Supporting Document
A.B. 280	U	James Sherk / Heritage Foundation	Supporting Document

A.B. 280	V	James Sherk / Heritage Foundation	Supporting Document
A.B. 280	W	James Sherk / Heritage Foundation	Supporting Document
A.B. 280	X	James Sherk / Heritage Foundation	Supporting Document
A.B. 280	Y	John Faulis / Las Vegas Metropolitan Police Department Police Managers and Supervisors Association	Testimony
A.B. 280	Z	Rick McCann / Nevada Alliance for Public Safety Officers	Testimony
A.B. 280	AA	James Sherk / Heritage Foundation	Supporting Document
A.B. 280	BB	James Sherk / Heritage Foundation	Testimony
A.B. 280	CC	Ruben R. Murillo, Jr / Nevada State Education Association	Letter
A.B. 280	DD	Ken Kerby / Private Citizen	Email
A.B. 280	EE	Haven Tillmon	Email
A.B. 280	FF	Achim Brunette / Private Citizen	Email
A.B. 280	GG	Denise Price / Private Citizen	Email
A.B. 100	HH	Robert Gaudet / Private Citizen	Email
A.B. 100	II	J.L. Rhodes / Stillwater Firearms Association	Letter