

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

**Seventy-ninth Session
April 7, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:17 p.m. on Friday, April 7, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Mark A. Manendo, Vice Chair
Senator Julia Ratti
Senator Joseph P. Hardy
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator Aaron Ford, Senatorial District No. 11
Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Chris Giunchigliani, Commissioner, Board of Commissioners, Clark County
Marlene Lockard, Service Employees International Union Local 1107; Las Vegas
Police Protective Association Civilian Employees
Ron Dreher, Peace Officers Research Association of Nevada
Priscilla Maloney, American Federation of State, County and Municipal
Employees Local 4041 Retirees

Senate Committee on Government Affairs
April 7, 2017
Page 2

Penny Rasmussen, Washoe County Employees' Association; Las Vegas City Employees' Association
Matthew Richardson, Nevada Association of Public Safety Officers
Mary Walker, Carson City; Douglas County; Lyon County; Storey County
Thomas Dunn, Professional Fire Fighters of Nevada
Morgan Davis, Assistant City Attorney, Office of the City Attorney, City of Las Vegas
Rachel Gumpert, American Federation of State, County and Municipal Employees International
Michael Giurlani, President, Nevada State Law Enforcement Officers' Association
Harry Schiffman
Devona Jimenez
Jeanine Lake
Rusty McAllister, Nevada State AFL-CIO
Natha Anderson, Nevada State Education Association
Cedric Williams, President, American Federation of State, County and Municipal Employees Local 4041
James Sullivan, Culinary Workers Local 226
Fran Almaraz, Teamster Local 631; Teamster Local 986; American Federation of State, County and Municipal Employees
Iris West
Peggy Bohn
Janet Brooks
Linda Williford
Tyler Young
Ed Gonzalez, Clark County Education Association
Sonja Whitten
Samaria Sullivan
Debra Burko
Kevin Ranft, American Federation of State, County and Municipal Employees Local 4041
Peggy Lear Bowen
Tray Abney, The Chamber
Peter Long, Administrator, Division of Human Resource Management, Department of Administration
Bruce K. Snyder, Commissioner, Local Government Employee-Management Relations Board, Department of Business and Industry

Senate Committee on Government Affairs
April 7, 2017
Page 3

Jodi Stephens, Clark County Association of School Administrators and Professional-Technical Employees
Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees; Chair, School Administrators and Professional-Technical Employees Welfare Trust
Nicole Rourke, Clark County School District

CHAIR PARKS:

We will open the work session with Senate Bill (S.B.) 25.

SENATE BILL 25: Revises provisions governing the organization and functions of the Office of the Attorney General relating to domestic violence and the fictitious address program. (BDR 18-385)

JENNIFER RUEDY (Policy Analyst):

I will present S.B. 25 and its Proposed Amendment 3262 from the work session document ([Exhibit C](#)).

The Committee heard Senate Bill 25 on February 13. It consolidates four statutory boards into one, the Committee on Domestic Violence (CDV). Section 1 replaces the Governance Committee for the Victim Information Notification Everyday System with the CDV.

Section 7 amends the statute that provides for the creation of a multidisciplinary team organized or sponsored by the Attorney General to review the death of a victim of a crime that constitutes domestic violence and transfers that responsibility to the CDV.

Section 29 repeals the statute creating the Nevada Council for the Prevention of Domestic Violence and transfers its duties to the CDV.

Section 5, subsection 5 of Proposed Amendment 3262 requires that the CDV meets at least three times in each calendar year. At least one of those meetings must be held in one of ten counties. The Attorney General, or his designee, is the Chair of the CDV. The CDV shall elect a Vice Chair, Secretary, and Treasurer annually from among its members.

Sections 14 through 18, as introduced in the bill, transfer the authority to issue a fictitious address to a victim, or the parent or guardian of a victim, of

Senate Committee on Government Affairs
April 7, 2017
Page 4

domestic violence, human trafficking, sexual assault or stalking from the Attorney General to the Secretary of State. Senate Bill No. 60 of the 78th Session transferred that authority from the Secretary of State to the Attorney General.

However, Proposed Amendment 3262 transfers the fictitious address program to the Division of Child and Family Services, Department of Health and Human Services, instead of to the Secretary of State as proposed in the bill.

There was much testimony on section 25 during the hearing. That provision transfers the requirement to adopt regulations and certify programs relating to treatment of persons who commit domestic violence from the CDV to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. Section 25 is deleted in the proposed amendment; therefore, those responsibilities will not be transferred to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, but instead they will be transferred to the Division of Public and Behavioral Health, Department of Health and Human Services.

It is confusing when you look at the proposed amendment because it says "Division," "Division." However, those two divisions will be getting those programs.

Section 5 on page 3 of the proposed amendment allows the Attorney General to make additional appointments to the CDV. There was some discussion at the hearing about increasing its membership.

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 25.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:
The next bill in the work session is S.B. 26.

Senate Committee on Government Affairs
April 7, 2017
Page 5

SENATE BILL 26: Makes certain changes concerning governmental entities that contract with or invest in companies that boycott Israel. (BDR 27-418)

Ms. RUEDY:

I will summarize S.B. 26 and its Proposed Amendment 3400 from the work session document ([Exhibit D](#)).

Proposed Amendment 3400, [Exhibit D](#), was prepared in consultation with the bill's sponsor and the Administrator of the Purchasing Division, Department of Administration. Section 5 of the proposed amendment amends chapter 332 of *Nevada Revised Statutes* (NRS), which addresses purchasing for local governments. The proposed amendment clarifies that a written certification applies to formally solicited contracts over \$50,000.

Section 11 of the proposed amendment amends NRS 333, the purchasing chapter for the State. My understanding is that section 11 is intended to limit the bill's application to contracts entered into by State Purchasing, not contracts entered into by individual departments and agencies.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 26.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

SENATOR MANENDO:

I would like to reserve my right to change my vote on the Floor.

CHAIR PARKS:

The next bill in the work session is S.B. 90.

SENATE BILL 90: Makes various changes relating to student loans. (BDR 18-18)

Ms. RUEDY:

I will present S.B. 90 and its Proposed Amendment 3251 from the work session document ([Exhibit E](#)).

The Committee heard Senate Bill 90 on March 20. As introduced, the bill requires the Director of the Department of Business and Industry to adopt and implement a program by which Nevada residents may refinance their student loans. The bill authorizes the Director, alone or through the State Board of Finance, to provide money for the program through the issuance of revenue bonds that would be payable solely from loan repayments or other available money.

The Director must compile and publicize information about private lending institutions that make students loans for residents of Nevada and prepare informational material about student loans for current or prospective students. Proposed Amendment 3251 moves that responsibility from the Director of the Department of Business and Industry to the State Treasurer.

The requirements on the Nevada System of Higher Education (NSHE) and the educational institutions specified in the second paragraph of the work session document are deleted in section 5 of Proposed Amendment 3251.

The measure requires the submission of annual reports to the Director from each of the educational institutions. The reports must contain information about the indebtedness incurred for student loans during the previous year by students attending the institution.

If Proposed Amendment 3251 is approved, the State Treasurer, which was the Director in the original bill, is required to compile this information, analyze it, and submit a report to both the Governor and the Legislature.

Section 9, page 8 of the Proposed Amendment 3251 requires that postsecondary educational institutions provide an applicant for admission to an institution with the total annual cost of attending the institution; the approximate or, if known, the actual total amount of any financial aid that the applicant will receive from the institution; the approximate or, if known, the actual total amount of indebtedness that the applicant will incur over a period of four years; and current interest rates and repayment plans for student loans.

Section 15 on page 12 of the Proposed Amendment 3251 revises the information required to be provided to students in NSHE. Each university, state college and community college within NSHE shall provide information concerning federal student loans to each student who is enrolled at the

university or college, as applicable, and who has entered into a federal student loan. This information will include, without limitation, the total annual cost of attending the university or college for each school year beginning with the school year in which the student entered into a federal student loan; the type of federal student loan which the student has entered into and the process for repayment; the amount of the federal student loan which the student has entered into and the applicable interest rate during the term of the loan; the manner in which the interest accrues during the term of the loan; the terms of eligibility for deferment of payments, etc. The educational institutions will still have to provide a great deal of information.

The Higher Education Student Loan Program will be repealed. That program was created in 1969. The Superintendent of Public Instruction was authorized to administer it. However, testimony at the hearing indicated that the Program had been inactive for several years.

SENATOR GOICOECHEA:

I need to clarify that the State Treasurer shall create the program to loan and refinance. The bill does not say that the State Treasurer makes loans directly to a student. It says may make loans. Section 2, subsection 1, says "the State Treasurer may make loans, undertake commitments to make loans and participate with private lending institutions"

The State Treasurer can make loans to lending institutions only. I want to make sure there is nothing in this language requiring the Treasurer's Office to administer loans directly with students.

HEIDI CHLARSON (Counsel):

My understanding of the intent is that it provides authority for a program for loan refinancing, not direct loans to students to attend school. However, if there were anyone here from the Treasurer's Office who could provide clarification or an explanation, I would defer to him or her on the intent.

SENATOR GOICOECHEA:

Mr. Chair, that is how I understand the bill. I wanted confirmation on the record that we are not going to require the State Treasurer to start making student loans directly.

CHAIR PARKS:

We are not going to make the State Treasurer a banker.

Ms. CHLARSON:

I apologize. This bill is intended to create a program for loan refinancing, not a program that would authorize or require the State Treasurer to provide student loans for someone to attend school.

SENATOR HARDY:

I am looking at section 2, lines 10 and 11 of the bill where it says "In carrying out the program, the State Treasurer may make loans, undertake commitments to make loans and participate with private lending institutions in the making of loans" To whom is the Treasurer making the loans if it is not to a student?

Ms. CHLARSON:

I do not have that information. I would defer these questions to the State Treasurer's Office.

SENATOR GOICOCHEA:

Mr. Chair, is this bill going to be rereferred to the Senate Committee on Finance? Does it have a fiscal note?

CHAIR PARKS:

It has a fiscal note, so whether we send it to the Senate Committee on Finance or it is picked up on the Floor, it will inevitably go to the Senate Committee on Finance.

SENATOR GOICOCHEA:

Do you want to rerefer it to the Senate Committee on Finance and then we can answer these questions?

CHAIR PARKS:

That would be one avenue we could pursue.

SENATOR RATTI:

Can we originate or just refinance loans? The bill says, "The State Treasurer shall develop and carry into effect a program that allows residents of this State to obtain loans to refinance qualified education" That is what the program is going to do.

Then the second piece is that it may make loans. However, I read that as they are loans to refinance. It is a question of whether we are initiating loans or refinancing loans.

MS. CHLARSON:

The intent is just to refinance the loans, not to provide the loans initially in order to attend school.

SENATOR RATTI:

That is consistent with the presentation of the bill when we originally heard it. Perhaps it is a matter of just adding, "may undertake commitments to make loans to refinance" We are just adding two words, "to refinance," to be clear that it is to refinance.

MS. CHLARSON:

We can tweak the language in order to make that point clear if the Committee feels that this language is ambiguous.

SENATOR HARDY:

I am struggling philosophically even with the refinance. If a loan is refinanced, it is because the person cannot pay off the loan. Therefore, the loan is refinanced at a lower interest rate. The payment will be less. However, it has already been proven that the person is not able to pay off the loan or keep paying on the loan.

MS. CHLARSON:

There is no requirement that this program is for students who have defaulted or otherwise not paid for their loans. This is a mechanism to allow the refinancing of loans in order to reduce the payments. Someone not making his or her loan payments does not trigger it.

SENATOR HARDY:

That brings me to Senator Goicoechea's point regarding the fiscal note. We are making the loan as a State. Is that correct?

CHAIR PARKS:

We are parsing some language in section 2, page 2 of the bill. The wording is that,

The State Treasurer shall develop and carry into effect a program that allows residents of this State to obtain loans to refinance qualified education loans in an amount not to exceed \$10,000 per loan. In carrying out the program, the State Treasurer may make loans, undertake commitments to make loans and participate with private lending institutions in the making of loans to refinance qualified education loans.

SENATOR GOICOECHEA:

Where the comma is placed, it sounds like the State Treasurer can, and it says shall, make loans. I was trying to clarify if that is the intent. My understanding is that the State Treasurer would be issuing student loans.

SENATOR AARON FORD (Senatorial District No. 11):

Yes, there are a couple of options in this bill. One is that the refinancing can be done through the program up to the \$10,000 limit per student loan. That will act as a pilot to determine the appropriateness of this going forward. There is also an option that will allow the State Treasurer to work with outside entities. This bill will be sent to the Senate Committee on Finance where we will continue to work on its provisions. People are making other suggestions that we are going to continue to work on from a policy perspective.

SENATOR GOICOECHEA:

I appreciate that. We were talking about rereferring this bill to the Senate Committee on Finance so it can be fine-tuned.

SENATOR FORD:

I am fine with rereferring the bill to the Senate Committee on Finance with no recommendation.

SENATOR GOICOECHEA:

The recommendation is not an issue. I just want to make sure that there are clarifications.

SENATOR FORD:

It will be going to the Senate Committee on Finance so I take it back. Please amend and do pass and send it to the Senate Committee on Finance, and we can continue to talk about it.

Senate Committee on Government Affairs
April 7, 2017
Page 11

SENATOR HARDY:

I have the same questions as the sponsor of the bill. What will it look like when it comes out of the Senate Committee on Finance? I am going to vote for it and reserve the right to change my vote on the Floor when it comes back. I would like to see the final bill.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED
AND REREFER S.B. 90 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR RATTI SECONDED THE MOTION.

SENATOR GOICOECHEA:

We all agree with the concept. I am more focused. I thought the original intent was that the State Treasurer would facilitate lending institutions in making student loans rather than the State Treasurer making loans directly with students. That gives me some pause. We are going to assign another duty to the State Treasurer. I am concerned about thousands of student loans and applications coming in.

SENATOR FORD:

I understand your concerns. Let me remind the Committee that we are transferring this to the State Treasurer because the State Treasurer wants it. The State Treasurer has already contemplated the additional burden associated with implementing this program. He and I have worked together to come up with a program that we can move forward. We are not finished yet. It is still a work in progress. That is the reason the Senate Committee on Finance will continue to have those discussions on the policy level.

SENATOR GOICOECHEA:

I will support the bill coming out of Committee. I want to reserve my vote until the final product that comes out of the Senate Committee on Finance. It is my impression that it is going to be rereferred to the Senate Committee on Finance.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

The next work session bill is S.B. 186.

Senate Committee on Government Affairs
April 7, 2017
Page 12

SENATE BILL 186: Revises provisions relating to the provision of information and assistance to immigrants. (BDR 18-280)

Ms. RUEDY:

I will present a brief explanation of S.B. 186 from the work session document ([Exhibit F](#)).

CHAIR PARKS:

I understand that this bill has a fiscal note.

Ms. RUEDY:

Yes, there is a fiscal note. There are a few fiscal notes, but the biggest one is from the Office of the Governor. It is about \$258,000 in the first year and \$198,000 in the second year.

SENATOR GOICOECHEA:

With that fiscal note, I assume that we can rerefer it to the Senate Committee on Finance.

SENATOR GOICOECHEA MOVED TO REREFER WITHOUT RECOMMENDATION S.B. 186 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HARDY SECONDED THE MOTION.

SENATOR RATTI:

I am impressed with the policy concept of this bill. I know we send many bills forward with a policy decision without knowing that the Senate Committee on Finance is going to have to deal with the finance side. What impressed me about this bill is that I know Senator Moises Denis learned about this when he was at a National Conference of State Legislatures conference. It received bipartisan support in some other states.

The Committee heard compelling testimony from many new Americans. Therefore, I prefer to send it forward with a policy recommendation. For that reason, I will be voting no on this motion.

Senate Committee on Government Affairs
April 7, 2017
Page 13

SENATOR MANENDO:

I tend to agree with Senator Ratti. I would like to move forward with a recommendation and let the Senate Committee on Finance know where we are policywise.

THE MOTION FAILED. (SENATORS MANENDO, PARKS AND RATTI VOTED NO).

* * * * *

CHAIR PARKS:

The motion fails. Is there another motion?

SENATOR RATTI MOVED TO DO PASS AND REREFER S.B. 186 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR MANENDO SECONDED THE MOTION.

SENATOR GOICOECHEA:

I am in favor of the concept of the "New America." Unfortunately, the word "immigrants" is not narrow enough for me to support the bill.

THE MOTION CARRIED. (SENATORS GOICOECHEA AND HARDY VOTED NO).

* * * * *

CHAIR PARKS:

The Committee has received a letter of opposition to S.B. 186 from Charleston Neighborhood Preservation ([Exhibit G](#)).

We will move on to S.B. 191 in the work session.

SENATE BILL 191: 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)

MS. RUEDY:

I will read the brief explanation of S.B. 191 and its Proposed Amendment 3429 from the work session document ([Exhibit H](#)).

At the hearing, there was some question about what documentation would be required. The sponsor of the bill submitted Proposed Amendment 3429, which clarifies that,

The veteran shall be deemed to be a veteran with a service-connected disability to the extent determined by the Federal Government; and 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.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 191.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

Our next work session bill is S.B. 399.

SENATE BILL 399: Provides for the acceptance of a tribal identification card in certain circumstances. (BDR 18-78)

MS. RUEDY:

A brief explanation of S.B. 399 is provided in the work session document ([Exhibit I](#)).

SENATOR GOICOECHEA:

I raised some questions during the hearing on this bill. I wanted to make sure there would not be duplication because a person could be enrolled in two or

Senate Committee on Government Affairs
April 7, 2017
Page 15

three tribes and have two or three different identification cards. We were assured there would be one card only.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 399.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

The final bill in the work session is S.B. 501.

SENATE BILL 501: Extends the prospective expiration of the Consumer Affairs Unit of the Department of Business and Industry. (BDR 18-908)

Ms. RUEDY:

A brief summary of S.B. 501 is in the work session document ([Exhibit J](#)).

SENATOR MANENDO MOVED TO DO PASS S.B. 501.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

That concludes the work session. We will open the hearing on S.B. 422.

SENATE BILL 422: Revises provisions governing regional planning coalitions in certain counties. (BDR 22-919)

SENATOR MARK A. MANENDO (Senatorial District No. 21):

Senate Bill 422 allows the regional planning coalition to designate the regional transportation commission to administer the comprehensive regional policy plan, and it repeals the Southern Nevada Regional Planning Coalition Act.

In 1998, in accordance with NRS 278.02514, Clark County and its three-largest cities executed an interlocal agreement for the formation of the Southern Nevada Regional Planning Coalition (SNRPC). The Coalition's primary goal was to bring jurisdictions together for purposes related to regional planning such as transportation. The Coalition, among its other tasks, was responsible for developing, maintaining and administering a comprehensive regional plan.

In 1999, the Legislature codified the interlocal agreement with the SNRPC. In the nearly two decades since the passage of the SNRPC Act, the southern Nevada region has changed and grown dramatically. As a result, the needs and opportunities relative to regional planning and its coordination have evolved.

In response to these drastic changes, southern Nevada's local governments, public agencies, the University of Nevada, Las Vegas, and the Clark County School District collaborated together with hundreds of community organizations and businesses and thousands of residents to develop the award-winning Southern Nevada Strong Regional Plan. It was southern Nevada's first federally recognized regional plan. The City of Henderson led the effort on behalf of the region.

Since its completion in 2015, the Regional Plan has resided with the Regional Transportation Commission of Southern Nevada (RTC), which has provided support staff and regional leadership to promote implementation of the Plan. Regional planning, while not always well-known and understood, is critically important for the well-being of the residents, businesses and the economy of southern Nevada. It will be even more important as southern Nevada is projected to grow to nearly 3 million residents by 2045.

Senate Bill 422 will provide the region with the flexibility allowed under NRS 278, which is important for the cohesive growth of southern Nevada. Repealing the SNRPC will allow the region to maintain an interlocal agreement on regional planning.

Clark County Commissioner Chris Giunchigliani led the creation of the SNRPC.

CHRIS GIUNCHIGLIANI (Commissioner, Board of Commissioners, Clark County):
Last Session, the issue arose about the inflexibility of the SNRPC Act and not being able to do the proper coalition planning as provided in NRS 278. When I created the Coalition, I worked with Senator William Raggio who had sponsored

the original coalition for the City of Truckee, California. We modified that coalition to fit southern Nevada better. That is why there are some differences.

When S.B. No. 436 of the 70th Session was amended in the Senate, it was placed in an act rather NRS. An act is too inflexible. We want to make changes as needed. That is our intent with S.B. 422. The interlocal SNRPC will continue to function as it does, and we will continue to collaborate with our Metropolitan Planning Organization (MPO), the RTC.

I am also the Chair of the Southern Nevada Strong (SNS) Regional Plan. This brings that partnership full scale. The RTC has been administering SNS; therefore, this bill brings us into compliance with what we have been doing for the last six months. The Cities of Las Vegas and Henderson support this change also.

The Legislative Counsel's Digest confused some people. Section 2 does not actually eliminate the SNRPC. It repeals the SNRPC Act but allows the SNRPC to continue.

The only other change is in section 1, subsection 4. That language will provide us with the flexibility to continue what we are doing, which is giving SNS some of the jobs that the SNRPC was doing. This will bring us into compliance.

SENATOR HARDY:

The SNRPC is not done away with, just the Act that created it. What is its purpose other than transportation?

COMMISSIONER GIUNCHIGLIANI:

In section 1 of the bill, the SNRPC still falls under the purview of NRS 278. The Coalition can still deal with any developments, planning, zoning or even homelessness issues with which we are dealing this month. When we drafted the bill, the intent was to have everything under NRS 278 govern what SNRPC does. However, we can allocate some of the duties to SNS within the MPO if we so choose.

The intent is to remove the SNRPC from the term "Act."

SENATOR HARDY:

What authority does the Coalition have if we do away with the Act that created it? Do we have a separate document?

COMMISSIONER GIUNCHIGLIANI:

Yes, we have an interlocal agreement that is signed between the local governments. The SNRPC is made up of Clark County, the Cities of Las Vegas, Henderson, Boulder City, Mesquite, and North Las Vegas, and the Clark County School District. It is a valleywide coalition.

Our duties will continue. This bill will remove SNRPC from the Act and let it reside in NRS 278.

SENATOR HARDY:

Does the SNRPC have authority to do something and not have it contested?

COMMISSIONER GIUNCHIGLIANI:

My understanding is yes, it does. However, that is an excellent question for Counsel.

SENATOR HARDY:

What is Southern Nevada Strong? What does it do and what is its authority?

COMMISSIONER GIUNCHIGLIANI:

Southern Nevada Strong was a two-year project sponsored and funded by the City of Henderson. We conducted communitywide meetings in neighborhoods throughout southern Nevada, from Boulder City to Mesquite. We held hearings at the Boulevard, at the Galleria at Sunset and all over town so people could weigh in on quality-of-life issues, planning issues and transit issues — anything covered under NRS 278.

Individuals presented more ideas and information than I had ever seen in my years of politics. We sifted through all of that and created Southern Nevada Strong.

I would be happy to send to the Committee the working document we put together because of those meetings. It outlines everything that was recommended by our constituents. That 30- to 40-page document was adopted by the SNRPC.

The Metropolitan Planning Organization, which is the RTC, agreed to staff the SNC and take it into their planning component. They work hand in glove now. Any issues, such as where bus stop shelters should go or what should be done with the wetlands and a variety of other things, are touched upon within regional planning. It is similar to what is done in northern Nevada.

SENATOR HARDY:

Does the State have to give permission for the implementation of the plan under the local transportation authority? Will this bill do everything we need in order to have the authority to do something and have it stick?

COMMISSIONER GIUNCHIGLIANI:

My understanding is that section 1, subsection 4 gives us that additional protection. Through the SNRPC, because we have an interlocal agreement, we can designate the RTC to administer the comprehensive Regional Plan. We were ahead of the game, which is what triggered the realization that we did not have the flexibility from statute because we were considered an act. NRS 278 was not our policy guide.

I do not want to do anything that repeals SNRPC. It has been a valuable tool for the last 18 years. However, it is necessary to have the flexibility to change or to designate certain groups that are better qualified in certain areas than the SNRPC.

The SNRPC meets infrequently. The RTC was designated as the MPO 40 years ago. All of that has always been housed with them. However, for the last 18 years the SNRPC has retained the planning component. It was duplicative. We are trying to streamline this so if a future coalition wants to focus on efficient provisions of public facilities and services, it can do that. Regional planning is being guided by the document we put together through SNS. That can continue to move forward while SNRPC focuses on other areas.

SENATOR MANENDO:

Southern Nevada Strong has a good Website containing much information.

COMMISSIONER GIUNCHIGLIANI:

Can section 2 in the Legislative Counsel's Digest be corrected to state that the Coalition is not eliminated but the Act is?

HEIDI CHLARSON (Counsel):

The reason the Digest is worded that way is because of the repeal of the special act. Technically, what is known as the Southern Nevada Regional Planning Coalition Act in the *Statutes of Nevada* is being repealed. However, there is duplicative language in statute that also required Clark County along with several other local governments to create an interlocal agreement. It is my understanding that the Coalition that was formed by the interlocal agreement is technically known as the Southern Nevada Regional Planning Coalition. While the Digest does say that the Coalition is being repealed, the special act is being repealed. However, the Coalition that was formed pursuant to the interlocal agreement is not being repealed.

The language in the Digest on page 1 of the bill, starting on line 11 says, "Existing law creates and set forth the duties of the Southern Nevada Regional Planning Coalition." Line 13 says, "section 2 of this bill eliminates the Coalition." Because the special act is being repealed, this bill does eliminate the Coalition described in the special act. However, because of provisions in NRS 278, an interlocal agreement was entered into. Therefore, the regional coalition will still exist, and no amendment is needed to the Digest.

SENATOR RATTI MOVED TO DO PASS S.B. 422.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

That concludes the hearing on S.B. 422. We will open the hearing on S.B. 469.

SENATE BILL 469: Revises provisions relating to collective bargaining between a local government employer and a recognized employee organization. (BDR 23-685)

MARLENE LOCKARD (Service Employees International Union Local 1107; Las Vegas Police Protective Association Civilian Employees):

Proposed Amendment 3499 ([Exhibit K](#)) to S.B. 469 clarifies what occurred in waning days of the 78th Session. On page 5, line 5, we are requesting that the

25 percent ending fund balance be returned to 16.67 percent. That amount was discussed among the stakeholders in S.B. No. 168 of the 78th Session at the end of the Session. This amendment conforms that tentative agreement to what we understood on the last night of the 78th Session.

It is my understanding that 16.67 percent is a nationally accepted percentage for ending fund balances among local governments. We had support for that number at the end of the 78th Session.

CHAIR PARKS:

Proposed Amendment 3499 to S.B. 469, [Exhibit K](#), deletes most of the bill leaving just the last two pages.

SENATOR RATTI:

What is 16.67 percent?

MS. LOCKARD:

It is my understanding that 16.67 percent is the accepted percentage for ending fund balances under generally accepted accounting principles.

SENATOR RATTI:

My recollection from the 78th Session is that it used to be 8.3 percent. Therefore, 16.67 percent is still a doubling of what it used to be prior to this Session. That represents two months of operating reserves.

CHAIR PARKS:

Having worked in local government finance, typically 1 month is 8.3 percent. Therefore, this would be roughly 60 days or 2 months of reserves.

SENATOR HARDY:

How much trouble did we have during the Great Recession? What was Vallejo's ending fund balance during the Great Recession? How did we do with our ending fund balances?

MS. LOCKARD:

I am not privy to their ending fund balances. Did you say Vallejo, California?

CHAIR PARKS:

Most governmental entities have various funds with differing ending fund balances for each of those funds. Employees are assigned to more funds than just the general fund. I do not know that it would prove anything to find a particular number for an ending fund because there are so many of them and they vary significantly.

RON DREHER (Peace Officers Research Association of Nevada):

We are asking for your support for the Proposed Amendment 3499, [Exhibit K](#), to S.B. 469 for the reasons you heard from Marlene Lockard and for what occurred last Session to reach this point.

Senator Ratti, you mentioned issues having to do with ending fund balances, which is the amount of money local governments keep for a period. It still excludes schools. This is just for local governments.

With S.B. 469, we are returning to what we had on the last day of the 78th Session. It did not pass, so we are bringing it back to this Session. We had many discussions about the difference between 8.3 percent and 25 percent. Somehow, the 25 percent remained. We would like to return it to 16.67 percent.

PRISCILLA MALONEY (American Federation of State, County and Municipal Employees Local 4041Retirees):

We had discussed this bill with our coalition partners and understood that it was to fix the confusion in those final hours before sine die in the 78th Session. I remember the discussions about what was the industry standard on an ending fund balances. We support the Proposed Amendment 3499 to S.B. 469.

PENNY RASMUSSEN (Washoe County Employees Association; Las Vegas City Employees' Association):

I am here for a "me too" in support of the bill.

MATTHEW RICHARDSON (Nevada Association of Public Safety Officers):

The Nevada Association of Public Safety Officers has 20 groups throughout the State. It is difficult for smaller municipalities to meet the 25 percent threshold. The 16.67 percent threshold would be more reasonable for the smaller municipalities and counties to operate under and not fall under the purview of the 25 percent.

We testified in the 78th Session supporting the 16.67 percent threshold. It would be nearly impossible at 25 percent to seek pay increases for employees in Elko County, Mineral County, White Pine County, Pershing County and other smaller counties. They never seem to be able to meet that 25 percent limit.

SENATOR HARDY:

We just talked about 8.3 percent and 16.67 percent. Where did the 25 percent come from?

MR. RICHARDSON:

The 25 percent is in NRS 288.

SENATOR HARDY:

We are going down to 16.67 percent not up from 8.3 percent.

MR. RICHARDSON:

That is correct. It was originally 8.3 percent; then it went up to 25 percent. We thought we had compromised at 16.67 percent, but when the bill was signed in 2015, it ended at 25 percent. We are trying to get to 16.67 percent.

MARY WALKER (Carson City; Douglas County; Lyon County; Storey County):

Our four counties support the amendment. However, we are opposed to the bill as originally written because it did two things: it eliminated an automatic reopening of a collective bargaining agreement in times of recession, and it eliminated the entire set-aside of the fund balance. That would have made things unstable. I have submitted information regarding opposition to S.B. 469 ([Exhibit L](#)).

In the amendment, we retain the automatic reopening of a collective bargaining agreement, which is critical in times of recession because we are trying to save jobs. The No. 1 thing about S.B. No. 168 of the 78th Session is that it was trying to save jobs during a recession.

The original 25 percent came from the national Government Finance Officers Association. It recommends that at a minimum, general-purpose governments, regardless of size, maintain an unrestricted budgetary fund balance in their general fund of no less than two months of regular general fund revenues or expenditures. However, it also says that a government's particular situation often may require a level of unrestricted fund balance in the general fund

significantly in excess of the recommended minimum level. It also discusses the volatility of revenues, which is what we have in local governments.

A recession occurs about every ten years. We had one in 1981, 1991, 2001 and then in 2008. The fund balance will allow us to get through a recession until we can get that automatic contract reopener, sit down with our employees, determine how we are going to address the funding problems and, hopefully, go through a recession without layoffs. That is the intent.

SENATOR RATTI:

My understanding of the bill and of the ongoing conversations is that this is not about mandating or even allowing a certain funding balance. There will be many local governments that will get nowhere near 16.67 percent balance because we are still only 2 years out of a recession and many of those ending fund balances were slashed down to 5 percent or 6 percent, which is just above that floor where the State intervenes. Are we talking about taking this money off the table for bargaining?

MS. WALKER:

That is correct. It does not mandate any level of fund balance, but it takes it off the bargaining table. For a local government, this is a long-term financial strategy. It takes a long time to build those fund balances.

THOMAS DUNN (Professional Fire Fighters of Nevada):

We support the Proposed Amendment 3499 to S.B. 469.

MORGAN DAVIS (Assistant City Attorney, Office of the City Attorney, City of Las Vegas):

I was originally opposed to the bill because we did not have the proposed amendment. Eliminating section 1 of the bill removes the majority of our objections. We appreciate the reduction from 25 percent to 16.67 percent, which is a good compromise. I have not fully analyzed that yet, so I cannot support the bill. However, I assume we will be removing our opposition and will be neutral.

CHAIR PARKS:

We will close the hearing on S.B. 469.

Senate Committee on Government Affairs
April 7, 2017
Page 25

VICE CHAIR MANENDO:

We will open the hearing on S.B. 486.

SENATE BILL 486: Provides for collective bargaining by state employees.
(BDR 23-1040)

RACHEL GUMPERT (American Federation of State, County and Municipal Employees International):

Senate Bill 486 will give collective bargaining rights to State employees. State employees are the only public employees in Nevada who do not have the right to bargain for their working conditions and their wages. This will give them parity with workers who are employed by city and county governments. It will also give them a voice on the job.

This bill has been a long time coming. State workers are drastically underpaid compared to similar states and compared to city and county employees. The reason for that is that they cannot bargain or negotiate. They must beg collectively for changes in their working conditions or compensation.

This bill is going to be a step forward. It will address the problems we have with turnover because people leave employment after the State has invested in hiring and spending money training them. They will also have a collaborative relationship with management.

MICHAEL GIURLANI (President, Nevada State Law Enforcement Officers' Association):

We support this bill. As State employees, we have collective bargaining. City and county employees have had collective bargaining rights since 1969. These rights have provided equality in a large variety of jobs that mirror many of the jobs that are performed by State employees.

In addition, because of the benefits, an employer who provides collective bargaining is more likely to hire employees who are more desirable. This process holds employees and supervisors accountable and to the same standards. The fact that we are here today is a good start to this process.

I reviewed the letter from the Department of Administration, and I am encouraged that it has taken a neutral position on this topic. Additionally, it

brings up some very good questions. There is much work to be done and training of personnel on how to negotiate issues regarding collective bargaining.

The fact that we can come together today on this issue says something positive about collective bargaining as a whole.

State employees should have the same rights to bargain their pay, benefits and working conditions as other employees. The quality of the workforce is improved when employees have a voice in their benefits. This creates a positive working environment for all. This activity encourages the creation of ownership for the employees. It gives them the opportunity to reflect that ownership in their jobs. That will cause an increase in morale in State government, which is at an all-time low.

I ask that you support S.B. 486 for those rights for State workers.

SENATOR RATTI:

Do you know how many other states have collective bargaining for state-level employees?

MS. GUMPERT:

I can get you the exact count. Almost every state in the Country has it. It is very common in states that are right-to-work states. Arizona is an example of a right-to-work state that has collective bargaining rights.

It is common and we argue that Nevada is behind the times by not having collective bargaining for State workers.

HARRY SCHIFFMAN:

I have submitted written testimony supporting S.B. 486 ([Exhibit M](#)).

DEVONA JIMENEZ:

I am a senior correctional officer. I have been with the Department of Corrections for 13 years. I have worked at High Desert State Prison, Southern Desert Correctional Center and Florence McClure Women's Correctional Center. I am a member of the American Federation of State, County and Municipal Employees (AFSCME).

All State workers need collective bargaining to be able to voice an opinion on decisions on our work environment, wages and benefits. We need to be able to have the power to negotiate our salaries and our benefits so we have the coverages we need in order to provide for our families.

Collective bargaining will allow me to provide the basic needs for my family. My daughter wants to go to college and take music lessons so she can provide a service to our church. It is about living in a community where I can work and not worry about my safety. Poverty wages make that very difficult because I live in North Las Vegas in an area that has high crime rates.

Having collective bargaining will allow us to have a say in policies at our jobs, such as deciding to take overtime and being able to use it as comp time or vacation time. We do not have that decision. It is taken away from us. We do not have these basic needs to which all other agencies access.

As a voter and member of the community, I would like to have a say in my career, my life and how I take care of my family. I am serving to protect the community. I put my life on the line. I see officers come and go in a place where safety is so important. Longevity on the job will ensure my safety and the safety of others. Turnovers occur often, putting us in dangerous situations.

Collective bargaining needs to be in place so people will stay in our Department, be safe and commit to protecting our community and our facilities. This affects not just the officers but those who are incarcerated, the caseworkers, the medical staff, the educational department and the retail department. All of those things need to work hand in hand. Collective bargaining will be that stepping stone to bring us together to help us live the life we are working so hard to get.

JEANINE LAKE:

I am a labor representative in the Las Vegas office of AFSCME Local 4041. I would like to read a letter submitted by an AFSCME member, Dora Gomez, who could not be here because of her work schedule ([Exhibit N](#)).

RUSTY MCALLISTER (Nevada State AFL-CIO):

The Nevada State AFL-CIO supports S.B. 486. Its time has come. Collective bargaining has been considered for more than 20 years. Discussions have varied in many ways. We have heard the arguments over the years that the State is the training ground for local governments. Can you imagine the seniority and the

experience you would have in the Nevada Highway Patrol and other law enforcement divisions if you kept all of your State employees? Many former State employees are working in other places because of pay.

The bottom line is that the State is a training ground. The State pays for employee training, and then they go somewhere else. Collective bargaining would help stop some of that.

After reviewing the language in this bill, would it be possible for Counsel to interpret some of this? The reason I say that is because I am not sure what this bill does exactly.

VICE CHAIR MANENDO:

What is the question? I am sure Counsel would like to help.

MS. CHLARSON:

If the Vice Chair would like, I would be happy to address specific questions.

MR. MCALLISTER:

Some of the groups I represent question whether this bill supplants the language in NRS 288. Section 4 of the bill states, "Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 42, inclusive, of this act." Sections 5 through 42 are all about collective bargaining. The first part of sections 7, 10 and 12, intermingle the Executive Department with local government for the purposes of collective bargaining. However, section 14 says, "As used in sections 14 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15 to 20, inclusive, of this act have the meanings ascribed to them in those sections." For example, in section 16 the definition of "bargaining unit" is a collection of employees that the Board has established as a bargaining unit pursuant to section 27 of this act. In NRS 288, the definition of bargaining unit is about one and one-half lines. In section 27, Local Government Employee-Management Relations Board (EMRB) defines the different collective bargaining groups, what categories have to be included and who can represent who based on the category. Does this change NRS 288 and the definition of bargaining unit, or will there be two separate definitions of bargaining unit in NRS 288?

MS. CHLARSON:

Is the basis of your question what effect, if any, this has on collective bargaining for local government employees?

MR. MCALLISTER:

Yes, it is.

MS. CHLARSON:

The provisions of this bill, for example section 27, establish what a bargaining unit is for State employees. It is not meant to affect local government employees. There are some sections at the end of the bill that repealed the definitions and then put them back. This is a reorganization of NRS 288 in order to have some provisions that may apply to both State and local government employees, if it is clear from the context of the language that they apply to both. However, this does not affect how local government employees are collectively bargaining. It sets out provisions for State employees. This will be different processes. They are not the same under the provisions of this bill.

MR. MCALLISTER:

That helps clarify much. There are a number of places where the language is different from statute such as the definition of a supervisory employee. There is a specific definition in NRS 288. The bill has the same language except that it leaves one line out, which is important to those local government employees who have collective bargaining under NRS 288.

We had concerns about those differences. However, as long as those provisions are taken care of we support this legislation.

SENATOR RATTI:

Those were my questions also. Who decides how these collective bargaining units are formed? That is the Employee-Management Relations Board. However, that last thing you said about supervisory employees intrigues me because we have had many conversations about what constitutes a supervisor. I want to make sure that we do not start a completely new collective bargaining process when there is no clarity about what is a supervisor. From where does this language come?

Mr. McAllister, are you willing to work through this with Senator Parks and the representatives of AFSCME to make sure that what differs in the bill from NRS 288 is intended to be different.

MR. MCALLISTER:

Yes, I am more than willing to work with the AFSCME representatives and Senator Parks to make sure that is clear.

You are correct. After the 75th or 76th Session, the definition of supervisory employee changed so much that the EMRB rendered a decision on what was in statute that created a supervisory employee. That is changed in this bill.

SENATOR RATTI:

That was painful and I would like to avoid that pain in the future if we can, specifically, on the supervisory topic.

MR. MCALLISTER:

We are willing to work with any of the parties to make sure that their needs are met while preserving the rights of those who have the privilege of collective bargaining.

VICE CHAIR MANENDO:

In the 72nd Session, the Assembly had similar concerns with ensuring that the language was correct and that collective bargaining was not taken away from local governments.

MR. DREHER:

We support S.B. 486 under the following circumstances. I will echo the comments made by Mr. McAllister. The issue is that collective bargaining for State employees is supposed to happen. It has been talked about for many years. We came very close in the 1980s to getting this passed. Ever since I have been here, this issue and similar language has come up. It is about equity.

For the past 33 years, I have been collectively bargaining in this State. I know that it works. We have come in front of the Legislature because we bargain with the 63 Legislators for State employees. It is too bad that we have to do that instead of, as in local government, having one or several individuals sitting across from us sharing our proposals and the like.

The only concern we have is the comingling of NRS 288 with this legislation. It can happen. For example, one of the issues is with section 6 where it says "Board" is defined as the Government Employee-Management Relations Board created by NRS 288.080. That statute says "the Local Government Employee-Management Relations Board." You can see the beginning of the comingling that occurs.

That is why we came forward. Let us make sure that when we do this we keep it separated, so we do not give up for what we have worked hard and long. We want State employees to have these same types of benefits.

How did the State determine the fiscal note? It says that ten bargaining groups will be in the State and it will cost "X." I do not know why it would cost that much other than it takes time to put collective bargaining agreements together. I have had the experience of putting a master agreement together. It is not that difficult to do, and there are many examples available.

The local government agreements could be the model of how this could be done. It has many of the similarities, such as the language for prohibited practices in NRS 288.270. This makes it more enhanced than what local government has, such as defining the grievance procedure. That is a good thing.

There is much good in S.B. 486. For those reasons, we support it and are interested in participating and assisting the State and AFSCME and anyone else in working with them to ensure that this is done the right way.

Ms. LOCKARD:

We support S.B. 486 with the caveat that Mr. McAllister put on the record. In another life, I had the distinct honor to serve in State government. I cannot tell you how many excellent employees were lost to other local entities. Passage of this bill will save the State money.

I specifically remember when Occupational Safety and Health Administration employees were sent to Chicago for expensive, specialized training in their field. They worked for the State for a few years, then left and were hired by private sector companies because of the expertise they gained from that training.

I support this measure and urge your support.

MS. MALONEY:

We have heard much about the legalities, the obstacles and the actual administration of putting something of this historic importance in place for State employees. In my opinion, what really matters is not us in the suits here at the table. I am a lawyer. I love talking about statutes and laws and how to make something happen within a statutory framework. The people in Las Vegas and the people behind me are those who matter.

In January 2012, I was in Elko and was employed by the active AFSCME local as a labor representative. I was conducting training and bad news about the budget had just been released by the Governor's Office of Finance. The local NBC affiliate came out to interview those doing the training. It was six degrees outside, and about six employees showed up. I was asked why these people were still there. Why are they still working? You will hear from these people behind me today. I know every one of them. Some of them I met in the last two to three years. Some of them I met five years ago. The same thing I would say today is what I said to the reporter in Elko, that these people are proud of the work they do. They do not want to be a farm team for local government. They would love to be State employees for their whole careers. We have thrown financial obstacles at them since the Great Recession. They better than anybody understand what happened to Nevada starting in 2009. However, they are still here. They are the people who matter today. They want to make sure our roads are safe and that you get through that line at DMV.

If the bill passes this Session, you will be telling State employees that they matter. The sacrifices they make matter. It is important not to lose sight of that today.

MR. DUNN:

We support S.B. 486. The Professional Fire Fighters of Nevada (PFFN) represent three locals that used to be with the Division of Forestry, State Department of Conservation and Natural Resources, under the umbrella of the State. After a change in State law, those functions transferred to county governments. Since that change, the PFFN has provided clarity, context and support for those organizations even when they went from a State government association to a county government association.

Senate Bill 486 is good for all State employees. This will give stability to many State organizations. If this bill moves forward in a positive manner, several

national organizations are willing to assist in providing training and assistance in the process.

NATHA ANDERSON (Nevada State Education Association):

I am representing 40,000 teachers and education support professionals throughout the State. We stand in solidarity with our fellow workers. Collective bargaining allows a community of interest and a level of respect between worker and management.

We support S.B. 486 and we ask for your support. I have submitted a written statement explaining why I support S.B. 486 ([Exhibit O](#)).

CEDRIC WILLIAMS (President, American Federation of State, County and Municipal Employees Local 4041):

I grew up in the heart of Watts in south central Los Angeles. I have fought for everything that I have gained in my life to get where I am right now. When I moved here 15 years ago, everyone said get a State job. That is the way to go. Get those benefits. Everything you want you can get with a State job. I worked until I got a State job.

I hit my five-year anniversary in May 2016. As the president of AFSCME Local 4041, I often visit my coworkers. Many of them are a paycheck away from losing their homes. They worry about putting food on the table for their children and clothes on the backs of their families. This breaks my heart.

Why do we not have collective bargaining? I have heard that the budget has been balanced on the backs of State employees for decades. It is time for this to stop. If that is the reality, something is wrong.

I have to go back to work. Take care of yourselves and be blessed.

JAMES SULLIVAN (Culinary Workers Local 226):

We support S.B. 486. Collective bargaining has allowed us to raise the living standards for tens of thousands of Nevadans. That right should be extended to everyone.

FRAN ALMARAZ (Teamster Local 631; Teamster Local 986; American Federation of State, County and Municipal Employees):

I represent over 50,000 Teamsters in this State who have collective bargaining. We support S.B. 486 and we ask you to please vote for this bill.

I also represent AFSCME. I have a letter to read on behalf of a worker who could not be here, Veronica Brown-Davis ([Exhibit P](#)). She wanted her testimony put on the record.

IRIS WEST:

I am a State employee. This summer is going to be my tenth anniversary as a State employee at the University of Nevada, Reno. I am also the president of the Washoe Chapter of AFSCME Local 4041. I have a personal story that I would like to share with you.

I was raised under the dictatorship of Augusto Pinochet. I learned about democracy during my teenage years. When Pinochet came into power, the junta made sure that the only voices that could be heard were those of the five most powerful families in the country. We jokingly referred to those families as the owners of the country.

The junta embraced the idea that the country needed "modernizations," but that those modernizations should not be opposed. To achieve this purpose, union leaders were the first ones to be arrested, tortured and disappear. A few minutes from my house, the leader of the union for state employees was shot five times in the head. His beheaded corpse was left on the side of the road to be found by passersby.

Pinochet and his junta implemented modernizations riddled with the blood of many union leaders. Our country sank into a deep economic and moral recession. Unions disappeared in Chile.

After democracy returned, so did the unions. Slowly they were able to organize and mobilize their members again. Now, it is common practice to sign your employment contract and your union membership together. The economy grew, and now it is the most stable economy in the region.

These events and many other things that happened in those days under Pinochet have deeply influenced my views on justice and my respect for the

labor movement. I see unions and collective bargaining as a tool for workers to achieve fair wages, raise the quality of life for their communities and ensure safe workplaces for all.

For me, having a seat at the table to negotiate the conditions of my work is a statement of the health and strength of democracy. To recognize the importance of the voice of workers in matters that directly affect their wages, health benefits and retirement speaks volumes about a view of the dignity of their labor.

Collective bargaining means that we sit with equal standing to fight for the progress of our community without fear. Collective bargaining means that we understand that we must unite in favor of our State and our Country. Having this agreement means and confirms that there is nothing to fear when you ask for what is fair.

PEGGY BOHN:

I want to give you a perspective of my situation. I have been employed by the State for 206,136 hours, which translates to 1,227 weeks, which translates to 8,589 days, which translates to 23 years, 6 months and 6 days. This is nothing new to me; however, I want you to understand what I have endured throughout these 23 years, 6 months and 6 days.

I have lost longevity or retention. When I started with the State, my dental insurance had a lifetime deductible of \$100. I do not have that anymore. My insurance was paid. I now have to pay. I do not have competitive wages. The State is more of a training ground in order for people to move on, unlike people like myself. Our retirement is always under attack. There is always retaliation and harassment on the job. I understand this is illegal. However, complaints lead to retaliation. If there is retaliation, you try to complain. It is a vicious cycle.

When I started with the State, there was new employee orientation in which the union was represented so I would know that it existed. Now it is hit-and-miss. It depends on what department you are in, whether the union is allowed. There is no consistency among the State departments.

I wanted to come forward and let you know what I have endured over the 206,126 hours of being a State employee.

CHAIR PARKS:

I would like to concentrate on the last comment you made regarding membership in unions. Some departments allow the union and others do not. Can you give me a sense of how many departments do not allow unions and what are the potential employee totals?

Ms. BOHN:

I do not have numbers for you. I can only tell you from what people tell me. I work at the University of Nevada, Reno. I do not tell people in my office that I am a union member because of retaliation. I go on my breaks, on my lunches, and talk to my coworkers before and after work. If anyone finds out you are a union member, there is retaliation. I know that in some of the other departments the unions have tried to provide lunch meetings. That has been denied because the unions are not allowed on the property. The union decided to do it in the parking lot next door. They were not allowed to do that either. It depends on where you are and what the circumstances are.

JANET BROOKS:

I have been a State employee for 17 years. City, county, teachers, firefighters and police have collective bargaining. State employees do not have collective bargaining. We do not feel valued and respected. We are all public servants.

With collective bargaining, our counterparts enjoy better benefits, better pay, better medical coverage and retirement. Collective bargaining creates stability in the workforce. Retaining skilled workers is a struggle in this State. The State trains employees just to have them leave for higher-paying positions with the county. We all deserve the same security and benefits.

Please support collective bargaining for State employees.

LINDA WILLIFORD:

I have worked for the State for 29 years. Years ago, the union was allowed to come in. Now it is not acceptable. The department where I work does not allow the union to come in at all.

I am living from paycheck to paycheck. We were upgraded two years ago from a Grade 23 to a Grade 25. I have been on my job for a long time. The union used to come, we would have lunches, and people would get information. When I started, personnel would tell us about the union.

We need collective bargaining because everyone should be treated equally in the departments. Upper management and employees should be treated equally. There is much favoritism going on. It is not right. We should make more money. I cannot retire because I do not make much money. I hope you will help us.

TYLER YOUNG:

I am an organizer with AFSCME and I will read a statement on behalf of a member, Jason Hanski, who could not be here today ([Exhibit Q](#)).

ED GONZALEZ (Clark County Education Association):

The Clark County Education Association represents 18,000 education professionals in southern Nevada. We support S.B. 486.

Education professionals have the power to collectively bargain; however, teaching professionals in higher education do not have that power. They should be at the same standard, whether it is being able to bargain for pay or other issues that come up. We stand with our State employees. They should have the opportunity to collectively bargain.

SONJA WHITTEN:

I have submitted written testimony supporting S.B. 486 ([Exhibit R](#)).

SAMARIA SULLIVAN:

I am with AFSCME International working with AFSCME Local 4041. I will be reading an anonymous letter from a Department of Health and Human Services employee ([Exhibit S](#)) who works at a Division of Welfare and Supportive Services office in Las Vegas.

DEBRA BURKO:

I am a labor organizer for AFSCME Local 4041. I was asked to read a letter from Gordon Milden who is working today ([Exhibit T](#)).

KEVIN RANFT (American Federation of State, County and Municipal Employees Local 4041):

I am a labor representative with AFSCME Local 4041. Our organization is proud to represent State employees. The AFSCME represents 1.6 million members nationwide helping local and state governments be successful. I support S.B. 486 and offer all stakeholders information to ensure this bill is successful for everyone involved.

Labor representatives' primary goals are to support our members so they can be successful in their positions as State employees. We also work with State agencies to mitigate situations that might arise. We help resolve employee grievances and represent members when they face disciplinary matters. Without collective bargaining, numerous State employees go without the assistance we provide.

I am a former correctional officer with the State. I often reported about the overcrowding issues and the short staffing levels in the Department of Corrections. I had to retire early because of medical issues after being assaulted by an inmate. I was the only officer in a unit of over 120 inmates. It is not easy having a disability. I cannot do certain things with my children such as run and play. Ultimately, I am here to help State employees through our organization.

We have built positive relationships with directors, administrators, managers and supervisors throughout the State. Unfortunately, not all of them want to work with our union. We try to resolve individual employee concerns every day. However, without collective bargaining this cannot happen. This bill is long overdue. The voices of State employees need to be heard. This bill will provide the necessary equality and efficiency to govern our State.

It is time to invest in State employees. This bill is about State employees. We heard from several State employees today. However, there are thousands more who would like to tell their story. Passing this bill will make Nevada greater. State employees are the lifeline of Nevada citizens. We hope that you respect and pass S.B. 486. We hope that the Governor is watching or will watch this hearing and listen to these State employees and understand the importance of collective bargaining and the benefits that it will bring to State government.

We cannot put a price tag on this bill. The services provided by State employees for the citizens of Nevada are greater than any amount of money.

PEGGY LEAR BOWEN:

I want to talk to you about fairness. I want to talk to you about what happens when there is no collective bargaining. It is my understanding that if someone was hired after 2012, that person does not have retirement insurance. If someone was working for Nevada and Nevada was not involved in providing 40 quarters for Medicare, then that person becomes uninsured at the end of the job if he or she was hired in 2012 or later.

Some believe that Nevada should not be involved in retirement benefits for any employee. Nevada should get out of the retirement insurance business. Insurance and benefits could have been gained through collective bargaining with a level-playing field.

It is only fair that State employees have a voice. You have the Legislature. You have actions you can take in the bills you create as the employer for the employees. State employees are Nevada. They are in every nook and cranny. They are the ones who cleaned this room and got your papers set and put in place so you can do your job. Those are State employees who did that.

In reality, you are the citizens' employees as our representatives. We are asking you to let the working people who help you do your job have a voice. That voice should be strong. It should represent human beings with needs. It is a benefit of their jobs to be able to have a voice in seeking what those benefits should be.

The bottom line is that a voice is necessary. Unity is necessary. These employees are asking that their voices be heard through collective bargaining. It will make a difference. It will not just be a pat on the head.

TRAY ABNEY (The Chamber):

The Chamber has had long-standing opposition to public employee collective bargaining. If you think you have budget problems now, imagine when S.B. 486 is fully implemented. Remember you have to pass a balanced budget. The additional costs from this mean either fewer employees or more taxes.

We have heard much in the testimony about cuts during the recession. The State had to make cuts because the private sector was devastated. The private sector that produces all of the tax revenue that the Legislature spends was not producing that revenue. The recession was tough for everybody, including those who produce tax revenue.

In public employee negotiation, we did not vote for or hire the union bosses with whom our public representatives are negotiating. That means voters do not have the final say. Remember who management is in this. In the private sector, unions negotiate to share in the profits. In the public sector, unions are negotiating for more tax dollars. When they are bargaining against management,

it means that they are bargaining against you and me, the taxpayers. We are management. That is with whom they are bargaining.

I understand the need for raises. That is a fair point. If State employees need raises, and it sounds like they do, then we need to go across the hall and discuss appropriations to do that. This is not the way to go. It will be very expensive for the State in the long term.

SENATOR GOICOECHEA:

Can we walk through the implementation mechanics of the bill? It is effective upon passage and approval. It is a big bill, and I am not really seeing when all of this really happens. Can someone explain that?

CHAIR PARKS:

I will get an explanation of the bill and post it on NELIS for all of us to see. It would go section by section.

SENATOR GOICOECHEA:

That would be fine. I do not want to do it today. However, before we vote on the bill, I would like to have someone break it down for me.

SENATOR RATTI:

Mr. Abney and I have had many conversations on this topic. After serving in a local government where collective bargaining existed, I need to say a few things.

Somewhat in support of Mr. Abney's testimony, and wanting to be frank and transparent with all of the wonderful people here who testified about the needs, if we had had collective bargaining in the State during the recession, you probably still would have seen furloughs, layoffs and a decrease in health benefits. We have to balance the budget. There are only so many dollars. That is the painful reality.

However, at the City of Sparks, because we had collective bargaining and employees had a voice, the range of solutions we had to choose from in order to make those incredibly tough decisions was broader. I did not see it as it was described as negotiating against one another. I saw it as a process that had challenging conversations, no doubt, but that resulted in a better solution because there were more voices at the table. I had a very positive experience

with collective bargaining as a governing member. I wanted to make sure that was on the record.

Collective bargaining is not going to be a magic solution to the fact that health benefit rates are going up or that we do not have sufficient salaries. It will be a step in the right direction. It certainly will improve morale and give employees a greater buy-in. People will know that they are heard. It is not perfect. Sometimes, we even see disagreement within the bargaining units. The value of people knowing that they have a voice and the value to all of us because the solutions come from a broader perspective is important.

In all of the testimony, I do not know that the reality that we still have to balance the budget came out, but more voices result in better solutions.

PETER LONG (Administrator, Division of Human Resource Management, Department of Administration):

I have submitted written testimony to support my neutral position on S.B. 486 and to clarify the fiscal note we submitted ([Exhibit U](#)).

SENATOR RATTI:

How does the timing work when a legislative body is only in session for 120 days? The AFSCME testified that collective bargaining is in many other jurisdictions. Many of those jurisdictions have legislative calendars that are similar to ours. Therefore, I would like to get an answer from AFSCME in writing about how they negotiate that.

CHAIR PARKS:

The Committee has received written testimony supporting S.B. 486 from Rachel P. ([Exhibit V](#)) and Shefawn Phillips ([Exhibit W](#)). In addition, the Committee has received a letter from the Nevada Taxpayers Association opposing S.B. 486 ([Exhibit X](#)).

We will close the hearing on S.B. 486 and open the hearing on S.B. 460, which was submitted on behalf of the Sunset Subcommittee of the Legislative Commission.

SENATE BILL 460: Revises provisions governing the membership of the Local Government Employee-Management Relations Board. (BDR 23-556)

SENATOR JAMES A. SETTELMEYER (Senatorial District No. 17):

All of you are familiar with the Sunset Subcommittee of the Legislative Commission so I will skip the discussion of that Subcommittee.

Senate Bill 460 deals with the Local Government Employee-Management Relations Board. The Board was established in 1969 to provide collective bargaining processes for public employees and public management.

The EMRB hears complaints regarding NRS 288, Relations Between Governments and Public Employees. The EMRB consists of three members appointed by the Governor. Not more than two members may be from the same political party.

The Sunset Subcommittee realized that most boards and commissions have little opportunity to appear before a Legislative Committee to discuss their operations. Therefore, when the Sunset Subcommittee reviews a board or commission, the entity is asked if it has any recommendations for revisions to the statutes that govern its operations and functions that might make it more effective or efficient.

The Sunset Subcommittee reviewed the EMRB at its meeting on March 15, 2016. At that meeting, the EMRB recommended a revision to NRS 288.080 to increase the size of the EMRB from three to five members.

The EMRB does not receive any State general revenue. It is funded by charging each local government employer a fee of \$6.75 per employee. The fiscal note indicates that the EMRB reserves are high, and it does not anticipate increasing the fee to provide for the two additional members.

Bruce Snyder, EMRB Commissioner, appeared before the Sunset Subcommittee when the EMRB was being reviewed.

BRUCE K. SNYDER (Commissioner, Local Government Employee-Management Relations Board, Department of Business and Industry):

The EMRB has three board members appointed by the Governor. We meet 12 times a year, normally for 3 days at a time, plus a few days to read 1,000 pages or more in preparation for that meeting.

When I took this job in 2013, and having practiced law in this area, I contacted a number of people. The main concern with the EMRB was the backlog in hearing cases.

When I took over, it took almost 14 months from the time the prehearing statements were filed before a hearing was granted. We are now down to six months. That is as low as we can get it. The idea to increase the members to five to hear cases in panels of three was presented to and accepted by the Sunset Subcommittee. That is in the fiscal note. That would allow us to conduct 20 EMRB meetings per year instead of 12, while allowing each of the current members to continue to attend only 12 meetings. Some of the members have full-time jobs.

The bill would cost \$9,600 per year, \$4,800 per extra member. It would not increase our fees because we have healthy reserves. It would not increase travel either. The two additional board members would come from southern Nevada where about 90 percent of our cases are heard. The amount of their mileage would be offset by the reduction in travel costs from the number of trips being made by those who come from northern Nevada. This would enable the EMRB to hear about 67 percent more cases per year with the goal of getting the turnaround time down to 2 months to hear a case.

SENATOR GOICOECHEA:

Will the same board be considering the action of S.B. 486 if it passes?

SENATOR SETTELMAYER:

If you are to pass the other bill, you might think about increasing the number of members more than we are doing. That is just a personal opinion and not an opinion of the Sunset Subcommittee.

SENATOR GOICOECHEA:

It looks like there is no end to it.

CHAIR PARKS:

We will hold this bill until the next work session.

Ms. LOCKARD:

We want to be on the record that we support the bill.

MR. DUNN:

The PFFN also supports this bill.

CHAIR PARKS:

We will close the hearing on S.B. 460 and open the hearing on S.B. 493.

SENATE BILL 493: Revises provisions concerning the participation of certain school administrators in collective bargaining. (BDR 23-1081)

SENATOR DAVID R. PARKS (Senatorial District No. 7):

Senate Bill 493 reinstates the eligibility of principals and other school-level administrators to participate in collective bargaining. In S.B. No. 241 of the 78th Session, the Legislature made a number of changes to our longstanding collective bargaining laws. This bill modifies one aspect of that major measure. Instead of using salary cutoff to determine which administrators can be members of a collective bargaining unit, S.B. 493 separates administrators at the district level from administrators at the school level.

Section 1 of the bill allows principals and other administrators at the school level to be part of a collective bargaining unit and excludes any administrators above the rank of principal. Those are school district-level administrators.

Section 2 clarifies that the change will not affect the terms of current collective bargaining contracts but will apply to any extensions or renewals of contracts on or after July 1.

Section 3 makes the first day of the next fiscal year the effective date, which is July 1.

I urge your support of this measure to restore bargaining rights to school principals while excluding district-level administrators. It will create a better and simpler way to determine eligibility for participation in collective bargaining units.

JODI STEPHENS (Clark County Association of School Administrators and Professional-Technical Employees):

We are here to correct some unintended consequences from S.B. No. 241 of the 78th Session. We want to remove the salary cap and replace it with titles. By doing so, we ensure that no one who supervises a principal will be brought

back into the collective bargaining unit. However, it will not force principals who exceed the salary cap out of the collective bargaining unit for health care and other benefits.

STEPHEN AUGSPURGER (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees; Chair, School Administrators and Professional-Technical Employees Welfare Trust):

Law excludes from bargaining group membership any administrator who has a salary in excess of \$120,000. When S.B. No. 241 of the 78th Session was passed, the intent of the legislation was to exclude high-ranking central office administrators from participation in collective bargaining organizations. The mechanism by which this exclusion occurred was by establishing a salary threshold of \$120,000 in the legislation. The legislation went into effect on July 1, 2015, and rightfully excluded 32 administrators from the Clark County Association of School Administrators and Professional-Technical Employees (CCASA) bargaining group with one exception. Each of the excluded administrators was a high-ranking central office administrator with a salary in excess of \$120,000.

The 2015 legislation, however, created two unintended consequences. Not all of the high-ranking central office administrators were excluded because some had salaries that were below the \$120,000 threshold. Because the salary threshold was used as a mechanism for bargaining group exclusion, a number of high-ranking central office administrators with the same job title, school associate superintendent, were treated differently. That is, some were excluded because their salaries exceeded the \$120,000 threshold and other high-ranking administrators with the same job title remained eligible for bargaining group membership because their salaries were under the threshold amount. This was not the intent of the 2015 legislation.

A second unintended consequence from 2015, when the provisions of S.B. 241 of the 78th Session took effect, had one of our high school principals excluded from the bargaining group because of a salary in excess of the threshold amount. If the salary cap remains in law, next year as many as 25 additional high school principals may be excluded from the bargaining group. That is not the intent of the 2015 legislation.

The work of a school principal is critically important to the overall success of the school. High school principals should not have to worry about being

excluded from their collective bargaining organization if they receive a modest salary increase or earn an advanced degree that puts them over the salary threshold contained in law.

It is not right for principals to be worrying if their next raise will be enough to lose the right to participate in collective bargaining. Additionally, in the Clark County School District, some of our best principals who work in schools with high student achievement have been selected to become franchise principals. As franchise principals, these administrators lead and manage two or three schools. These exemplary principals do an outstanding job in increasing student achievement at multiple school sites. These principals should not have to worry that their compensation for leading more than one school will cause them to be excluded from the bargaining group.

As I mentioned, I also serve as the chair of the School Administrators and Professional-Technical Employees Welfare Trust. The Trust provides health benefits to all administrators who are eligible for membership in the bargaining group. Principals should not be concerned about losing their Trust health benefits because their salary levels cause them to be excluded from the collective bargaining organization.

Senate Bill 493 is a simple fix to those unintended consequences. It is important to note that this bill does not undo or rollback any of the reforms contained in and passed by S.B. No. 241 of the 78th Session. Senate Bill 493 simply eliminates the use of salaries to determine which administrators are to be excluded from membership in a bargaining group and instead uses position, title and job function as the mechanism for exclusion. This new criteria will exclude additional central office administrators, better accomplishing the original goal of the 2015 legislation. At the same time the new exclusion methodology, position, title and job function will protect our school principals' rights to remain in collective bargaining organizations and to participate in the collective bargaining process.

MR. GONZALEZ:

The Clark County Education Association supports S.B. 493. We agree with the presentation that this is just a technical fix of S.B. No. 241 of the 78th Session. Using titles instead of salary is a better way to exclude central office administrators from collective bargaining.

MR. ABNEY:

The Chamber has had a longstanding position against public employee collective bargaining. While we understand what they are trying to do with bill, we have never understood why principals who are in a supervisory role are collectively bargaining in the first place. Therefore, we oppose this bill.

NICOLE ROURKE (Clark County School District):

We are not in opposition to the language as presented in the bill but because of what is missing. You heard the presenters talk about the benefits for which principals would not be eligible. There needs to be a clause in the bill that provides for the benefits for the employees who are excluded from the bargaining unit.

Section 1, subsection 4 of the bill states,

Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

This clause should be replicated for those who are now excluded from the bargaining group in order to include those positions that are listed to provide insurance and other benefits. As of 2015, the \$120,000 salary threshold put all of those people at risk of losing their insurance and other benefits. When a group is that small, it is very difficult to negotiate a good price. It would then cost additional funds. Therefore, we are here to look for an amendment to include them in the benefits that would otherwise be afforded to them.

SENATOR RATTI:

What have you been doing with that small group since 2015 when that bill passed?

MS. ROURKE:

The group has agreed to cover them to this point, but there is no requirement for it to do so. Therefore, we want to ensure that they are covered. We are looking into other negotiations for benefits, but it has not been an easy task.

SENATOR RATTI:

Would you please submit that amendment request for the record?

Senate Committee on Government Affairs
April 7, 2017
Page 48

Ms. ROURKE:
Yes, I can.

SENATOR PARKS:
As a closing note, Senator Michael Roberson has indicated his interest in supporting this measure.

SENATOR RATTI:
We will close the hearing on S.B. 493.

Remainder of page intentionally left blank; signature Page to follow

Senate Committee on Government Affairs
April 7, 2017
Page 49

CHAIR PARKS:

Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 4:30 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	10		Attendance Roster
S.B. 25	C	34	Jennifer Ruedy	Work Session Document
S.B. 26	D	2	Jennifer Ruedy	Work Session Document
S.B. 90	E	16	Jennifer Ruedy	Work Session Document
S.B. 186	F	1	Jennifer Ruedy	Work Session Document
S.B. 186	G	1	Senator David R. Parks	Letter of Opposition from the Charleston Neighborhood Preservation
S.B. 191	H	7	Jennifer Ruedy	Work Session Document
S.B. 399	I	1	Jennifer Ruedy	Work Session Document
S.B. 501	J	1	Jennifer Ruedy	Work Session Document
S.B. 469	K	5	Marlene Lockard / Service Employees International Union Local 1107; Las Vegas Police Protective Association Civilian Employees	Proposed Amendment 3499
S.B. 469	L	5	Mary Walker / Carson City; Douglas County; Lyon County; Storey County	Letter of Opposition
S.B. 486	M	2	Harry Schiffman	Written Testimony
S.B. 486	N	1	Jeanine Lake	Written Testimony by Dora Gomez
S.B. 486	O	1	Natha Anderson / Nevada State Education Association	Written Testimony
S.B. 486	P	1	Fran Almaraz	Written Testimony by Veronica Brown-Davis
S.B. 486	Q	1	Tyler Young	Written Testimony by Jason Hanski

S.B. 486	R	1	Sonja Whitten	Written Testimony
S.B. 486	S	1	Samaria Sullivan	Anonymous Written Testimony
S.B. 486	T	1	Debra Burko	Written Testimony by Gordon Milden
S.B. 486	U	2	Peter Long	Written Testimony
S.B. 486	V	1	Senator David R. Parks	Written Testimony by Rachel P.
S.B. 486	W	1	Senator David R. Parks	Written Testimony by Shefawn Phillips
S.B. 486	X	2	Senator David R. Parks	Opposition Letter from the Nevada Taxpayers Association