

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

**Eightieth Session
April 24, 2019**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:45 a.m. on Wednesday, April 24, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 31, University of Nevada, Reno School of Medicine, Nevada State Office of Rural Health, Griswold Hall, 701 Walnut Street, Elko, 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/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblyman Alex Assefa
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Melissa Hardy
Assemblyman Glen Leavitt
Assemblywoman Susie Martinez
Assemblywoman Connie Munk

COMMITTEE MEMBERS ABSENT:

Assemblyman William McCurdy II (excused)
Assemblyman Greg Smith (excused)

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senate District No. 7



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Asher Killian, Committee Counsel
Geigy Stringer, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Peter Long, Administrator, Division of Human Resource Management, Department of Administration
Carter Bundy, Political Action Representative, American Federation of State, County and Municipal Employees, AFL-CIO
Steven Cohen, Private Citizen, Las Vegas, Nevada
Vinson Guthreau, Deputy Director, Nevada Association of Counties
Amanda Osborne, Human Services Administrator, Elko County
Steve K. Walker, representing Lyon County; Storey County; and Douglas County
Bob Getto, Public Administrator, Churchill County; and Acting Public Administrator, Lyon County
Aubrey Rowlett, Public Administrator, Carson City; and Clerk-Recorder, Carson City

Chair Flores:

[Roll was called. Committee rules and protocol were explained.] We have two items on the agenda. We are going to take them in the order they appear. I would like to open the hearing on Senate Bill 31, which makes various changes relating to the State Personnel System.

Senate Bill 31: Makes various changes relating to the State Personnel System. (BDR 23-184)

Peter Long, Administrator, Division of Human Resource Management, Department of Administration:

Senate Bill 31 is proposing to make two changes to the State Personnel System. Specifically, in section 1, Division of Human Resource Management (DHRM) within the Department of Administration is proposing that employees who are no longer able to perform the essential functions of their job, based on a disability, would be able to—without the approval of the appointing authority and without having completed a probationary period—be appointed to another position for which they meet the minimum qualifications and can perform the essential functions of that job. This change essentially mirrors current federal law, which we are following, and we see this as a benefit to the employee. We have good employees who have not completed their probationary period who may have developed a disability who we now would be able to retain in the state's service.

In section 2 of the bill, DHRM is trying to be proactive, as currently the test for controlled substances is limited to urine. We are proposing to expand that to other bodily substance, particularly for the reason that marijuana is now legal recreationally in Nevada. We do not

want an employee who partakes legally of something on a Friday or Saturday and then maybe proceeds to be under the influence while at work on Monday. Currently, to the best of my knowledge, there is no test to determine impairment from marijuana. We are hoping when a test is developed, if it is a blood test, we will be able to test for impairment versus presence, and someone would only face disciplinary action if they were impaired versus simply having the presence of marijuana in their system.

The other sections of the bill simply make a conforming change should section 2 pass. I am available for any questions you may have.

[([Exhibit C](#)) was submitted by Peter Long but not referenced in testimony.]

Chair Flores:

Members, are there any questions?

Assemblywoman Duran:

It is going to be difficult to find out if somebody is under the influence or impaired. Are you going to set a cut-off point for disciplinary action?

Peter Long:

That has not been established yet. That would be part of the information we would look at, if and when a test is developed, to determine what impairment would be. Currently, tests just determine if the presence is there. It is my understanding—and I am not a scientist or a chemist—that there are certain metabolites that determine impairment versus just the presence. Alcohol is pretty clear—after 24 hours it is out of the system. But marijuana can stay for 30-plus days in the system, and that does not mean that you are impaired, it simply means that at some point in time you partook. A standard has not yet been established, but it is our intent to have a standard of what is impaired and what is not.

Assemblywoman Duran:

For the alcohol, is it going to be the legal limit now, a blood alcohol concentration of 0.08 percent, or is it just the presence of alcohol? Then would they be disciplined or terminated?

Peter Long:

I do not remember it exactly, but currently alcohol level is determined to be impaired at work if it is 0.02 percent.

Assemblywoman Duran:

That is the standard for the state?

Peter Long:

I believe so. I can get back to you with the exact number, but it is less than the 0.08 percent that would be the legal impairment for driving.

Assemblyman Carrillo:

Under Section 2, subsection 2(b)—can you give me a definition of "bodily substance"?

Peter Long:

That could be hair as another way to test for presence or impairment for marijuana. That would be an example.

Assemblyman Carrillo:

With that said regarding hair, are they using it to look at presence of marijuana or other controlled substances? I know it depends on where you cut the hair. I remember when I was hired for a job one time, they cut the hair to a certain point. They could determine use as far back as 90 days; they were checking for the last 30 days.

Peter Long:

I do not believe that has been established yet. We would have to work with our vendors to see what the best practice is and what federal law is right now. Then if the new test was established, the assumption would be that it would have standards to go with it.

Assemblywoman Munk:

How often do you test? Is it random testing on employees?

Peter Long:

The state does not have random testing for the majority of its employees. There is random testing for positions that are required under federal law, such as commercial drivers' licenses. The state only tests pre-employment if the positions have been deemed by the Personnel Commission of the Division of Human Resource Management to affect public safety. Additionally, once hired, if they are perceived to be under the influence at work, then we would test. That process requires a witness and going to the lab and that type of thing, so there is no random testing.

Assemblyman Ellison:

What they do on most of the construction projects is, if they thought somebody was impaired and determined not to be sick, they would usually take him or her to the hospital where they would do a blood test to tell what the level is. If they get in a car accident or other accident, they are automatically taken to the hospital to see if they are impaired by alcohol or other substances. There is at least a blood test to tell you how much THC [tetrahydrocannabinol] is in their system. That is something you might want to look at. You can always add that into the language, but I think right now you have it covered.

Peter Long:

Yes, I think the language would cover it. When we need to get into the specifics, we can address them through regulation.

Assemblyman Assefa:

I do not know if I heard you correctly. Are you saying there is no methodology to determine presence versus intoxication at this time?

Peter Long:

To the best of my knowledge, there is no specific test at this time to determine impairment for marijuana. The test we have simply determines presence.

Assemblyman Assefa:

The problem I have is it appears you are looking for permissive language to help you do this in the future, when the test does become available. What I do not know is what methodology will become available. We are setting a standard for something we do not know; that troubles me. If you could address that part, and I will follow with another question.

Peter Long:

You are correct. The intent is to be proactive so that if a blood or other bodily substance test is developed, we could immediately move to that standard versus being limited to the current standard. The current standard allows us to test only for the presence and we are required to discipline employees simply due to the presence versus the ability to determine actual impairment. We are trying to get ahead of that instead of being behind, so that if and when a test is developed, we are not subject to the way it is written now, where it is simply presence. Yes, we are trying to be proactive.

Assemblyman Assefa:

How far out are we from this methodology becoming available for us?

Peter Long:

I have no idea. I am assuming that there are labs all over the country working on this because it would be a profit for them to be able to do this testing. However, I do not have any specific answer for you.

Assemblyman Assefa:

If you do determine somebody is intoxicated and you determine they are at a level that is a determining point for someone to be considered impaired or intoxicated versus having a presence of marijuana in their system—let us say they meet the threshold and you find that they are currently intoxicated at the workplace. What are your disciplinary standards? Is it progressive discipline? What kind of methodology do you have?

Peter Long:

We have a current policy—actually, regulation—where if an employee tests positive for the presence of alcohol or a drug, then they are referred to the Employee Assistance Program where they see a counselor. Once the counselor has determined that they are eligible to go back to work, then they can return to work. If they are determined to be impaired a second time within five years, per current regulation, it is an automatic termination.

Assemblyman Hafen:

I appreciate the portion in the bill about the disabilities. I am struggling with the concept of impairment since we have no idea where the science is going to lead us or if it ever will become available. I am trying to look for the section that we would be referring to in the actual language. Could you point us directly to where that language would be?

Peter Long:

I am sorry, I do not understand your question.

Assemblyman Hafen:

Which section in the bill discusses "impairment versus presence"?

Peter Long:

In section 2, subsection 2(b), where it is added, "blood or other bodily substance to detect the general presence of a controlled substance or any other drug, which could impair that person's ability to perform the duties." That, in and of itself, allows us to detect the presence; through regulation we can put in the difference between presence and impairment.

Chair Flores:

Members, are there any additional questions? Seeing none, thank you. If you would sit back, I would like to invite forward anyone wishing to speak in support of Senate Bill 31.

Carter Bundy, Political Action Representative, American Federation of State, County and Municipal Employees, AFL-CIO:

We support both of these changes. To clarify a couple of things, there are two separate issues that are being discussed. One is what the standards for impairment are. That is not really discussed in these changes. This is really about the methodology. We represent state employees. One of the things that they have been frustrated by is there have already been some cases where people have been tested. They were not impaired at the time, but because marijuana, in particular, now is legal and has stayed in their urine for 30 days, that is potentially being used against them. We like the idea that it could be, for example, a cheek swab, saliva, or blood. There could be a test in the future that would actually help exonerate people who may have had marijuana legally in the last 30 days but in no way were impaired at work. We see this as a positive development and we want to thank Administrator Long and the administration for bringing it forward.

Chair Flores:

Is there anybody else wishing to speak in support? Seeing no one, is there anyone wishing to speak in opposition to Senate Bill 31? Seeing no one, is there anyone wishing to speak in the neutral position to Senate Bill 31?

Steven Cohen, Private Citizen, Las Vegas, Nevada:

I am neutral, having heard Mr. Peter Long's presentation. Initially my position would have been against, based on the exhibit that I have submitted ([Exhibit D](#)). However, I want to clarify and bring to both the Committee's as well as to the Administrator's attention that

I understand the intent of section 1 of the bill correctly. It is going to the reassignment process, is that correct? The *Nevada Administrative Code* concerning that issue does have appointing authority language still in it that would probably need to be resolved at the agency level—if that is the intent of that change.

Chair Flores:

Is there anybody else wishing to speak in the neutral position? Seeing no one, Mr. Long, if you could please come back up for any closing remarks you may have.

Peter Long:

Thank you for the opportunity to present this bill today and for hearing it. To address the person testifying in the neutral, yes, we would amend regulation to remove the appointing authority part, if that is removed in statute.

Chair Flores:

I will close out the hearing on Senate Bill 31. I would like to open the hearing on Senate Bill 460, which revises provisions relating to public administrators. Welcome, Chairman Parks.

Senate Bill 460: Revises provisions relating to public administrators. (BDR 20-540)

Senator David R. Parks, Senate District No. 7:

I am in front of you this morning with Senate Bill 460, which authorizes the board of county commissioners in a county whose population is less than 100,000—that is currently all counties with the exception of Clark County and Washoe County—to abolish by ordinance the office of public administrator. If such a county abolishes the office of public administrator, the person who was elected, appointed, or serves as ex officio public administrator may serve out the remainder of his or her term of office, and the board of county commissioners in that county must employ or contract with a person to perform the duties and functions of a public administrator within the county. At the end of their employment, any person contracted with to perform the duties and functions of a public administrator must surrender all the books or papers belonging or pertaining to each decedent's estate. Such board of county commissioners may amend or repeal an ordinance adopted to resume the election of a public administrator for the county or the person who is ex officio public administrator serving as public administrator in that county.

Thank you for allowing me to bring this forward. I will answer any questions. I also have the Nevada Association of Counties (NACO) available to comment on the bill.

Chair Flores:

Assemblyman Ellison, I know you have to leave; do you have a question?

Assemblyman Ellison:

I do have a statement to make, but I am waiting for NACO to finish with their comment.

Vinson Guthreau, Deputy Director, Nevada Association of Counties:

We serve all of Nevada's 17 counties. On behalf of the NACO board of directors, I first want to thank Senator Parks for helping introduce Senate Bill 460 today. Some of my comments will be a little duplicative, but I want to outline the bill a little and then we will be happy to take questions.

The office of the public administrator is that person in each county who handles the estates of deceased persons who die without a will or legal documentation. The public administrator provides for the dissolution of assets and settles the estate of the deceased person. Public administrators are currently elected county officials with separate authority from boards of county commissioners. Reforms to the office of the public administrator in the rural counties have been discussed at length in previous legislative sessions and the NACO board of directors, individual county commissioners, and state legislators have attempted to address issues of public administrators. For example, in the 2017 Session, Assemblywoman Titus provided a mechanism for minimal compensation in an effort to attract qualified professionals to run for these elected positions. However, the issues with the office of public administrator in our rural counties remain. Recently, in Lyon County, due to the actions of their public administrator, the county was sued. Without going into the details of the lawsuit and allegations, as the case is currently on an appeal, the county was ordered to pay a \$2.1 million award to the family of the deceased. In the judgment, the court found that the board of county commissioners, which currently has no oversight or authority over an independently elected official, was still considered ultimately liable for actions of that office. In Elko County, their current public administrator's term ended December 31, 2018, and nobody filed for that vacancy in the 2018 election.

Public administrators serve a critical function for our communities. They have access to valuable monetary and physical assets for those who have passed. Without proper oversight, little to no compensation, and a lack of qualified individuals available to run for these offices, they are rife for fraud and abuse. And as I demonstrated earlier, the county is ultimately responsible for the actions of the office. Nevada Association of Counties understands and accepts the responsibility for these offices. However, in exchange for that accountability, its members would like to have the option to appoint a qualified individual to the office of public administrator. Simply put, as Senator Parks mentioned, this bill would allow counties, if they choose, to abolish the elected office of public administrator. If they did that, they would be required to provide the service administratively or contract with someone to perform the service. They would make this appointment through a public ordinance process at the board of county commissioners. I am happy to go through the bill at your pleasure. I know there are some time constraints; I can go through some of the key provisions of the bill.

Section 1 of this bill brings a contracted public administrator under the auditing authority of the county commission.

Section 2 of the legislation adds conforming language to align with section 3 of the bill.

Section 3, subsection 1 allows counties under 100,000, which again is Nevada's rural counties, to abolish the office of public administrator. Also within that same section, subsection 2(a) allows for a person who was elected to the office or is serving as ex officio of the office to be allowed to serve out the remainder of their term prior to any ordinance abolishing the office to be effective. Subsection 2(b) requires the board of county commissioners to appoint or contract someone to the office of public administrator if the office is abolished by ordinance. For example, the board of county commissioners cannot allow the office to remain vacant. Those duties must be filled by a county employee or be contracted out. Subsection 2(c) requires that the county must pass an ordinance to take these actions and the ordinances must include the minimum qualifications of the public administrator. Subsection 3 allows the board of county commissioners to repeal or amend the ordinance that abolishes the office, so that if a county chooses, the seat would again be elected.

The remaining sections, 4 through 36, make conforming changes to include language that provides for the employment or contracting of an individual to fill the office of public administrator. It also provides the same job duty requirements in the handling of estates that exist in Nevada law. Language was added making sure these requirements were required of any individual performing these duties.

There is one provision that is added in the bill that I want to bring to the attention of the Committee. Please turn to section 21 of the bill. Senator Parks also mentioned this: This provision would require that at the end of an individual's employment or contract as outlined in section 3 of this bill, he or she would be required to turn over and make available all documents and estate materials, including monetary or other assets of estates, to the board of county commissioners that they are still in possession of and that were used during his or her tenure of employment. Lastly, this legislation would be effective July 1, 2019. I am available for questions.

Assemblyman Ellison:

Members, if you look through your packet, there is a letter from the Elko County Board of County Commissioners in it ([Exhibit E](#)). I totally agree with the letter. Senate Bill 460 is probably one of the best nonpartisan bills that we have because of the issues that we are having around the state. This bill is a great way to start. The letter says, "We do not want to do away with the responsibilities but seek options regarding the operation of the position" [page 1, ([Exhibit E](#))]. What Elko County is saying is, Look we cannot even get people to run for this office. When they find out how much it pays, they are definitely not interested, so it has to fall back onto the county. This is a way to help clean that up and give them another tool in the toolbox. I hope we support this bill.

Vinson Guthreau:

I am not sure if there is a question there, but I definitely appreciate the kind words.

Assemblyman Ellison:

Actually, there is a follow-up to that. How many counties is this going to affect? There are only two that will fall out, Washoe and Clark. The rest will be all the smaller counties: Elko, Humboldt, Eureka, and others. Is that correct?

Vinson Guthreau:

That is correct. This would affect the rural counties of the state—the 15 counties that fall under that population cap of under 100,000.

Assemblyman Ellison:

Are they having problems finding administrators in some of these other counties also?

Vinson Guthreau:

We have heard from some of our counties. Not all of them are having difficulty finding individuals to run or are unhappy with their current public administrator, but we have heard from a couple of our members that they have had some issues finding qualified individuals to run. You highlighted the biggest one, which was Elko County.

Assemblyman Carrillo:

You have answered the part of my question regarding what took place that led to this legislation. If this bill does pass, the position is going to be considered a hiring position and it will be for as long as that person would serve. Let us say it is an appointed position; there would be no concerns about pay or discrepancies of fraud at that point. Would the board of county commissioners oversee this office still? Would the office still have the ability to sell off personal items of the deceased? I want to make sure that we have not only corrected one part—is there still going to be the board of county commissioners watching over the office?

Vinson Guthreau:

You and I discussed this prior to the hearing. That is correct. What we envisioned for this legislation, and why our counties asked for it, is it gives them oversight. The courts have decided that boards of county commissioners are responsible for the oversight of this position. However, currently, it is a separately elected office. This enables counties to provide them another tool for oversight, and it would bring them under that appointment or employee authority. But it would also allow for a contracting authority, which I do not want to go into the details of, or tell counties how to do their job. However, I think in that contract, you would have oversight provisions in there, including regular updates and assessments of estates, which I am just assuming would take place. I am not speaking for them. Yes, this bill would bring it under the authority of the board of county commissioners, and the regular ethics that the county commissioners outline would be part of this position.

Assemblyman Leavitt:

You are in a conundrum that you cannot find people to serve in this office. Often, in private situations it lies upon an attorney or an attorney's assignee to handle these estates. Is this bill going to increase the amount that the county has to put in to these various appointments or contracts? Public administrators do not get paid all that much, so it is not costing the county

all that much for these public administrators to handle these estates. When you are talking about contracting or appointing, what is the cost to the county to oversee these estates? There are court-mandated fees that can be drawn from an estate if it is delegated to a private source. How is that going to work?

Vinson Guthreau:

I would leave that up to individual counties to make that assessment—I say that first. Also, understanding that the size of estates that public administrators handle differs, I do not know that there is a cost that we could immediately quantify. My next point to get to the crux of your question would be that if a county chose to use this enabling legislation, they would take into account their budget and what they would be able to determine at that local level would make sense for compensation or benefits. I would not know the answers to those questions. Those would be worked out in the ordinance process and any sort of employment contract.

Chair Flores:

Members, are there any additional questions? Seeing none, thank you both. Please sit back. I would like to invite forward those wishing to speak in support of Senate Bill 460. We will start with the two individuals in Elko County and move back down to Carson City.

Amanda Osborne, Human Services Administrator, Elko County:

To echo Mr. Guthreau, Elko County supports S.B. 460 as it will give us the flexibility with regard to management of the public administrator position. He also mentioned that we have had some challenges in getting qualified candidates for the position in our 2018 election. This bill definitely gives us the flexibility to make sure we have a qualified candidate in that role. In addition, we would appreciate the future flexibility for the management and oversight of the position.

Steve K. Walker, representing Lyon County; Storey County; and Douglas County:

This bill is enabling. It helps counties to address a significant situation. To address Assemblyman Leavitt's question on the economics of it: What we are looking at is regionalization of the position so that the administrator could serve concurrently in geographically connected counties, Lyon, Churchill, Storey—those combinations—and hence, they will have an economy there. We are in support of the bill.

Chair Flores:

Members, are there any questions? Seeing none, is there anyone else wishing to speak in support?

Bob Getto, Public Administrator, Churchill County; and Acting Public Administrator, Lyon County:

I am on my fifth year in Churchill County. I am speaking in support of the bill. I am in support for the reasons you have already heard. We are struggling in Churchill County and in the rurals to get someone to run for the job. The pay is not good. That is what causes this opportunity rife with problems that we have had in the state of Nevada. The fact that I am

a live, active, busy public administrator—I have never had anybody talk to me or ask me questions about public administration, so I am a little bit surprised about that. Also, I am not a lawyer. I am a little bit naïve.

I want it to be clear that I am in support of the bill, but I am having trouble understanding [section 15, subsection 5] where fees are going into the general fund of the county. The reason I am having trouble understanding that is because I do not know if it is in conflict with *Nevada Revised Statutes* (NRS) 134.120. In NRS 134.120, when I have an estate and I get my minimal fees to compensate me for my time, sometimes there are a few thousand dollars left over. Right now, I am instructed to write that money to the Office of the State Controller, and I do that. Is the intent of the bill that when I have a few of the fees left over after I have been compensated for my time and expenses, is that money to go to the county general fund to help the county run the office of public administration? Or will that still go to the State Controller's fund? I cannot find the right person to give me the right answer to that.

If this goes to the county, that is where it should go. I believe that. Because the decedent is the person who has lived in the county, is a county resident, has paid county taxes, and so if the intent is it goes to the county, I am all for that. I just do not want to go through this bill process and we get this situated going after July 1 and then find out, Hey we have gone through this work, but guess what, it is still going to the State of Nevada. It does not matter where the money goes as far as I am concerned, but it should go to the county because it belonged to a county resident.

The pay has always been a problem, and that is why people do not run. I was asked to run for public administrator in Churchill County. I did, and I am proud of how we have now brought that up into a modern, effective organization. I was asked to be the Lyon County temporary public administrator and I said "no" several times because of the pay. But I tell you, after all these years working with Lyon County and their staff and their district attorney and their county manager, I am proud of what we now have going in Lyon County too. Both counties are running smoothly.

We also talked about regionalization a few minutes ago. I have always believed that. This is the first that I have heard of it. Somebody with authority more so than me needs to look into that—regionalization might be an answer to some of the problems we have had in rural Nevada, because rural Nevada does need help. I am available for questions if you have any.

Chair Flores:

Thank you. Members, are there any questions?

Assemblyman Leavitt:

As far as your pay is concerned, do you get paid a flat fee from the counties or do you take a fee off of the estate? Your fee would be determined by how large the estate is, right? Such that for estates up to \$10,000 it is 5 percent, up to \$100,000 it is 1 percent? Are you paid a flat fee by the county and then all the funds that would be court-mandated to a special

administrator or a trustee who handles the estate would go to the State Controller's Office? Or do you collect on that? Do you collect both? How does that work?

Bob Getto:

I am very glad you asked that question. I was hoping somebody would. It is not a short answer. This all started with Assemblywoman Titus at the last legislative session. What the legislature did last legislative session was give just a basic stipend to help run a basic office for a basic copy machine, a phone, a cellphone, stationery, postage, and so forth. What we do in Lyon County—which should be the model for other communities because I am proud of how Lyon County does this—they give me a base stipend of \$17,500 per year. I am not saying that works for every county. They give a base stipend of \$17,500. Then after that, we follow state statute on what a public administrator is entitled to. A public administrator is entitled to 4 percent of the first \$15,000 of the value of an estate; then he or she gets 3 percent of the next \$85,000; and then he or she gets 2 percent of every \$100,000 thereafter. That works really well when you have someone who has passed away with some money. But you have to remember, in rural Nevada, we have people who die and pass away and they have \$1,000 in their checking account. In this case, the public administrator gets 4 percent of \$1,000 for a month and a-half's worth of going to court, cleaning out the property, getting the landlord satisfied, getting keys made, getting stuff done. It is laughable. That is the problem. In Lyon County, we have a base fee of \$17,500 plus that statutory allotment in the NRS, and it works fine for Lyon County. It has worked well enough that we decided to do that in Churchill County and that is what we are doing now in Churchill County and it works fine. No one is getting rich. It is probably still not fair, but it is compensation and that is all a public administrator needs because it is a lot of work. It really is, and it has to be done precisely, exactly, and with a paper trail. Paper trails take time to build. I hope that answers your question.

Assemblyman Assefa:

Do you have staff or anyone helping you in these two counties that you are serving?

Bob Getto:

I am a one-man show. I am busy. It is going smoothly and I am proud of that.

Assemblyman Assefa:

Thank you for your service, sir.

Chair Flores:

Members, any additional questions? Do we have anybody else wishing to testify in support of Senate Bill 460? Seeing no one, is there anyone wishing to speak in opposition to Senate Bill 460? Seeing no one, is there anyone wishing to speak in the neutral position to Senate Bill 460?

Aubrey Rowlatt, Public Administrator, Carson City; and Clerk-Recorder, Carson City:

I would like to echo Mr. Getto's testimony. It is a busy job. It is a lot of personal time. I also do not have any staff; it is just me, in addition to doing the elections clerk duties and

recorder duties—it is a very busy and very fun job. I enjoy the challenge and I enjoy helping people with the finalities of their estates. I just wanted to put on record that Carson City is neutral right now. We are doing well and we are functioning. This bill is a great option for the counties that are having issues with trying to find those to serve in this capacity.

Chair Flores:

Members, do you have any questions?

Assemblyman Carrillo:

We know that the public administrator is an elected position. Do you think that somebody who is currently elected to that spot would be appointed to that spot? Or would that be determined by the city council?

Aubrey Rowlatt:

I believe that would be a discussion that you would have with my board of supervisors. I have not heard any discussion that they would like to change the position; currently it is elected. I have not had that discussion with them.

Chair Flores:

Members, are there any additional questions? Seeing none, thank you. Is there anybody else wishing to speak in the neutral position to Senate Bill 460? Seeing no one, Mr. Guthreau, would you like to give closing remarks?

Vinson Guthreau:

I want to thank everyone who testified. I want to address one of the nuances; it may be a question for committee counsel. We have read the statute. I have talked to Mr. Getto and, again, I thank him for his testimony and his service. But he and I do not view the statute the same way. We do not touch that statute that he is referencing, NRS 134.120. I am not trying to disagree with him, but I want to put on the record that we do not view the bill the same way. It would be a question for legal—I have reached out to district attorneys and they view it the same way that we do, but it may be a legal question. Other than that, I want to thank the Committee for your time in hearing the bill, and we urge your support.

Chair Flores:

Thank you both for the presentation. We will make sure that the Committee has a definitive answer from the Legal Division of the Legislative Counsel Bureau as well. Members, be aware we will get a definitive answer, hopefully within the next few days, so you know exactly what we are doing with this bill.

Senator Parks:

Thank you, Chair Flores and Committee members. I think the Legal Division of the Legislative Counsel Bureau did a wonderful job in putting this bill together. It is one of those situations where you first have elected public administrators and then you have any number of complications that could arise from an elected position and the problems that might ensue and certainly the problems that we have seen. This gives an opportunity for

counties to search alternative ways to implement and to perform the required duties. I want to say that I think it is a great piece of legislation, and I hope that you will act favorably on it. Thank you.

Chair Flores:

Members, are there any questions? Seeing none, again, thank you both for the presentation. At this time, I would like to close the hearing on Senate Bill 460. I would like to invite forward anyone who is here wishing to speak for public comment.

Seeing no one, I want to remind members that today is Administrative Assistant Day. Members, if you have not done something nice for your team, you probably should. Thank you to our team, we appreciate everything you all do. Nothing we do in this building works without you, so we are indebted to you and appreciate your service to our state.

This meeting is adjourned [at 10:37 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a memorandum dated April 24, 2019, submitted by Peter Long, Administrator, Division of Human Resource Management, Department of Administration, in support of Senate Bill 31.

[Exhibit D](#) is written testimony submitted by Steven Cohen, Private Citizen, Las Vegas, Nevada, dated April 24, 2019, regarding Senate Bill 31.

[Exhibit E](#) is a letter dated April 19, 2019, to Chair Flores and members of the Assembly Committee on Government Affairs, authored by Robert Stokes, County Manager, Elko County, and presented by Assemblyman John Ellison, Assembly District No. 33, in support of regarding Senate Bill 460.