

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

**Seventy-Ninth Session
May 10, 2017**

The Committee on Government Affairs was called to order by Vice Chairwoman Dina Neal at 8:33 a.m. on Wednesday, May 10, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Brooks (excused)
Assemblywoman Melissa Woodbury (excused)

GUEST LEGISLATORS PRESENT:

Senator Tick Segerblom, Senate District No. 3
Senator Julia Ratti, Senate District No. 13
Senator Donald (Don) G. Gustavson, Senate District No. 14
Senator Nicole J. Cannizzaro, Senate District No. 6



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Lori McCleary, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Michael Kagan, Professor of Law, Director, Immigration Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas
Kiska Icard, Chief Executive Officer, Nevada Humane Society
Mendy Elliott, Private Citizen, Reno, Nevada
Kathy Clewett, Legislative Liaison and Senior Analyst/Grant Manager, City of Sparks
Lynn Chapman, Private Citizen, Sparks, Nevada
Doug Goodman, Private Citizen, Sparks, Nevada
Ardena Perry, Private Citizen, Sparks, Nevada
Karl S. Hall, City Attorney, City of Reno
Jill Dickman, Private Citizen, Sparks, Nevada
Chet Adams, City Attorney, City of Sparks
Darrol L. Brown, representing Carson Area Chapter 388 Vietnam Veterans of America; and United Veterans Legislative Council
Christopher Wahle, Military Security Officer, Security Force, Nevada National Guard, Office of the Military
Richard Carreon, President, Nevada Veterans Association
Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor
Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada; and representing Nevada Law Enforcement Coalition; and Public Employee Coalition of Nevada
Marlene Lockard, representing Service Employees International Union; and Las Vegas Police Protective Association for Civilian Employees
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO
Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.
Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County and Municipal Employees, AFL-CIO
Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce

Vice Chairwoman Neal:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing for Senate Bill 434.

**Senate Bill 434: Requires certain city attorneys to be appointed rather than elected.
(BDR S-1046)**

Senator Tick Segerblom, Senate District No. 3:

Senate Bill 434 is a simple bill. Currently, Reno and Sparks both have elected city attorneys. This is an issue I have been working on for several years, and I thought it was time to bring it back. From my perspective as a lawyer and a politician, the person providing legal advice having their own independent electoral status is not appropriate. I brought this bill with the permission of the Senate Committee on Government Affairs to change the city charters so the city attorney would be appointed by the City Council as opposed to being elected. If our legal counsel at the Legislative Counsel Bureau were elected, when the legislators asked them for advice, there could be a concern about their opinion. We have a professor from the William S. Boyd School of Law at the University of Nevada, Las Vegas who will explain the ethical dilemma that this issue raises. I also have my copresenter, Senator Ratti.

Michael Kagan, Professor of Law, Director, Immigration Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas:

I teach professional responsibility and legal ethics at the William S. Boyd School of Law, and that is the reason I am here today. I want to be clear about what I know and what I do not know. I know nothing about the local politics in Reno or Sparks, but I do not think that is my purpose here. I will speak more generally to ethical obligations of attorneys and the role attorneys play in how that relates to appointment versus election of a city attorney.

It is important to understand two different competing ideas, which are both actually quite important to a democratic system. One is the role of a lawyer as a professional versus the role of elections in a democracy. They are two very important roles, and we actually need both, but it is important to be clear for different positions in government which role matters. If I may pick on Senator Segerblom as an example because he is an attorney, he introduced himself in a very important way. If he is acting as a State Senator, as he is now, that is a role in which we want him to be accountable to his constituents through the election process. However, if he were operating with a client in a law practice, then we do not want him to be subject to the views of all of his constituents. We want him to focus on his client. In thinking about a government position, such as a city attorney, it is important to be clear about what function we want someone to serve.

Let me start with elections. There are obviously key parts of the government that we want to be accountable to the public literally through a popularity contest in terms of an election. All of the legislators here are a great example. The Legislature is the classic and easiest example, in that we want our laws to be set by people who are selected by the people, accountable to the people, and subject to pressure from the people. Chief executives are another clear example—a mayor, a governor, or the President.

Functioning as a lawyer with a client is very different. According to Rule 2.1 of the Model Rules of Professional Conduct from the American Bar Association, a lawyer needs to exercise professional judgment and needs to deliver candid advice. I tell my students, who took their professional responsibility examination yesterday, that one of the hardest parts of this job is that a lawyer has to tell clients what the clients do not want to hear. A lawyer, much like a doctor, a psychologist, or any other professional we may turn to, has to tell people the hard truth. Because I lead a clinic in the Law School—I do not just teach, I practice—I had to do this with a client yesterday. Sometimes that means telling clients my personal opinion but also telling clients where they stand in the legal process and advise them on what they should do, given the reality of the situation and the reality of the law. We do not necessarily want a lawyer to just try to please people or have an incentive to please people. We need lawyers to deliver candid advice. Lawyers have to be objective, and they need to be able to tell clients what they do not want to hear.

The problem in electing someone in this situation is that this is the structure used if you want someone to be accountable to the public. If you want someone to literally be accountable to a popularity contest, it makes it partisan. Obviously, a Republican city councilmember would have good reason to be skeptical of the legal advice delivered by a Democratic city attorney who is running for office. It also makes the legal advice subject to popular opinion. Sometimes, law is not popular. In the case of a city council, a city attorney should have to tell the council that maybe there is something the majority of the council wants to do but it really cannot be done or has to be done in a different way. We do not want that legal advice to be subject to voters who want lawyers to give different advice. You will get poor legal advice that way, and it essentially incentivizes the popular advice rather than the correct legal advice.

A critical issue to understand, and one which is a critical issue in legal ethics, is the question of who the client is. Another thing I tell my students is that it is actually the foundation of all ethical issues. A lawyer always has to understand who the client is and who the lawyer is representing. This is important because, as a rule, clients set the objectives. Lawyers consult with their clients about the means to achieve an objective, but the clients have to decide what they are trying to achieve. Who is the client of a city attorney? That should be the key question.

I can understand that some people would suggest that perhaps the client is the people of the city generally, and that is why we have an election. I will come back to that later on, but there are some positions in government where that is an appropriate concept, particularly district attorneys who operate mainly as prosecutors. It is important to realize that the city or state government is also an organization. It has property, buildings, employees, and deals with labor laws and personnel problems; it can sue or be sued in personal injury cases; it has to deal with contracting and purchasing; it sometimes has disputes with people it has purchased things from; and of course, it also has complicated governance structures. It has to comply with the *United States Constitution*, the state constitution, its own charters, and with an array of statutes, such as open meeting laws, freedom of information laws, et cetera. It needs legal counsel about how to comply with all of those things and how to deal with

potential disputes that come up. In these situations, the city operates as an organization. It is very much analogous in some ways to a private corporation because they share many of the same governance concerns, although the laws are different, including employees, labor laws, suing, and being sued. Cities operate much like any other organization, and that organization needs good legal counsel and good legal representation.

The contrast here I would make is to government lawyers who operate primarily as prosecutors. Senator Cannizzaro is a prosecutor when she is not a legislator, so her boss is elected in Clark County. I would say that is a very different situation because when a district attorney's main job is prosecuting crime, in that sense we can say it is a general concept that the attorney represents the people. That is why we call those cases "State v. Jones," as an example, because it is the general people enforcing the criminal law. However, in that case, the attorney is not representing the county or the city as an organization. In England, to symbolize this, they say "The Queen v. Jones," even though the Queen is not really in court and does not know about the case. It symbolizes the fact that we are enforcing the general law. That is in criminal cases. It is very different when the attorney's primary role is to advise the city or county as an organization. That raises different concerns, and we want different lines of accountability.

I realize we do not have perfectly neat and tidy government systems, but my advice would be to ask any government lawyer, including a city attorney, what their primary role is. If the primary function is to advise the city on complicated legal problems a city or any organization like a city has, then we need someone who is not actually accountable to the voters in a popularity contest. We need someone who is going to be able to tell a client what that client needs to hear like any private lawyer advising a client, whether the client likes it or not. In addition, we need someone who will be responsive to the client in terms of what the objectives are to pursue. It is important to understand that while the people of the city elect a city council, many of the city's legal disputes will be with the people of that city. The contractors the city has a dispute with might live in that city. Employees will be residents and voters in that city. There could be a commercial dispute or a contractual dispute between the city and someone in that city. We do not need the lawyer in that situation to be someone who could be elected by particular interest groups who might actually be litigants in those cases. That would taint the legal advice and lead city councilmembers to wonder if they actually need to get separate legal advice about the legal advice they are getting. That defeats the purpose of having a city attorney.

I will close my comments there. I was brought into this process relatively late, so I did not have time to prepare written testimony. I am happy to take questions.

Senator Julia Ratti, Senate District No. 13:

I am coming from the very recent experience of having served on the Sparks City Council for eight years. When I contemplated this concept, I considered bringing an individual bill draft request forward. I actually chose not to because I was afraid it would be perceived as a very personal issue—one between me as an elected city official and our elected city attorney. While I know that perception will still probably exist, I want to make it very clear that I came

forward and started talking to my colleagues. That is why you see this as a committee bill. There were a number of legislators on the Senate Committee on Government Affairs and some of the other attorneys who are part of the caucus who had concerns about this as well. That is how we came to the point of deciding that it was appropriate for a committee bill. I come to you today as a member of the Senate Committee on Government Affairs to present this bill.

I started doing more research into this issue, and I was surprised at what I found out. I had always had a level of discomfort with the process, but to be fair, oftentimes it works. However, there were a handful of situations where I really did not feel as an individual city councilmember that I had fair and neutral legal representation, particularly on issues where the city attorney had a strong policy opinion. I decided to learn a little more, and these are the things I found: First of all, the elected city attorney model is increasingly rare. A 2011 survey of the International City/County Management Association—where they surveyed all the local governments—found that at this point only 2 percent of municipalities reported still having an elected city attorney. The rest have moved to appointed city attorneys. The other thing, if you Google "elected versus appointed city attorneys," you will find, in most cases, what it takes is a scandal of some sort for the typical process—in our state we have charter committees and in other states there are similar mechanisms—to come to a conclusion that the elected city attorney process is no longer working. At that point, I had to decide if we should wait for that scandal or move to what has become common practice because we have looked at the policy and it is the right thing to do.

I have personally spent quite a bit of time looking at this policy, and I think it is the right thing to do for a couple of reasons. Professor Kagan presented the structural challenge of having an elected person serve as neutral legal counsel who has the best interest of the organization that is the city at heart. However, there are a couple of other things. When there is an elected city attorney process, there is a residency requirement. At the starting point, that narrows the pool of qualified attorneys who may be interested in the job. That means to be the city attorney in either Reno or Sparks, the candidate has to live in that city, has to be interested and willing to go through an election process—all of you know what that is like—has to be interested and willing to take a salary that is probably below the market level of the salaries of peers, and has to be willing to develop an expertise around municipal law. That means there is a relatively small pool of participants who are even willing to put their names forward in these races. We have seen that the pool is often smaller and candidates go unchallenged for years at a time.

The other piece is that voters tend to have very little information about the city attorney. As a city councilmember at the bottom of the ballot, I can tell you that voters had little information about their city council, particularly when running in a presidential year where everything is drowned out by the higher profile races. If you talk to most voters, the information they had to be able to determine whether or not a city attorney is qualified is very low.

The city council, just like this body, is generally made up of laypersons. While there may be a handful of attorneys who are elected to the role, it is a citizen legislature that has no legal background in most cases. It is critically important that the layperson has the advice and counsel of an attorney and that attorney has a specialty in municipal law. Municipal law is not like criminal law or some of the other facets where lawyers may have expertise. Many candidates look at these positions as a retirement position after a full legal career. There is quite a bit of complexity in municipal law, so we do not necessarily get the best qualified candidate. We could do a search to determine who actually has developed expertise in this area.

My personal experience is that many city attorneys, even the city attorney in Sparks, the vast majority of time will keep that good boundary between being a policymaker and being an attorney. Occasionally, and maybe this is just human nature, their opinions on a specific policy come forward. When that happens, inevitably, it leaves those of us who are policymakers in the position of having some either real or perceived doubts about whether the legal advice given is truly based on a neutral interpretation of the law, or if that legal advice is based on a policy position the city attorney holds. That corrupts the process. At the end of the day, if your elected body cannot rely on their legal counsel and is not confident of the advice they are getting, it puts a layperson in a very vulnerable position. This has been recognized by third-party, best-practice frameworks like the National Civic League Model City Charter and everything you heard from Professor Kagan today. While I know there are some concerns about the process, that perhaps this should have gone through the Charter Committee, I am absolutely confident in the policy, and I do not think it can wait for another legislative session to move forward. I thank you for your time today, and I urge you to support this bill. I stand ready for questions.

Assemblyman Kramer:

I do not really have a question, but I do want to make a comment. I worked for a long time for Carson City. Carson City is a consolidated city/county municipality. We have a district attorney who handles all the affairs for the city and county. I know we have had a number of discussions on whether to suggest to the Charter Committee that the Mayor and the Carson City Board of Supervisors be able to appoint a civil attorney to represent the civil side of Carson City and let the district attorney handle the criminal side. How that is divided may cause some questions. I do know, for some of the same reasons you mentioned, this has been an item that has not gone forward but has been discussed in Carson City.

Assemblyman McCurdy:

I want some clarification. You said all but two cities have an appointed city attorney. Is that correct?

Senator Ratti:

Of the charter cities, there are two that still have an elected city attorney—Reno and Sparks. Assemblyman Kramer brought up an interesting example in Carson City, which is a hybrid because it is a city and county together. As Professor Kagan alluded to, most counties still have an elected district attorney whose primary role is prosecutorial. Carson City is a unique model because both the municipality and the county are merged. For stand-alone municipalities, there are only two left.

Assemblywoman Monroe-Moreno:

In the other cities in Nevada, was the decision made to have an appointed city attorney at the time their charters were drafted, or was that a decision of the voters living in those cities?

Senator Ratti:

I do not know the history of all of the other cities.

Senator Segerblom:

I do know within my lifetime the other cities have gone from the Reno and Sparks model to appointed city attorneys, but I am not sure as to the history of how that happened.

Assemblywoman Monroe-Moreno:

In other cities, the city attorney is essentially an employee of the city with a chain of command. Are the Reno and Sparks city attorneys still considered employees of the cities, having to report to the city council or mayor?

Senator Ratti:

There are a couple of pieces involved in your question, so I will try to pull it apart a little bit. All of the elected officials are employees in that they receive a salary, they go through the payroll system, they have a benefits package, and they function in that way. At least that is true of Sparks, which I can speak to more personally. That is true for city councilmembers, mayor, city attorneys, and judges—everyone who is elected. Beyond that, the charter specifically delineates the role in the reporting authorities for certain positions. That is true for the mayor, the elected bodies, the city attorney, and the judges. Their role and purview, if you will, are defined in the charter, not through a human resource process.

Senator Segerblom:

In answer to the question, the city attorneys are not responsible to any other city employee. They are responsible to the voters. They cannot be fired or disciplined, and they do not get reviews.

Assemblyman Ellison:

I realize there are many cities that have their own city attorney who is appointed and answers to the city council or the county commissioners. I am looking at the letters from the City of Sparks ([Exhibit C](#)) and Karl Hall ([Exhibit D](#)) that have very compelling statements and say the city attorney has been elected for many years. Have you read those letters?

Senator Segerblom:

Yes.

Senator Ratti:

Yes.

Senator Segerblom:

It is really a policy matter, Assemblyman Ellison. This is not a personal matter; it is a question of whether the current structure of electing the city attorney is appropriate in this day and age where people would want, in my opinion, their elected officials to have confidence in the legal advice, attorney-client privilege, and that the city attorney does not report to any constituency. As Professor Kagan testified, elected city attorneys do answer to their constituencies. It is a policy issue.

Assemblyman Ellison:

Have you considered having this issue go to the voters of the City of Sparks and Reno?

Senator Segerblom:

I do not know if the Charter Committee has considered that. I know I brought a bill like this at least once, maybe twice, before. From my perspective, it is a policy matter and is not really an issue for them to decide. That is one of the questions: Do we want to step in and make this decision, or do we want to let them continue?

Senator Ratti:

What is compelling for me is the testimony from Professor Kagan regarding popularity contests not necessarily being appropriate for legal counsel. I would say that extends to electing the legal counsel, and I would say it also extends to making the decision about whether or not that counsel should be elected or appointed. We do not get the benefit of neutral, nonpartisan legal counsel that is so critical to the governing operations of a city through popularity contests. It is different and distinct from a mayor or a city councilmember who are truly representing the people. In the case of city attorneys, they should be representing the city itself.

Vice Chairwoman Neal:

I understand this is a committee bill, but you said there was angst and that there were two sides to this coin—people who were for and people who were against. The people who were against this policy, why were they against moving this measure through? We have a letter from the City of Sparks Mayor ([Exhibit C](#)) indicating the Sparks City Council did not like the manner and process of the way this bill was brought forward, feeling it should have gone through the Charter Committee. Can you address that?

Senator Ratti:

Absolutely, that was the testimony, and I believe there is a representative here from the City of Sparks who can elaborate on the process the city has taken. Obviously, it is an unusual situation for me to be here, having just come from the City of Sparks and testifying on a bill that I still think is good policy. I think you will hear from their testimony that their concern is with the process. I think they remain neutral on the policy.

Vice Chairwoman Neal:

You stated we should make this change to avoid a potential scandal. What are the actual incidents where the city attorney has not objectively done his job? Do you have examples?

Senator Ratti:

I think this is the reason I chose to participate in this hearing. I did not necessarily want to lead with this, but I have personal examples from my time on the Sparks City Council working with the city attorney. It is going to sound like an issue that perhaps does not rise to a level of significance and perhaps we should not be talking about it, but it is a very important issue for many of the citizens in the City of Sparks. I will take you through one example. We had a process in the City of Sparks where we were part of an interlocal agreement with Washoe County on animal management services. The county makes regular presentations to the City Council about when ordinances are going to be changed or anything along those lines. The county made a presentation on some changes they had made regarding feral cats and a trap, neuter, and release program. As you know, when it comes to animal issues, we receive a lot of passionate testimony from all different sides. In this case, it was no different. Actually, in this case, this was just the presentation where the county explained their process. Speaking frankly, they probably should have come to the City Council quite a bit earlier. They came at the tail end of their process and surprised the City Council a little bit with the fact that they were updating the county's regulations when it came to trap, neuter, and release.

The City Council heard that presentation and we decided not to act. The city attorney raised some concerns that he did not feel the interlocal agreement was being honored, and he did not feel that the trap, neuter, and release policy was a good policy. He made a policy opinion and a legal opinion. The City Council heard the city attorney and chose not to act. We gave some feedback to the county staff to let the county commission know we have some concerns, but animal control was the county's jurisdiction. That should have been the end of the issue. The city attorney chose not to notify the City Council and went to the planning commission hearing. In the planning commission hearing, the city attorney convinced the planning commission to change four lines of code to eliminate the opportunity for trap, neuter, and release programs in the City of Sparks in a zoning code update that the City Council had been working on for two years, which was an extensive public process. The city attorney had done this even though the policy body, the City Council, had made no opinion or direction to change the policy.

What ended up happening is it had to come back to the City Council. The City Council had to review that policy decision and had to choose whether or not to move it forward. For the first couple of hearings on the issue, the city attorney still sat as the legal counsel for the city. I will say, 99 percent of the time, the city attorney is maintaining a good boundary between being neutral legal counsel or taking a policy position. In my opinion, in that example, the city attorney decided to wade into the policy discussion to be an advocate for a certain policy point of view. That left me, as a city councilmember, without confidence that I had adequate, neutral legal counsel on what is a very contentious issue. That is one example of why I felt it was worth having a discussion in a body like this.

Senator Segerblom:

The problem is also you never know. Again, the elected city attorneys have a dual reporting authority where they have their own political constituency and then the city council. You never know when they are giving advice who they consider their client. You are always going to be questioning that, for better or worse. As Professor Kagan indicated, it is a real dilemma.

Vice Chairwoman Neal:

My own personal thoughts are that I understand it, but it does not sound like it is a rampant issue. In a small area, I do not know how you would avoid some type of influence. Are there any additional questions from the Committee?

Assemblywoman Joiner:

I appreciate your bringing the bill forward because I have seen examples here in this building with city attorneys lobbying against bills unknown to the council they represent. I was horrified by that. As a resident of that city, I was horrified to think that person would be doing that. However, I am also thinking about the legal counsel of the Legislative Counsel Bureau (LCB). They are completely nonpartisan. If I try to put myself in the situation of city councilmembers, and if the Assembly's legal counsel had their own political ambitions, I do not see how I would be able to trust them or to know I was getting accurate information. I really sympathize with this bill. I think city councils should absolutely have someone they can trust.

I think you may have answered my question earlier, but I want to be very clear. We have recently seen local governments give bad information about open meeting laws and other things, and then the elected officials are the ones bearing the brunt of it. If the city attorneys were to provide bad information or do their job poorly, are you saying that currently they cannot be fired? Would this bill fix that problem so the city council could seek better representation?

Senator Segerblom:

Absolutely. That is the point. There is currently no ability to terminate or discipline. Elected city attorneys have their own constituency as an elected official. To me, it really poses a dilemma. As you said, if LCB counsel had their own constituency—even though we have great lawyers—that might put into question when they tell us what they think we should do.

Michael Kagan:

In reference to several of the last questions, I think it might be important to clarify that in the realm of legal ethics, many legal ethical rules are prophylactic in that they are designed to instill confidence in the attorney so the client can have confidence in the attorney and to prevent severe mishaps. Obviously, it is disastrous for clients if they get completely objectively bad legal advice that leads to a terrible outcome. However, more often, law involves a great deal of judgment and analysis, and sometimes lawyers can disagree with each other. It is important that the client, in this case the city council, be able to have confidence in the judgment of the city attorney. It is not always a question of waiting for objectively bad information delivered by an attorney, it is important that a client be able to have confidence in the attorney and not wait for what a city would call a scandal. In the more normal lawyer-client relationship, it might be called malpractice.

Vice Chairwoman Neal:

Seeing no further questions from the Committee, I will open the hearing for those wishing to testify in support of Senate Bill 434.

Kiska Icard, Chief Executive Officer, Nevada Humane Society:

The Nevada Humane Society provides animal sheltering for the City of Sparks and Reno. A key component of good governance of any organization is accountability, transparency, duty of loyalty, and duty of care. Nevada Humane Society receives no government funding from either the City of Sparks or Reno. We are dependent upon the generosity of our donors and our grantors, and our ability to reduce the population of cats is essential in fulfilling our mission of ending the killing of healthy animals. For these reasons, we are in support of S.B. 434.

Mendy Elliott, Private Citizen, Reno, Nevada:

I had signed in as supporting the bill, and I was not going to testify until I happened to pick up an editorial page that was written on May 28, 1991 ([Exhibit E](#)). On May 28, 1991, my husband was the Sparks City Attorney. He was the city attorney for 16 years in Sparks, and he went on to become a district court judge. It is interesting that in discussions with Senator Ratti, I was the person who actually had to go to the City Council on behalf of the Nevada Humane Society and talk about feral cats. There was an issue where the feral cats were causing all these problems. We had to bring in experts, and we had to spend resources that would normally be utilized to trap, neuter, and release in order to defend the effort.

The bigger issue for the Nevada Humane Society was the concerns the City of Sparks and the city attorney were raising that we would be losing thousands of dollars of private funding. No taxpayer dollars at all were being used for the trap, neuter, and release program. However, those precious dollars were being used throughout the county to trap, neuter, and release.

From the standpoint of city attorneys, my husband and I have had some conversations and are probably split on this discussion. However, with 2 percent of all city attorneys being elected and the fact we are a growing state, we have had a number of conversations in this building about the fact that the state and the cities are growing. We need to do things differently. We need to move the state forward. Sometimes on a daily basis, the city councils are struggling with the need to grow in an appropriate manner. Even Carson City has grown exponentially over the years, and they are struggling with how they should best serve the citizens. That is what we are here for—to serve the citizens. This takes nothing away from any of the legal minds that are currently representing our city councils, whether they are appointed or elected.

The city councils have the right to have the best legal advice. This should not be a popularity contest, and it should not be who has the most money to—and I hate to use this term—buy the seat. However, I think it is important that we have people who are serving for the citizens and by the citizens. These city councils should have the opportunity to interview these lawyers to understand their levels of expertise. I know there is a charter process, and there is a process to everything. If the Legislature desires to move this bill forward, so be it. However, I do think that as the state continues to grow and as we look to do things a little differently, as a citizen—and that is all I am here right now is a citizen—I certainly support the policy of this bill and can appreciate where Senator Ratti and Senator Segerblom are searching and reaching for when they decided to bring the bill forward.

Vice Chairwoman Neal:

Is there anyone else wishing to testify in support of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill?

Kathy Clewett, Legislative Liaison and Senior Analyst/Grant Manager, City of Sparks:
Unfortunately, I am here in opposition to S.B. 434. You should have all received a copy of the letter from the Mayor of Sparks ([Exhibit C](#)). I would like to read the letter as part of the record.

Dear Chairman Flores:

During the April 10, 2017, Sparks City Council meeting, the City Council considered Agenda Item 9.6 "*Presentation, discussion and possible direction on 2017 Nevada Legislative Session Assembly Bill 039 (Regional Planning), Assembly Bill 193 (Water Fluoridation), and Senate Bill 434 (Charter Change) (FOR POSSIBLE ACTION).*"

The Council specifically focused their discussion on Senate Government Affairs Committee Bill, Senate Bill 434 "*Requires certain city attorneys to be assigned rather than elected. (BDR S-1046)*" Senate Bill 434 (SB434) contemplates a change to the City of Sparks' Charter making the position of the City Attorney an appointed position versus an elected position.

The Sparks City Council voted to "oppose" the proposed Sparks Charter change because the matter did not come or go through the Sparks Charter Committee as is preferred.

The matter of an appointed or elected City Attorney has a lengthy past and the Council felt it best to have the matter follow the intended change process as prescribed within the Sparks City Charter.

Should SB434 come to the attention of the Committee on Government Affairs, the Sparks Council would respectfully request the City Council's formal opposition to the proposed changes become part of the record.

Sincerely,

Geno R. Martini, Mayor

That concludes my testimony.

Vice Chairwoman Neal:

Are there any questions from the Committee related to that particular testimony? [There were none.] I do have a question. It has either been rumored or stated that the change has not been able to manifest through the Charter Committee because there are also politics there that are preventing this change to occur. Is that accurate?

Kathy Clewett:

That is not accurate. The Sparks Charter Committee is made up of 11 appointed citizens throughout the City of Sparks; 6 of whom are appointed through the City Council and the Mayor; and 5 of whom are appointed from this body—people who are either all in or part of the representation of the City of Sparks. That is where the 11 members come from, and that is the way it has always been. Any of those 11 members, via themselves or via whoever appointed them, can come forward with an idea to make a Sparks City Charter change. The Charter Committee deliberates. They spent two months last year doing that. They always deliberate in an even year, preparing for the legislative session in the odd year. This topic has come up, and it has been voted on to not bring it forward. I hope that answers your question. The Charter Committee is composed of 11 regular people from the City of Sparks who are appointed. They run it and say what they want to do. When they have taken a vote, as a courtesy, they go before the City Council to let the City Council know what they voted

on as a committee. The City Council never vetoes what the Charter Committee has voted for. The Charter Committee is actually responsible for finding a bill sponsor to bring any bills forward to this Committee. It has nothing to do with the City Council.

Vice Chairwoman Neal:

I was just curious. I did not know if it was true or if it was not true. I just thought it was a good question to ask.

Assemblywoman Joiner:

Who is the Sparks City Charter Committee's legal counsel? Is it the city attorney? When they have questions through their meetings with legal interests, does the city attorney serve as their attorney?

Kathy Clewett:

The city attorney's office does sit as legal representation for the Charter Committee.

Assemblywoman Monroe-Moreno:

How long can Charter Committee members serve? Are they term-limited, or can they serve indefinitely?

Kathy Clewett:

They are actually coterminous with the office of whoever appointed them. If an Assembly person appoints them, they are on the committee for two years.

Vice Chairwoman Neal:

You said the city attorney staffs the Charter Committee. What we have heard is they have a tendency to lean toward their constituency versus being objective and neutral. Is that at play in the Charter Committee?

Kathy Clewett:

I have served as a legislative liaison for the Charter Committee in the past. I was not on it this last session. From my observations, the staff from the city attorney's office that is part of the Charter Committee are there to follow the law as it is stated and do the research for the committee for ideas they may have to let them know if it can or cannot be done. The city attorney staff also provides input in phrasing language for things wanting to be brought forth. I have not witnessed what you are asking. They are really there to make sure the committee is not going down a rogue path and/or not coming forth with verbiage that would not work.

Vice Chairwoman Neal:

Has the city attorney issue been brought up in the Charter Committee meetings and then the attorneys themselves suggest that might not be a good pathway?

Kathy Clewett:

Not that I have seen. I have not been in all the meetings, and this has been going on since the 1970s. What I will say is if it comes through one of the members that they want a charter change, then the person representing the city attorney as part of the Charter Committee and supporting the committee is there to give legal advice of yes or no. They do not put forth their own idea.

Vice Chairwoman Neal:

I appreciate that. I am trying to find out how they function and how they perform their duties.

Kathy Clewett:

If I may clarify something else. There are 11 appointees on the Charter Committee and they are appointed from the City Council, the Mayor, and this legislative body. The city attorney does not have an appointee on the Charter Committee.

Lynn Chapman, Private Citizen, Sparks, Nevada:

I am the Vice President of Nevada Eagle Forum, but today I am here as a citizen of Sparks. My family and I have lived in Sparks for 32 years. I want to start off by saying our city officials are the government that is closest to the people. The citizens should have a say in who they are and what they do. They should have accountability to the citizens. I would like to ask, who do the attorneys work for? Do they work for the city councils or do they work for the citizens? They should be working for the citizens because we are the ones who pay them. They are our employees.

I think it is interesting that the list of elective offices in the bill in section 1 names a Mayor; six Council Members; one municipal judge, and as many additional judges as the City Council deems necessary. The last one is the city attorney, which is being removed. Are we just going up the list and removing more and more people who will be appointed? We the people have appointed the people we want in place. Please do not mess with the way it is now. We the people want it the way it is. We like to be able to elect the people who represent us.

Senator Donald (Don) G. Gustavson, Senate District No. 14:

As an elected representative representing much of Sparks and much of Reno, I am opposed to S.B. 434. This bill would deny the residents of Sparks the right to vote for their currently elected city attorney. There has been a lot of discussion and support of the bill saying why this position should be elected or appointed. This has become more of an opinion than anything else. We could argue this thing back and forth all day long. The Washoe County District Attorney is elected. The Attorney General of Nevada is elected. They are not appointed by the Governor or anyone else.

I am not sure why this bill was brought forth at this time. This issue has gone before the voters of Sparks twice and was turned down twice by the residents of Sparks. The Sparks Charter Committee considered and rejected the issue. The Mayor and current City Council oppose S.B. 434. Why should we, as legislators, choose to go against the wishes of the voters of Sparks, the Sparks Charter Committee, the Sparks City Council, and the Mayor of Sparks? Thank you for listening, and I hope you oppose this bill. I would be happy to answer any questions.

Assemblyman Ellison:

You said this issue has been voted on twice by the City of Sparks. How long ago was this voted on by the citizens?

Senator Gustavson:

I do not remember the dates. You may have to ask the City of Sparks, but someone just told me 1991 was the last time.

Assemblyman Ellison:

The Charter Committee is only advisory. Is that correct?

Senator Gustavson:

Yes.

Assemblyman Ellison:

The Charter Committee makes recommendations, and the City Council approves or disapproves those recommendations. Is that correct?

Senator Gustavson:

Yes.

Assemblyman Ellison:

How many people sit on the Charter Committee?

Senator Gustavson:

I believe there are 11.

Assemblyman Daly:

I just want to clarify the record. Assemblyman Ellison, the Charter Committee is appointed by the City Council and legislative representatives. The Charter Committee is not advisory. They make the determination on what charter recommendations should go forward. They give notice to the City Council on what they decide. The City Council does not approve or disapprove. It is the Charter Committee's responsibility to have someone submit a bill draft, but they are an independent, autonomous entity of Sparks.

Doug Goodman, Private Citizen, Sparks, Nevada:

I have been a resident of Sparks since 2004. Electing rather than appointing the city attorney may or may not be the best method. There are valid points on both sides. Who is the client? That is what most of the testimony has centered around. Personally, I do not see that as the issue of this bill. The issue is the process. Neither city has requested this change. I believe the Reno Charter Committee briefly discussed the issue in 2016. It was not forwarded as part of their legislative recommendations. The Sparks Charter Committee did not discuss it. We have already heard the Sparks City Council is in opposition to the bill.

The city attorney was established as an elected position when the city charters were originally approved. For Reno, that was 1971, and for Sparks 1975. In 1991, the voters in Sparks reaffirmed their desire to keep this position elected. In fact, this same provision was part of Assembly Bill 570 of the 74th Session. The provision was amended out of the bill prior to its passage out of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

I do respect the Legislature's authority over the charters. However, taking away the vote that citizens have been casting for over 40 years without their input, from the city or the voters, is not the proper process. Doing so could be perceived as this body trying to suppress the votes in Reno and Sparks. That may not be the intent, but perception is reality in the mind of the person doing the perceiving.

As for my desired outcome, I hope this Committee will not vote this bill out. However, if the Committee should believe that having the city attorney in Reno and Sparks be appointed, I have submitted a recommended amendment ([Exhibit F](#)). Rather than make the decision unilaterally, the amendment would make this an advisory question on the 2018 General Election ballot and allow the citizens of Reno and Sparks to have their say one more time. A second option would be to direct the Charter Committees of both Reno and Sparks to make a recommendation back to this body in 2019. Delaying this decision until the next legislative session will not adversely impact either of these cities. Having the opinion of the voters or the recommendation from the Charter Committees will make a difference in how this decision is received.

Ardena Perry, Private Citizen, Sparks, Nevada:

I want to give a little history of my service in Sparks and why I am so deeply offended and objecting to this bill. I have served as an appointee at the pleasure of Mayor Bruce Breslow, Councilmember Tony Armstrong, Councilmember Geno Martini, Mayor Tony Armstrong, Mayor Geno Martini, and Councilmember Michael Carrigan. I believe I can speak to the business of appointments versus elections, the assets, and the liabilities. I have served on the Sparks Charter Committee with Assemblyman Daly. I have been in chambers.

I will say, in all fairness, this is not a feral cat bill. This is a voting rights bill. I pray deeply that we keep this for what it is. It is a removal of an existing voter right. I do not want that minimized. I do not care if I am voting for a janitor or the city attorney. This is a voting right. A person is generally appointed because their world view somewhat matches their

patron. Maybe that should not be the case, but that is truthfully what is behind appointments. We tend to like people who like us; we tend to like people who think like us. Quite frankly, we elected Assemblyman Daly and Senator Ratti because we felt they knew and would represent the views of the Sparks voters. I can concur that sometimes elections do not turn out as planned, but our elections on the city attorney thus far, four out of five councilmembers have had no issues.

This is a nonpartisan issue. However, as a registered Democrat, I have worked since 1972 to reach across the aisle in northern Nevada, which is a heavily Republican district. Senate Bill 434 removes the voting rights of all parties. Not just Democrats and not just Republicans, but all parties. It violates the City Charter. Our Charter Committee is made up of well-read people who do their homework. Doing your homework on the Charter Committee and serving on the Mayor's committee for 30-plus years, you certainly have some feel and some tenor for what is needed to be effective governance within the City of Sparks. We feel we are best served by an independent council. The council represents the elected will of the city, and the city attorney is not a private attorney for the council. The city attorney is supposed to be looking out for the good of the city so the city does not get a whole bunch of lawsuits and my taxes do not go up. The city attorney has to have a universal outlook for every member of that city.

There has been a very painful division in my area against Democrats right now because we are bringing this bill forward. The party that takes away a voting right is not the popular party. The 600 people in my group who are Democrats and the 130 people who are Republicans and supported these candidates did not do so to have their voting rights removed. I cannot share with you how horrific we feel and how violated we feel because someone did not get their way on a City Council vote so the lives of the citizens of two cities are disrupted. Our voting process is disrupted. We have a working charter. We serve at the pleasure of elected officials. We are monitored, we are guided, and we are informed. I plead with you, do not come into our city and make my job as a Democrat any harder. Please, do the things you do well. Legislate issues that benefit the state. What benefits the state is a healthy city. A city that has been plundered by the Legislature is not a healthy city.

Marilyn Brainard could not be here today due to a family illness. However, she asked me to express her deep gratitude for those of you who took time to talk to her on this issue. She looks forward to speaking with you in the future on other issues. She said you all understand her concerns.

Karl S. Hall, City Attorney, City of Reno:

I would like to make it clear that I am here in an individual capacity today. I would like to bring up two specific issues: process and accountability. I would like to start with accountability. It was interesting when Professor Kagan was discussing the roles of a city attorney and the pros and cons of elected versus appointed. One of the things that struck me was when he said attorneys need to be able to tell their clients what they do not

want to hear. It is interesting to me that if you are in fear of losing your job, are you more inclined to tell your clients what they want to hear, or are you going to give them unfettered legal advice that is not colored by politics?

To follow up on that, I was a little offended when Professor Kagan said those elected would cater to their constituents. I have an ethical duty to my clients, which are the Reno City Council and the citizens of Reno. For him to insinuate that I would somehow be jaded in my legal advice to the City Council by constituents contacting me and trying to direct policy, I find that offensive. I know my role as a legal advisor. I follow that rule. I give the City Council unfettered advice. As a matter of fact, this is a solution without a problem because under the Reno Charter, the Reno City Council has the ability to hire outside legal counsel on civil matters. If they do not like my advice, they can hire an attorney specializing in that field and get a second opinion. That has been done. In both instances since I have been the city attorney, the advice was consistent with the advice of my office.

In addition, I send out a yearly survey to everyone in the organization, including community development, police and fire, and all of our clients to determine whether or not my office is doing a good job under my direction. I have over a 90 percent approval rate. That also goes to the Reno City Council. I want to make sure I am providing excellent legal advice. I have a great team behind me, and we are doing a good job.

Secondly, I want to talk about process. In this particular case, the issue as to whether or not the Reno City Attorney should be appointed was brought up in our Charter Committee meeting. I was there and was asked to provide a statement to the Charter Committee, which I did. I explained that I have a commitment not only to the City Council, but also to the citizens who elected me. As you know, as elected officials, you have a very high sense of duty and obligation to your constituents. I have a duty to make sure we are conserving resources and representing our clients to the best of my ability, to make sure we are not paying money when we should not be paying money, and that the policies the City Council makes are defensible.

The Charter Committee did consider whether or not the city attorney should be appointed or elected. They decided not to include that into our Charter bill, Assembly Bill 36. The recommendations for the changes to the Charter were submitted to the Reno City Council. Again, it was brought up as to whether or not they wanted to appoint the Reno City Attorney and include it in Assembly Bill 36. The decision was made not to include the appointment of the city attorney in the Charter bill.

Again, this is a solution in search of a problem. In following up on Professor Kagan's statement about district attorneys, every criminal case that is filed in the City of Reno says "City of Reno versus the defendant." To indicate I am not representing the people and that district attorneys are somehow very distinct and different in their duties is inaccurate. They are all elected positions. As a matter of fact, many of the more progressive cities in California and other states have elected city attorneys, such as Los Angeles, San Francisco, and San Diego.

Jill Dickman, Private Citizen, Sparks, Nevada:

I am a former Assemblywoman who represented portions of Reno and Sparks. Everything I wanted to say has already been said, so I do not want to take up too much more of your time. Because I was an Assemblywoman, I believe people in Sparks and Reno feel they can still reach out to me, and I am glad they do. A number of people have asked me to speak in opposition to this bill for the many reasons you have heard.

I believe all city attorneys should be elected for the very reasons City Attorney Karl Hall mentioned. When they serve at the whim of the city council and are hired and fired by the council, they can become tools of the council and not necessarily represent the best interests of the citizens. I would like to say, please honor the clear wishes of the people of Sparks and Reno and vote no on this bill. At the very least, if you do have concerns, send it back to another vote of the people. I am confident they will demonstrate once again that they do not want their vote taken away.

Chet Adams, City Attorney, City of Sparks:

I would like to address a couple of issues that have been raised to this honorable Committee, the first one by the proponent Senator Segerblom. He said this is a simple bill based on policy and only two cities in the state have elected city attorneys. I would submit that is actually not a good reason to try to conform the Sparks City Charter to the rest of the charters in the state. There are only 12 city charters in the state. As you all know, Nevada laws are not uniform. We have different laws for different counties, different laws for different cities, and we have different charters for different cities.

The question was posed earlier about how many times the citizens of Sparks voted on this issue. Sparks became a charter city in 1975. Prior to that, the citizens of Sparks always voted for an elected city attorney. Before the charter was enacted, as it was being drafted, the citizens of Sparks were asked on a ballot question whether they wanted to continue to elect the city attorney. Ten to one, they said yes. Fourteen years later, in 1991, the citizens of Sparks were again asked in an advisory question if they wanted to continue electing the city attorney. Once again, the citizens of Sparks voted to retain their right to vote for their nonpartisan elected official within the Executive Branch of government.

That was then followed up in 2006 by the Charter Committee where the issue was presented. I think there has been enough testimony presented today to demonstrate that the Charter Committee is a rather autonomous group, making their own independent decisions. They rejected the idea of an appointed city attorney. The following year, in 2007, Assembly Bill 570 of the 74th Session was rejected because it too had an appointed city attorney for not only Sparks, but for Reno as well.

That brings us to today. Mention has been made about the handout materials I provided to the Committee ([Exhibit E](#)), which are relatively dated opinions and editorials. Those editorials talk to the advantages of electing a city attorney. Those advantages are just as valid today as they were in 1974.

If you believe in the representative form of government, and if you believe the elected representatives not only protect and represent the best interests of the citizens but also represent and reflect the current philosophy of the citizens, then the letter provided to you by the Sparks Mayor ([Exhibit C](#)) demonstrates not only the Mayor, but the Sparks City Council, as of last month, oppose this bill. Those elected representatives represent the interests of their citizens. There is no reason to think that just because the citizens were for an elected city attorney in 1991 that they are not still for it today. Their elected representatives have said they want an elected city attorney.

With all due respect to Senator Segerblom, he indicated it is not appropriate to have independent legal status for a city attorney. No examples were given. As a matter of fact, I have been the Sparks City Attorney or in the City Attorney's office for 26 years. I am in my sixth term now, so you can read into that what you want. I think it shows that the citizens of Sparks appreciate the job I am doing for them. I have protected the city from almost \$300 million in lawsuits. Those are actual litigated claims that were brought against the city on the civil side. On the criminal side, we have well over a 90 percent conviction rate. Our conviction rate on domestic violence crimes is three times higher than the national average. I have to do a good job.

Vice Chairwoman Neal:

I appreciate your comments, and I know you feel you are defending your office. However, we have to close out your remarks and move on.

Chet Adams:

If I misrepresented myself, I apologize. I am not here to protect my office. I am not here to justify my position. I am here to protect my citizens' right to vote. You should not take away that right simply because of a policy decision. You have not been provided with a single example of anything the Sparks City Attorney has done pursuant to his perceived personal policy. My job is to do what the Sparks City Council asks me to do. When the City Council asks me to prepare a zoning ordinance getting rid of the so-called feral cat program, it is my job to show that this program has some type of negative effect on the health, safety,

and welfare of our community. I have to do that if I am going to be able to defend a zoning ordinance in court. Unfortunately, these people took it personally, but I was just doing what the City Council asked me to do. Because of that, I am getting the heat, which is fine. That is what a city attorney is supposed to do.

Ladies and gentlemen, you have heard from all the Sparks entities that oppose the principles set out in S.B. 434. The Charter Committee has rejected it, the City Council opposes it, the Mayor opposes it, the newspaper articles I provided ([Exhibit E](#)) obviously oppose it, Senator Gustavson opposes it, but most importantly, the citizens of Sparks oppose it. Do not take away their right to vote unless they are part of the process. As the Assembly, you are the people's house. Do not take away the people's right to vote in Sparks and Reno.

Vice Chairwoman Neal:

Is there anyone else wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify in the neutral position? [There was no one.] Are there any closing remarks?

Senator Ratti:

I want to clarify a couple of things for the record because I think it is important to be accurate. This is not about a single feral cat issue. This is about governance. I do not think it is our purpose here today to talk about examples. I think our purpose here today is to think about good governance. If I led you to an impression that the Charter Committee process has been politicized, that was not my intention. I do not believe the Charter Committee process has been politicized. Each individual councilmember appoints their own representative to the Charter Committee. Each Assembly member or Senator who represents a portion of the city has a representative. It has not been my experience that this has become a political process.

In the bigger picture, this issue is not about political posturing or partisanship. What this issue is about is good governance. The nationwide trend to move toward a best practice that has been identified by third-party good governance bodies like the National Civil League Model City Charter, shows we are now to a place where 2 percent of municipalities across the nation have elected city attorneys. I think in prior testimony California was represented as an example. That may not be true. In point of fact, only 11 out of 482 cities in California still have an elected city attorney. The reason for this trend and movement is a bigger policy question. It is not partisanship, it is the structure. When the structure does not give the laypeople who are elected as a citizen legislative body at the city council level, either perceived or real, confidence in their legal counsel has a chilling effect on the movement of policy. That was my personal experience. I want to be very clear on the feral cat example, the Sparks City Council did not ask for an ordinance on feral cats. The Sparks City Council did not direct any action. There was no policy vote of the City Council. While in most instances I think city attorneys are doing their very best to maintain good boundaries to uphold their ethical obligations, what we have is a structural issue that incentivizes, in some cases, a different behavior. It is the structural issue I think we should be addressing.

While there is variety in government at the local level, we do seek to have some consistency across our state when the policy warrants it. In this case, I believe the policy warrants it, and I ask for your support. I appreciate the time you have put into this topic today.

Vice Chairwoman Neal:

I will close the hearing on Senate Bill 434. The next hearing on the agenda is for Senate Bill 191 (1st Reprint). I will open the hearing for S.B. 191 (R1).

Senate Bill 191 (1st Reprint): Establishes a standard for evidence of eligibility for any benefit, program or assistance provided to a veteran with a military service connected disability. (BDR 37-803)

Senator Nicole J. Cannizzaro, Senate District No. 6:

I am here today and pleased to be presenting to you Senate Bill 191 (1st Reprint). This issue was first brought to me after some conversations with those in our veteran community, and specifically talking with Caleb Harris from the Nevada Disabled American Veterans, who indicated there were currently some barriers to our disabled veterans being able to access benefits at the state level when their service connected disability was not rated as 100 percent, and where that 100 percent rating came as a result of individual unemployability. Basically, in the simplest way I can describe it, it means if a veteran is disabled and because of that disability is not able to maintain full-time employment, they are then rated as a service-connected disability based on that individual unemployability. When those veterans who have a 100 percent service-connected disability were rated at 100 percent because of an underlying individual unemployability rating, they were not able to access the same state benefits that are currently available to other disabled veterans.

Obviously, upon hearing that kind of information, that because someone was so disabled they could not maintain full-time employment and were being treated differently in terms of being able to access benefits, I agreed to work on a way in which we could put into statute that if a veteran is service-connected disabled and part of that is based upon an individual unemployability rating, that veteran should still receive the same benefits that other veterans who fought for this country and to whom we owe a great deal of gratitude can receive. It is the least I can do this session.

Section 1 of the bill adds a new section to *Nevada Revised Statutes* (NRS) Chapter 417, which is "Veterans' Services and Honorary Recognition Related to Military Service." This new section states:

Notwithstanding any provision of state law to the contrary, for the purpose of determining the eligibility for any benefit, program or assistance provided by the State or a local government to a veteran, or a business owned or operated by a veteran, with a service-connected disability: 1. The veteran shall be deemed to be a veteran with a service-connected disability to the extent determined by the Federal Government; and 2. A certificate from the

United States Department of Veterans Affairs or the United States Department of Defense which indicates that the veteran has incurred a service-connected disability and which indicates the total percentage or compensation of that disability is sufficient evidence: (a) That the veteran has incurred a service-connected disability; and (b) Of the total percentage or compensation of the service-connected disability.

Again, what we are talking about is if a veteran is given a document by either the U.S. Department of Defense (DOD) or the U.S. Department of Veterans Affairs (VA) that shows a 100 percent disability, it does not matter if that disability is also based upon an individual unemployability rating. That is what this definition is seeking to do. It is also seeking to streamline the kinds of documents that veterans can use in order to establish that they have this type of benefit. We made clear through an amendment in the Senate that this would relate to any document specifically provided by the federal government that indicates the total percentage of disability that is service-connected, which would be 100 percent even if it were based upon the individual unemployability rating. That is the main meat of this bill.

Sections 2 through 8 of the bill make conforming changes throughout NRS. Section 2 makes a conforming change to NRS Chapter 333, which is purchasing for the state, that provides a preference for a bid or a proposal submitted by a local business owned by a veteran with a service-connected disability. Section 3 makes the same type of conforming changes to NRS Chapter 338 for public works, which is relevant to preferences for awarding a contract for certain public works to a local business owned and operated by a veteran with a service-connected disability.

Sections 4 through 7 make conforming changes to NRS Chapter 482 relating to vehicle licensing and registration, which is relevant to certain special license plates for veterans with a service-connected disability. Section 8 makes conforming changes to NRS Chapter 502 relating to licenses, tags, and permits, which is relevant to the issuance without charge of hunting and fishing licenses for certain veterans with a service-connected disability.

The effective dates are a little different in each section. Sections 1, 2, 3, 5, 7, and 8 are effective upon passage and approval. Sections 4 and 6, which are relevant to our special license plates for a veteran who survived the attack on Pearl Harbor or a veteran who was awarded the Purple Heart, have some flexibility in the effective date based upon Assembly Bill 250 of the 78th Session.

Specifically, S.B. 191 (R1) provides in section 9, subsection 2 that sections 4 and 6 will "... become effective on the earlier of: (a) July 1, 2018; or (b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 7 of chapter 62, Statutes of Nevada 2015, at page 268, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of chapter 62, Statutes of Nevada 2015, at page 262."

One other thing I do want to note is after talking with our legal counsel, there were some concerns that this would also relate to NRS 361.091, which is certain property tax exemptions for service-connected disabled veterans, and also NRS Chapter 371, which relates to government service tax. After discussion with legal counsel, they felt the definition, as enacted in Senate Bill 191 (R1), would be sufficient and would apply to those chapters as well, in terms of determining who would qualify under those chapters for those benefits. There is not a specific mention of those two chapters within the bill, but our understanding, and I do want to make a record of this, is this bill and the definitions provided in section 1, would apply to the availability and applicability of those two chapters as well.

There were four fiscal notes that were submitted by various departments. None of those indicated any fiscal impact. That concludes my presentation of the bill. I know there are individuals who are here to speak in support of the bill. I am happy to answer any questions the Committee may have.

Assemblyman Ellison:

I have a question regarding the license plates. There are only so many license plates allowed and then they have to bump some off. Are you proposing these new plates become effective immediately? It would still have to be determined which ones would take precedence.

Senator Cannizzaro:

This bill does not change how the license plate structure would work. That would remain with the individual entities currently running those programs. This only applies to veterans with a service-connected disability. Those veterans would have to provide documentation to the entity where they are seeking the special license plate. This bill only changes the type of documents that would be acceptable to prove the veterans have a service-connected disability. It does not change any of the underlying processes that are currently happening with special license plates. Obviously, veterans who would fall into this category would still have to go through the process. If there were not enough license plates, they would be bumped. This bill allows them to fill out the applications and provide proof of a service-connected disability.

Assemblyman Ellison:

About five or six years ago, we had the women's veteran plate. It was really nice. Instead of deleting some plates, maybe in the future the Department of Motor Vehicles could have some type of sticker on the license plates. If the money is going to go to the same organizations, I think that would be a great way to do it without bumping some plates up or down. You might take that into consideration.

Assemblywoman Bilbray-Axelrod:

I know we are short on time, but I want to thank you for bringing this bill. In my past life, I worked on these issues for Congresswoman Titus. It is so confusing with the disability percentage rates. Getting this into statute will be great.

Vice Chairwoman Neal:

I have a question on the documentation piece of the bill in section 1, subsection 2. What would happen if the veteran's documents get lost? I had to work on an issue in the interim with a person who served in the military on a special assignment. Some of his information did not transfer, even though it is electronic and should have transferred. When he tried to have a discussion around his service-connected disability—and he has been having the conversation for two years or more—it was discovered that pieces of his documentation were missing. He had a series of challenges in trying to prove that his disability happened at a particular time due to a particular event. What can the veterans do then?

Senator Cannizzaro:

This bill is not going to fix some of the problems you have illustrated. It is incumbent upon us to take those problems seriously and try to find ways to fix them. I have quite a few veterans who live in my district, and trying to make sure they have all the documentation is an ongoing issue.

With respect to how this bill would operate, we did want to make it broad enough so if a veteran had one piece of documentation showing a service-connected disability based upon the individual unemployability rating, and somewhere on that document it indicated the veteran is a 100 percent service-connected disabled veteran, that document would be sufficient. If they had that document, but perhaps not another document, we have made this definition broad enough so the veteran is not searching for one magical piece of paper that might be very difficult to obtain. The definition included in section 1, subsection 2 includes a document from either the U.S. Department of Veterans Affairs or the U.S. Department of Defense and is broad enough so the documentation would be something most veterans would be able to get fairly easily.

Vice Chairwoman Neal:

Seeing no further questions from the Committee, I will open the hearing for those wishing to testify in support of S.B. 191 (R1).

Darrol L. Brown, representing Carson Area Chapter 388, Vietnam Veterans of America; and United Veterans Legislative Council:

First, I would like to thank Senator Cannizzaro and her partners for bringing this bill forward. It will definitely streamline and make it easier for disabled veterans to get their entitled service-connected disability benefits.

Chairman Kevin Burns of the United Veterans Legislative Council could not be here today, so it falls upon me to be the speaker. I represent Vietnam Veterans of America, Carson Area Chapter 388 in this Committee, but I also welcome all veterans in Douglas County. We are in strong support of S.B. 191 (R1).

As many of you know, the disabled veterans in this state got that way by serving in the United States military. We gave up our time and some of our ability to function at 100 percent in this community, and we appreciate the efforts of Senator Cannizzaro, members of this Committee, and members of this Legislature who put forth to help those members. Again, we are in strong support, and we ask for your favorable consideration of S.B. 191 (R1).

Christopher Wahle, Military Security Officer, Security Force, Nevada National Guard, Office of the Military:

I think this is an excellent piece of legislation, and it is sorely needed. I would like to thank Senator Cannizzaro for her help moving this forward.

Richard Carreon, President, Nevada Veterans Association:

I am a retired Army staff sergeant. I, too, am in support of S.B. 191 (R1). I do want to thank Senator Cannizzaro for sponsoring this bill. Prior to the completion of my military service, I was deemed "combat ineffective" by the DOD. That was a very difficult letter to receive. The subsequent actions included numerous medical evaluations and testing to ascertain the level of my disability. Upon leaving the military, the required treatment has been pretty substantial as far as the time requirements. I do have issues with asbestos in my lungs, back injuries, along with some traumatic brain injury issues. The one thing I can personally attest to is when I was up for reevaluation specifically for my Social Security disability, in spite of the VA's thorough evaluation of my condition six months ago, the state of Nevada had to do their own independent study, not taking into consideration the disability rating I already had.

In addition to that, there are documents that a service member receives coming out of active duty that fall under a medical evaluation board for medical retirement that are pretty thorough in describing the issues related to combat service, those that are not combat service connected, and also quantifying the percentages, along with all the evaluations. There are a number of key pieces of information already given by both the DOD and the VA that should be taken into consideration but have not been. This bill addresses those issues. Even though the testimony I am giving to you today is my own, the experiences felt by others are somewhat similar, obviously contingent upon their own individual experiences.

Vice Chairwoman Neal:

Seeing no questions from the Committee, is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify in the neutral position?

Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor:

Senate Bill 191 (1st Reprint) is a bill that Governor Sandoval is following personally and has instructed me to speak here today to express his support. Throughout the year, the Office of the Governor receives a number of constituent concerns, and we believe S.B. 191 (R1) will

help alleviate some of our veterans' issues and confusion when applying for the benefits this state provides. As Assemblywoman Bilbray-Axelrod mentioned, there is a lot of confusion between the 60 percent unemployability and the 100 percent compensation rating. We believe this bill will alleviate those concerns.

Vice Chairwoman Neal:

Is there anyone else wishing to testify in the neutral position? [There was no one.] Are there any closing remarks from the sponsor?

Senator Cannizzaro:

I would like to thank the Committee for allowing me to present this very important bill. I am available to answer any questions in the meantime, should any arise. Thank you for your consideration.

Vice Chairwoman Neal:

I will close the hearing on Senate Bill 191 (1st Reprint). We will take a short recess while we wait for the presenters of the next bill to get here [at 10:21 a.m.].

[The meeting was reconvened at 10:39 a.m.]

Vice Chairwoman Neal:

I will open the hearing for Senate Bill 469 (1st Reprint).

Senate Bill 469 (1st Reprint): Revises provisions governing collective bargaining by local government employers. (BDR 31-685)

Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada; and representing Nevada Law Enforcement Coalition; and Public Employee Coalition of Nevada:

We are in support of Senate Bill 469 (1st Reprint). With me are Marlene Lockard and Mike Ramirez. We are waiting on Rusty McAllister to walk you through the bill. To expedite the process, we thank the Senate Committee on Government Affairs for bringing this bill forward.

During the last session, we had a number of discussions over the number of dollars a local government could maintain in their general fund for the purpose of collectively bargaining, which was 8.3 percent. During the course of the last session, we had a number of discussions over what the correct percentage should be. We had expected on the last day of the 2015 Session that the 16.67 percent that is in S.B. 469 (R1) would be 16.67 percent and not the 25 percent as it was in Senate Bill 168 of the 78th Session.

In order to rectify this error, we asked Senator Parks and the Senate Committee on Government Affairs to sponsor legislation that would reduce the budgeted ending fund balance amount from 25 percent to 16.67 percent. The language in the bill stays the same with the exception of reducing the budgeted ending fund balance of 25 percent to 16.67 percent in section 2, subsection 3 of the bill.

The Department of Taxation, throughout the last interim, created a regulation. We supported that regulation, and we did not want any of the wording changed whatsoever. However, the point of this legislation is to have the percentage changed back to where we believe it should be. To educate the Committee, 25 percent would represent a three-month reserve for local governments that they could keep. A one-month reserve is 8.3 percent, and a two-month reserve is 16.67 percent. We had many discussions and compromises, and we believed we had a compromise at 16.67 percent.

That is the bill in a nutshell. We would be happy to answer any questions.

Assemblyman Ellison:

Usually the ending fund balance is based on what is coming up in the future for other issues. To put it in statute and set it in stone at a certain amount could be devastating to some small communities.

Ron Dreher:

We had documentation that Mary Walker brought forward that supported the 16.67 percent [Senate Committee on Government Affairs, April 7, 2017]. She also testified that those economic issues for small local governments were such a minute amount, that it very rarely happened in our state. She had suggested 25 percent to take care of those local governments that may face economic issues. They have not faced that, but they may face that. I have to tell you, in our presentation in the Senate, Ms. Walker was originally going to oppose the legislation. When she found out that all we were trying to do was do what her memorandum supported and that we had documentation that supported the two-month reserve, she did in fact support this legislation. I do not know if she is here, but she is the one who said those are the problems we have, and we are trying to fix those problems. The record and the data that we have on file supports two months, and on rare occasions three months. If there was no problem, and there was not, then she was in agreement to keeping it at 16.67 percent. Again, I am not sure if she is here or not; I do not see her, but she did support it and the record would reflect that.

Assemblyman Ellison:

The problem is, as an example, the flooding issues in small towns. It is not certain what the ending fund balance will be. You are trying to maintain the status quo by dropping the percentage, but not knowing what infrastructure could cost could have a devastating effect on some of these smaller communities. That is where I am standing. It is not because it may

not be needed, but the problem is, ending fund balance is very important in small communities. I have been through this issue for many years. We saw what happened to Las Vegas with their ending fund balance when the market dropped. You have to work around the ending fund balances and setting them in statute can be scary.

Marlene Lockard, representing Service Employees International Union; and Las Vegas Police Protective Association for Civilian Employees:

The 16.67 percent is the national standard accepted for the ending fund balance recommended for local governments. It is not a figure that was pulled out of thin air. It is following the advice of a national organization.

Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:

To reference Ms. Lockard's comment, the Government Finance Officers Association (GFOA) standard is a two-month reserve, or 16.67 percent. That is where we came up with the number two years ago when we tried to address this before.

The other issue in section 2, subsection 3 is the "budgeted ending fund balance." This has to be budgeted and not put into the budget as something to use willy-nilly. It is a budgeted ending fund balance.

There are also other means in statute by which local governments can put money away in government stabilization funds and disaster relief funds. They have the ability to put money in those funds up to 10 percent of their budget as a reserve to help them in the event of a disaster or emergency.

Assemblyman Kramer:

There are two issues I would like to talk about. The first is the 16.67 percent. The one-, two-, or three-month reserve according to the GFOA is not necessarily based on whether two months is right. It is dependent on the revenue sources. If there is a stable revenue source, the two-month reserve will work. If there is not a stable revenue source, then three months is actually the recommendation. Further, the entities in Nevada are not pay-as-you-go entities. The entities bond and borrow money to pay for the infrastructure needed, and they rely upon revenues to pay off those bonds. The one criteria on bonding that determines what kind of bond rating the entity has and, thus, what the interest rate is going to be, are the reserve funds. When Nevada went from a one-month reserve to a two-month reserve then to a three-month reserve, we saw the bond ratings for the entities in Nevada get better across the board. My question is, how do you see bond ratings and, thus, our ability to borrow and the amount of interest we are going to have to pay back changing if we go back to two months?

Ron Dreher:

In my negotiations around Nevada, when we talk about the ending fund balance and what the correct amount should be, we have not had a problem or a process, nor has anyone that I negotiated with brought up the bond rating issue you just mentioned. I do not know. I am assuming with your background you are speaking from a position of an expert as to the bond rating and how it is figured out. However, we have not had a problem in Nevada. I negotiate for three units in Washoe County. When we talked about this at the negotiation table, I considered them to have the best financial outlooks in Nevada. With their ability to put away money and negotiate it fairly with the employees, and the amounts they have been able to testify to, has been around 14 percent to 15 percent, not 16.67 percent or 25 percent. They have excellent bond ratings. In my experience, it certainly makes sense that if it goes up, it is going to stay up unless there is a problem. There have not been any problems that we have seen. As Assemblyman Ellison said, since the economic downturn, all of us went to the table and fixed that. We had many discussions on taking this legislation and making sense out of it so we could still collectively bargain. The language in the bill gave us the right to do that. We tried to work with both sides, and we thought we had an agreement. I do not want to beat a dead horse, but that is my read on it.

Assemblywoman Monroe-Moreno:

In response to Assemblyman Ellison's comment, putting in the language of the budgeted ending fund balance is not new language we are adding to statute. That language is already there and we would simply be changing the percentage. Is that correct?

Ron Dreher:

That is correct.

Vice Chairwoman Neal:

During the last session and S.B. 168 of the 78th Session, the conversation centered around fiscal emergencies that could occur. The first thing that came to my mind was the North Las Vegas situation. Do we know in all cities where this would apply, if they were putting the money aside for the 25 percent during the interim, what their situation is now? Do they still need to be more conservative by having the three-month reserve versus the two-month reserve because they have not actually overcome their fiscal cliff?

Ron Dreher:

I cannot answer that question. We can find that information and get it back to you. It is my experience that they have had ongoing negotiations and, as you are aware, they have had some financial difficulties. I have attended Department of Taxation meetings where I think this is a monthly topic of discussion. I do not know how it relates to this bill, so I cannot answer your question.

Vice Chairwoman Neal:

Is there anyone wishing to testify in support of S.B. 469 (R1)?

Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.:

We are in support of this bill. I want to mention that in front of this Committee on February 28, both the City of Sparks and the City of Reno testified. The City of Sparks testified they had 8.3 percent in reserves, which was plenty for them. The City of Reno testified they had 7 percent and said it was more than sufficient.

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

We are in support of this bill for all the reasons that have been stated.

Vice Chairwoman Neal:

Is there anyone else wishing to testify in support of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill?

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

We are here today in opposition to S.B. 469 (R1). We believe the proposed changes will negatively affect the fiscal stability of local governments as well as taxpayers by reducing the budgeted ending fund balance from 25 percent, which is currently in statute, to 16.67 percent. By reducing one month of a proposed ending fund balance, it affects the ability for that city to operate. When local governments do go through a fiscal emergency they need the ability to have a larger ending fund balance in order to continue to provide services to taxpayers, including citizens and businesses. For those reasons, we are opposed. I would be happy to answer any questions.

Assemblyman Carrillo:

Senate Bill 168 of the 78th Session changed the percentage to 25 percent. Can you explain to me, prior to the percentage being changed, how detrimental it had been? Obviously, the change is looking to take the percentage back down to 16.67 percent.

Justin Harrison:

The Las Vegas Metro Chamber of Commerce was in support of S.B. 168 of the 78th Session and supported allowing the ending fund balance to be increased. I can only speak from the business perspective. I cannot speak on behalf of the cities or the municipalities, but I can say as southern Nevada did go through an economic downturn and as revenues decreased, services to residents and businesses decreased as well. Allowing that additional revenue would continue to allow municipalities to provide those services to businesses, who are really the ones who pay for those revenues through taxes, fees, and licenses. They would like to see those services provided. Carrying that additional month, from 16.67 percent to 25 percent, will allow additional time for cities to get through a fiscal emergency.

Assemblyman Carrillo:

I am trying to understand what you are saying. Are you saying that possibly this downturn was because of the 16.67 percent? You said you cannot speak on behalf of the municipalities, but you are opposing the bill on their behalf. I am confused as to you not speaking for them in the past, but at this point, you are speaking for them.

Justin Harrison:

I am not sure if I understand the question fully. I am not representing any municipality, but I represent businesses that do business within those municipalities and who pay fees and taxes, which then result in services. Businesses expect to see a certain level of services rendered after paying for licenses and paying taxes. I believe the 25 percent for the budgeted ending fund balance would allow for a municipality, if it were to go through another crisis or continue to get out of a crisis as we have seen in some municipalities, would allow them to continue to provide those services.

Assemblyman Ellison:

I am trying to understand. The Las Vegas Metro Chamber of Commerce opposes the bill. The question I have is when things took a downturn several years back and the ad valorem dropped out of the city and the value of the homes crashed, is the city back up to prerecession tax levels? Where do you sit on sales tax as the Chamber of Commerce? Is it back up to full flow? Both the ad valorem and the sales tax have an effect on the city in the ending fund balance from two months to three months. They have to balance. Could you touch on that?

Justin Harrison:

I do not have those numbers at this time. I would be happy to work with the municipalities that do have those numbers and get them to you. I do not know if we are currently at, above, or below prerecession levels on the ad valorem. I can say we are below on property tax. Property tax revenues seem to be projected to come in at 2.3 percent in the coming year.

Assemblyman Ellison:

The reason I am trying to get to this is we have had several bills regarding general improvement districts. North Las Vegas is trying to use general improvement districts to get businesses going. If you could get that information, I would like to know. The general improvement districts are going to play a big part in what goes on in the city. You are taking the tax base away from the general funding, and the general improvement district money is going to go into those projects. There is not going to be an increase in revenue. I would appreciate the information.

Vice Chairwoman Neal:

Is there anyone else wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify in the neutral position? [There was no one.] There is a question for the presenters.

Assemblyman Kramer:

This is where I am with this issue. The GFOA does say 16.67 percent is appropriate. It also says that 25 percent is more appropriate when there are unstable revenue sources for an entity. As has been reported here, it is really tough for an entity to get to 25 percent reserves. It takes years and years to do so. It takes quite a while to get to 16.67 percent. You have seen for years in Nevada we were at 8.3 percent. We did get to higher levels, but it takes a long time to do that. What this number really does is it says an entity is going to have this much money in reserve, and that money in reserve is off limits when they go to negotiate. That is really what brings you to the table on this issue. You are trying to establish the percentage at a reasonable level so you know when you go forward how much money the entity has available for collective bargaining. I understand that. Actually, 16.67 percent is a pretty good number for just about everyone. If there is an entity with an unstable tax revenue base, then it does not know whether it is going to be able to meet its commitments year after year. Having 25 percent, if it ever gets there, is a really good cushion to fall back on when needed. Heaven help us, I wish we had been at 25 percent in 2007, 2009, and 2011. We were sitting with a one-month reserve instead of a three-month reserve.

In my mind, I wish we could talk about having a trigger that says if the entity can show its revenue sources are unstable, then it could justify the 25 percent. If it cannot show by some sort of trigger that the revenue source is stable, then it should be able to use 16.67. An entity, in my mind, should have to demonstrate that it has an unstable revenue source in order to claim the 25 percent. We have not discussed this off the record, but has this ever been considered?

Ron Dreher:

That very issue has been discussed. It currently exists in *Nevada Revised Statutes* (NRS) 288.150, which talks about management rights and the trigger you mentioned. It allows the parties to get together if there is a budget shortfall. We changed the language in 2015 and supported the language that allowed the management and labor to negotiate if there were a trigger. That trigger exists if there is a budget shortfall. I think S.B. 168 of the 78th Session took it a step further by creating 25 percent instead of 16.67 percent. The 16.67 percent is a trigger by itself. The language we put in the law for a budgeted ending fund balance of not more than 16.67 percent, in this case, took care of the problems we experienced during the economic downturn.

During the economic downturn, ironically, I was negotiating contracts for the Carson City Deputy Sheriff's Association. We discussed the economic downturns. I have done it with the City of Reno, Elko, and a number of other bargaining groups. Every one of the units I bargained for came to the table when asked and showed there was an economic crisis. We all made compromises. We did things to help local government. In answering the concerns you have, we have done that in the past. We did it on both sides of the aisle, whether Republican or Democrat, Senate or Assembly. We put language in NRS 288.150 that provides a trigger. It used to say in the event of an emergency, all collective bargaining agreements are suspended. It now says, and I am paraphrasing, that if there is an economic crisis, the parties can reopen the agreement. Most of the collective bargaining agreements

I have right now, have that in the duration and savings clause. If there is an economic crisis, we have the right to reopen the negotiating. I am not sure if you were doing that for Carson City at the time, but I know we have covered that issue.

Marlene Lockard:

I would also like to respond. In discussing this whole issue, it was my understanding that local governments have never been able to get to the 25 percent.

Vice Chairwoman Neal:

It probably would have been a good idea to have any local government here to testify on that subject. Do you have any final remarks?

Ron Dreher:

I was informed by one of the employee representatives from the City of Las Vegas that their city attorney testified as neutral on this bill in the Senate [Senate Committee on Government Affairs, April 7, 2017]. I wanted to put that on the record. Mr. Ramirez testified to some of the other issues. In closing, in S.B. 168 of the 78th Session we did have a lot of discussion over the 16.67 percent, the 25 percent, and the 8.3 percent [Senate Committee on Government Affairs, February 27, 2005]. We put language in legislation we believe will provide safeguards for both labor and management during crises. Using the expert data that we had to support 16.67 percent, we believe that amount is sufficient for local governments in Nevada to be able to put away in order to have stability in both labor and management. We ask that you support this bill.

Vice Chairwoman Neal:

I will close the hearing on S.B. 469 (R1).

[Assemblyman Flores assumed the Chair.]

Chairman Flores:

We will move into the work session starting with Senate Bill 182 (1st Reprint).

Senate Bill 182 (1st Reprint): Revises provisions governing sheriffs, constables and deputy constables. (BDR 20-607)

Jered McDonald, Committee Policy Analyst:

Senate Bill 182 (1st Reprint) was sponsored by Senator Parks (by request) and heard in this Committee on May 4, 2017.

The bill authorizes a sheriff to charge and collect the same \$21 fee that a constable is entitled to collect for each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution. The bill further authorizes a constable to collect the same \$2 fee that a sheriff is entitled to collect for mailing a notice of a writ of execution.

Finally, the bill prohibits a deputy constable from being a bail agent, bail enforcement agent, or a bail solicitor ([Exhibit G](#)). There were no amendments for this bill.

Chairman Flores:

I will entertain a motion to do pass Senate Bill 182 (1st Reprint).

ASSEMBLYWOMAN BILBRAY-AXELROD MADE A MOTION TO
DO PASS SENATE BILL 182 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BROOKS AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblywoman Joiner will take the floor statement. We will move to Senate Bill 313.

Senate Bill 313: Revises provisions relating to local public libraries. (BDR 33-804)

Jered McDonald, Committee Policy Analyst:

Senate Bill 313 was sponsored by Senator Denis and heard in this Committee on May 4, 2017.

Senate Bill 313 authorizes the trustees or the governing authority of a public library to establish a gift fund with a financial institution and transfer money from the gift fund to a tax-exempt library foundation operated for the support of the library. Trustees are authorized to enter into a lease or lease-purchase agreement for real or personal property for a library and convey property for that purpose. Any construction, alteration, repair, or remodeling of an improvement involved in such an agreement must comply with prevailing wage requirements.

Finally, pursuant to provisions of the bill, library foundations are exempt from taxes on the transfer of real property and must comply with existing law governing open meetings and public records, but they are not required to disclose the names of contributors ([Exhibit H](#)). There were no amendments for this bill.

Chairman Flores:

I will entertain a motion to do pass Senate Bill 313.

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO
DO PASS SENATE BILL 313.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Assemblyman Marchant:

I am going to vote no, but I would like to reserve my right to change my vote on the floor.

Assemblyman Ellison:

I am going to vote no, but I would like to reserve my right to change my vote on the floor. I need to get some clarification on some language on page 4 of the bill.

Assemblyman McArthur:

I am going to vote no, but I would like to reserve my right to change my vote on the floor.

Assemblyman Daly:

I will be voting yes, as I do support the bill. I am waiting on one clarification from the Legal Division of the Legislative Counsel Bureau.

Chairman Flores:

For those of you following along online for the bill sponsor, could you please reach out to Assemblymen McArthur, Marchant, Ellison, and Daly for clarification? In the interest of the sponsor's bill, that would probably be wise to do. We will take the vote.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, MARCHANT, AND McARTHUR VOTED NO. ASSEMBLYMEN BROOKS AND WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblywoman Bilbray-Axelrod will take the floor statement. We will move to the last bill on work session, Senate Bill 464 (1st Reprint).

Senate Bill 464 (1st Reprint): Authorizes the Las Vegas Convention and Visitors Authority to require bidders, contractors or subcontractors to enter into agreements with labor organizations concerning employees who perform work on the renovation or expansion of the Las Vegas Convention Center. (BDR S-1041)

Jered McDonald, Committee Policy Analyst:

Senate Bill 464 (1st Reprint) is sponsored by the Senate Committee on Government Affairs and was heard in this Committee on May 5, 2017.

Senate Bill 464 (1st Reprint) authorizes the Las Vegas Convention and Visitors Authority to require a bidder, contractor, or subcontractor to enter into and adhere to a project labor agreement in regard to the project to renovate or expand the Las Vegas Convention Center, which is authorized by Senate Bill 1 of the 30th Special Session ([Exhibit I](#)). There were no amendments for this bill.

Chairman Flores:

I will entertain a motion to do pass Senate Bill 464 (1st Reprint).

ASSEMBLYMAN DALY MADE A MOTION TO DO PASS
SENATE BILL 464 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, MARCHANT,
AND McARTHUR VOTED NO. ASSEMBLYMEN BROOKS AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblyman Daly will take the floor statement. That concludes the work session. Is there anyone here for public comment? [There was no one.] Having no further business, this meeting is adjourned [at 11:17 a.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a letter dated May 8, 2017, in opposition to Senate Bill 434, to Chairman Edgar Flores, submitted by Geno R. Martini, Mayor, City of Sparks.

[Exhibit D](#) is a letter dated April 19, 2017, in opposition to Senate Bill 434, to members of the Nevada Legislature, submitted by Karl S. Hall, City Attorney, City of Reno.

[Exhibit E](#) is a document titled "Handout Materials Re: Senate Bill 434," dated May 10, 2017, submitted by Chet Adams, City Attorney, City of Sparks.

[Exhibit F](#) is a proposed amendment to Senate Bill 434 presented by Doug Goodman, Private Citizen, Sparks, Nevada.

[Exhibit G](#) is the Work Session Document for Senate Bill 182 (1st Reprint), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for Senate Bill 313, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for Senate Bill 464 (1st Reprint), presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.