

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

**Eighty-second Session
April 3, 2023**

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:31 p.m. on Monday, April 3, 2023, in Room 2149 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 Edgar Flores, Chair
Senator James Ohrenschall, Vice Chair
Senator Skip Daly
Senator Pete Goicoechea
Senator Lisa Krasner

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Heidi Chlarson, Counsel
Spencer Jones, Committee Secretary

OTHERS PRESENT:

Shelly Capurro, Nye County
Vinson Guthreau, Executive Director, Nevada Association of Counties
Mary Walker, Douglas County; Lyon County; Storey County
Carolene Logue
Candace Hunt
Rick McCann, Nevada Association of Public Safety Officers; Nevada Law Enforcement Coalition
Alberto Gonzales, Vice President South, Communication Workers of America Local 9413
Susie Martinez, Nevada State AFL-CIO
John Abel, Las Vegas Police Protective Association
Morgan Biaselli, Las Vegas City Employees Association

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Adrian Hunt, Las Vegas Metropolitan Police Department
Mike Cathcart, City of Henderson
Jake McNeill, Laborers' International Union of North America Local 169
Andy Donahue, Southern Nevada Laborers-Employers Cooperation and Education Trust
Kelly Richter, Las Vegas Police Protective Association Civilian Employees
Shane Sayles, Las Vegas Police Protective Association Civilian Employees
Michelle Maese, President, Service Employees International Union Local 1107
Robert Sumlin, International Association of Machinists and Aerospace Workers
Russ James, Nevada AFL-CIO
Renee Ruiz, National Nurses United
Greg Herrera, Nevada Sheriffs' and Chiefs' Association
Larry Wilson, United Auto Workers
Liz Sorenson, Nevada AFL-CIO
Charles Zemp, International Union of Bricklayers and Allied Craftworkers
Shawnyne Garren, Douglas County Recorder
Bill Wellman, Las Vegas Paving Corporation
Brian Reeder, Nevada Contractors Association
Mac Bybee, President/CEO, Associated Builders and Contractors Nevada Chapter
Greg Esposito, Plumbers, Pipefitters and Service Technicians Local 525
Paul Moradkhan, Vegas Chamber
Alexis Motarex, Nevada Association of General Contractors
Sarah Collins, National Electrical Contractors Association, Northern Nevada
Brett Harris, Labor Commissioner, Nevada Department of Business and Industry

CHAIR FLORES:

I open the hearing on Senate Bill (S.B.) 51.

SENATE BILL 51: Revises provisions relating to the compensation of certain county commissioners. (BDR 20-341)

SHELLY CAPURRO (Nye County):

When S.B. 51 was introduced, it was a Nye County bill. But the intention was always that the bill would be working with all counties and the Nevada Association of Counties (NACO). The purpose of S.B. 51 is to keep county commissioner salaries competitive; they have not been adjusted since 2018.

VINSON GUTHREAU (Executive Director, Nevada Association of Counties):

If adopted, NACO's proposed amendment ([Exhibit C](#)) would have three major effects. The proposed amendment allows for an initial 20 percent increase in county commissioner base salaries, effective January 1, 2024. We consider this an immediate catch-up provision that would reflect a 3.33 percent annual increase. Subsequent adjustments to county commissioner salaries would be based on salary increases approved by this Body to classified State worker compensation. This pay standard would apply to all counties to bring equity to local government compensation adjustments. The proposed amendment includes an opt-out provision for a board of county commissioners to approve a lesser salary by majority vote. This scheme reflects a maturing of how local government salary adjustment should be handled as our counties become larger and more diverse. Making county commissioners salaries more competitive helps broaden the talent pool and attracts quality candidates. Passing S.B. 51 and the proposed amendment would remove a barrier for running for office.

SENATOR GOICOECHEA:

If this bill passes, can county commissioners elect not to take the increase, or do they have to take the 20 percent?

MR. GUTHREAU:

By a majority vote, the board of county commissioners can opt out of the 20 percent increase or select something lower.

SENATOR GOICOECHEA:

And they can opt out of 12.5 percent annual cost-of-living adjustment (COLA) as well?

MR. GUTHREAU:

Correct.

SENATOR DALY:

I think the approach here is going to work. The bill gives county commissioners a 20 percent salary increase. But if you advertise it per the year since their last raise, it comes out to about a 3 percent increase per year. Am I understanding that correctly?

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MR. GUTHREAU:

Correct. I just wanted to give some context because 20 percent can be a shocking number. But it is 3.33 percent per year.

SENATOR DALY:

I support S.B. 51. County commissioner pay needs to catch up and move forward.

SENATOR GOICOECHEA:

I appreciate that S.B. 51 is clearly enabling because these cost increases for a board of county commissioners could significantly impact smaller counties.

SENATOR KRASNER:

In the future, would all county commissions be able to give themselves raises?

MR. GUTHREAU:

Salaries moving forward would be tied to COLA for State workers. That language is in similar bills being considered by this Body. But boards can vote to opt out.

SENATOR KRASNER:

All county commissions would be able to give themselves raises? Yes or no for the record.

MR. GUTHREAU:

They would not vote to give the raise. The raise is tied to COLA for classified State worker salaries, which the Legislature would consider. If the Legislature increased salaries, the local county commission salary would increase accordingly. The local county commission can then vote to not take that raise.

SENATOR KRASNER:

Otherwise, they get automatic raises going forward?

MR. GUTHREAU:

Correct.

SENATOR GOICOECHEA:

I have a minor concern. This bill would increase salaries for county commissioners. What are we doing for the other elected officials? I would hate

to be a county commissioner and give myself a 20 percent salary increase and 12.5 percent increases going forward. Other elected officials are not going to be happy. Are we going to address them at all? There was a salary structure in the Nye County bill.

MR. GUTHREAU:

That was not in the original bill. This bill was solely presented by Nye County to address county commissioner salaries. The proposed amendment follows suit.

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

Douglas, Lyon and Storey Counties support S.B. 51 and appreciate having the opt-out provision.

CAROLINE LOGUE:

I oppose S.B. 51. County commissioners are not expected to have a high degree of expertise, just a willingness to do what is right for their community. Increasing their pay to the point they can survive on a county commissioner salary alone makes them employees of the State rather than representatives of the community.

CANDACE HUNT:

I oppose S.B. 51, particularly the portion tying their future salary increases to the COLA of a full-time State employee despite their part-time positions as county commissioners. I do not think that is valid.

MR. GUTHREAU:

The Association brought the proposed amendment forward to create the opt-out provision, so local officials can respond to the needs of their communities.

CHAIR FLORES:

I close out the hearing on S.B. 51 and open the hearing on S.B. 83.

SENATE BILL 83: Revises provisions governing the confidentiality of the personal information of certain civilian employees of law enforcement agencies. (BDR 20-666)

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RICK McCANN (Nevada Association of Public Safety Officers; Nevada Law Enforcement Coalition):

I ask that you support S.B. 83 and submit written testimony ([Exhibit D](#)) explaining my reasoning.

SENATOR OHRENSCHALL:

Is there any way for civilian employees of the law enforcement agency to seek confidentiality now if their safety was at risk, for example, or would this bill be the only way to make that happen?

MR. McCANN:

This bill would give them the option to do so. I am not familiar with other options unless they pursue a court order or something of that nature.

CHAIR FLORES:

Has an incident occurred that made us realize we are inadvertently not capturing these folks? Or is S.B. 83 an abundance of caution?

MR. McCANN:

I am not personally familiar with any such incidents. So it is out of an abundance of caution but a damn good abundance of caution.

ALBERTO GONZALES (Vice President South, Communication Workers of America Local 9413):

More than 20 years ago, when I was working as a police officer in another country, my information was leaked, and I lost family members due to that. I ended up moving to Las Vegas and living in anonymity for a long time. I support S.B. 83.

SUSIE MARTINEZ (Nevada State AFL-CIO):

Nevada State AFL-CIO supports S.B. 83. This bill will protect civilian employees who work for law enforcement agencies by ensuring that their personal information is not included in public records. Every worker across Nevada should be able to feel secure in the workplace and home. Civilian law enforcement employees provide critical services to our communities, and they need to be protected.

JOHN ABEL (Las Vegas Police Protective Association):

Las Vegas Police Protective Association supports S.B. 83. Our investigative specialists often interview people who are accused of crimes. We live in an information age where the specialists' names could end up on a report on the Internet and be used to search for their homes on the assessor's website.

MORGAN BIASELLI (Las Vegas City Employees Association):

Las Vegas City Employees Association supports S.B. 83. Some Association members include civilian employees who provide emergency dispatch services to law enforcement agencies in Las Vegas. The protections as provided in S.B. 83 would ensure the safety of those who support emergency responders.

ADRIAN HUNT (Las Vegas Metropolitan Police Department):

Las Vegas Metropolitan Police Department supports S.B. 83. The Department has employees who would benefit from this bill. Investigative specialists are civilians who are the face of criminal investigations in our theft crimes. Bureau investigative specialists are responsible for cases including identity theft, embezzlement, fraud and forgery. These civilian employees interview suspects, appear in court and testify on behalf of our agency. We support authorizing civilian law enforcement employees to obtain court orders to protect their personal information.

MIKE CATHCART (City of Henderson):

The City of Henderson supports giving these employees this option for privacy when needed. We support S.B. 83.

JAKE MCNEILL (Laborers' International Union of North America Local 169):
We support S.B. 83.

ANDY DONAHUE (Southern Nevada Laborers-Employers Cooperation and Education Trust):
We support S.B. 83.

KELLY RICHTER (Las Vegas Police Protective Association Civilian Employees):
I support S.B. 83.

SHANE SAYLES (Las Vegas Police Protective Association Civilian Employees):
I support S.B. 83.

MICHELLE MAESE (President, Service Employees International Union Local 1107):
We support S.B. 83. As a supervisor for a child fatality unit for child protective services, I have had people show up at my door and threaten me and my family. It was very scary. In 2017, our members testified to receiving death threats and having their information leaked on social media. There is no other way to keep information confidential without passing this bill. Local 1107 tried several ways, and they did not work.

ROBERT SUMLIN (International Association of Machinists and Aerospace Workers):
I strongly support S.B. 83.

RUSS JAMES (Nevada AFL-CIO):
I support S.B. 83.

RENEE RUIZ (National Nurses United):
I support S.B. 83.

GREG HERRERA (Nevada Sheriffs' and Chiefs' Association):
The Nevada Sheriffs' and Chiefs' Association supports S.B. 83. I thank Senator Daly for recognizing the importance of safety for noncommissioned personnel across the State.

LARRY WILSON (United Auto Workers):
I support S.B. 83.

LIZ SORENSON (Nevada AFL-CIO):
I support S.B. 83.

CHARLES ZEMP (International Union of Bricklayers and Allied Craftworkers):
I support S.B. 83.

SHAWNYNE GARREN (Douglas County Recorder):
I am neutral on S.B. 83. I have a couple of concerns. A number of bills like S.B. 83 have come forward this Session. It would be of great benefit to recorders if the groups being given these protections were uniform. Specific documents required to be set forth may contain elements of personally identifiable information. When recorders receive a confidential protections order, we redact those elements within those documents. However, they would not be

automatically removed from subsequent recordings. We are working with the bill sponsors on a clearer and cleaner process moving forward.

CHAIR FLORES:

I close the hearing on S.B. 83 and open the hearing on S.B. 82.

SENATE BILL 82: Revises provisions related to public works. (BDR 28-535)

SENATOR SKIP DALY (Senatorial District No. 13):

This bill is an altered version of S.B. No. 207 of the 81st Session, the previous bill that enacted the apprentice utilization. The part of S.B. No. 207 of the 81st Session about making requests and union dispatching does not change; S.B. 82 would change reporting requirements and penalties.

Section 1, subsection 1 of the proposed amendment ([Exhibit E](#)) to S.B. 82 removes the part about more than three workers. So there is still a de minimis condition on when the bill would apply. Subsection 2 makes the same change. Subsection 3 removes vertical construction from existing language that allows the Labor Commissioner to increase the percentage of total hours of labor required to be performed by an apprentice.

Subsection 5 is new language allowing journeymen to be recognized as apprentices for up to 36 months after graduation, with some caveats. For this language to apply, there must be no apprentices available and the contractor or subcontractor must be a signatory to a collective bargaining agreement. Unions are not going to send a journeyman in place of an apprentice to a contractor that is not a signatory to a collective bargaining agreement. Subsection 5, paragraph (c) makes it clear that certain journeymen can only be considered apprentices for public works labor requirements but must receive the pay and benefits befitting journeymen.

California has similar language that allows workers to be recognized as apprentices for their entire careers, so they can be counted toward the apprentice utilization requirements. When I was with the union, there was full employment for every apprentice we could find. Many times, we were unable to get apprentices. This bill would alleviate some of the pressure to find apprentices to meet apprentice labor requirements. It will not take away from apprentices being utilized. Subsection 5, paragraph (c) of the proposed amendment states "nothing in this subsection shall be construed to require an

apprenticeship program to provide a journeymen worker in lieu of an apprentice.”

A contractor or subcontractor is required to meet a certain threshold of hours of labor performed by apprentices on a job-by-job basis. This bill would change that threshold to apply across all jobs a contractor or subcontractor took per year. Then the contractor or subcontractor would have to report his or her efforts to meet that threshold to the Labor Commissioner. The contractor or subcontractor would be responsible for documenting good faith efforts over the course of the year; as long as they tried, they would not get penalized for failing to meet the threshold. Subsection 8 of the proposed amendment details that beginning in 2025, a contractor or subcontractor must turn in such a report by February 15. People building public works jobs would have to turn in certified payroll reports every month to track apprentice labor hours for the annual report. The Labor Commissioner will create a template for the report which would only include yearly totals, no information on individual jobs or employees.

Subsection 9 allows the Labor Commissioner on his or her own initiative, through internal investigation or based on a complaint, to determine if a contractor or subcontractor made a good faith effort. If the Labor Commissioner determines there was not a good faith effort, he or she provides a copy of the determination to the deficient contractor. The deficient contractor can request a hearing to go forward before any of the penalties would kick in. Penalties are determined in tiers set out by the proposed amendment. All complaints to the Labor Commissioner must be in before the last business day in May, unless the Commissioner finds good cause to extend the deadline.

Subsection 10 of the proposed amendment details additional penalties for contractors who made no effort whatsoever, or superficial efforts, to meet the apprentice labor hour threshold. In such cases, the Labor Commissioner can either disqualify them from public works between 180 days and 2 years or fine them between \$10,000 and \$75,000, depending on how that calculation goes. These penalties would also take effect if a contractor did not turn in the annual report at the end of the year. Subsection 11 allows a contractor to request a hearing on the determination. Subsection 12 requires contractors and subcontractors who are not signatories of a collective bargaining agreement to request apprenticeship agreements with each apprentice on each public works job. This is to make nonsignatories match signatories and pay trust contributions for the apprentices. Failing to sign those agreements would not be

considered good faith. Subsection 13 defines “good faith” and lays out criteria for making a good faith effort.

BILL WELLMAN (Las Vegas Paving Corporation):

I have been working on bills like S.B. 82 since 2011 to get this right. This bill is much needed as the legislation of 2019 is not working. It is extremely cumbersome with subjective interpretation, monitoring and penalties. It is just not creating the apprentice utilization as desired. This bill will fix many of the issues being encountered, such as removing third parties from policing the requirements. The bill will reduce the number of waivers being requested for certain projects. We cannot use apprentices on unsafe high-speed freeways, and current legislation requires apprentices be on every project for every trade. This bill would fix existing issues and continue to grow Nevada’s workforce. I support S.B. 82.

MR. DONAHUE:

Southern Nevada Laborers-Employers Cooperation and Education Trust supports S.B. 82.

MR. MCNEILL:

Laborers International of North America Local 169 supports S.B. 82.

BRIAN REEDER (Nevada Contractors Association):

We support S.B. 82.

MAC BYBEE (President/CEO, Associated Builders and Contractors Nevada Chapter):

We oppose S.B. 82 and submit written testimony ([Exhibit F](#)) explaining the reasoning.

GREG ESPOSITO (Plumbers, Pipefitters and Service Technicians Local 525):

I oppose S.B. 82 because of section 1, subsections 3 and 5. I disagree with Mr. Wellman about the 2019 legislation; it has been working great. I have sat in on many ceremonies where large apprenticeship classes have taken in people now starting their careers. It is odd to limit the effectiveness of what that law can do. Right now, if the Labor Commissioner and the State Apprenticeship Council decide it is appropriate to increase the percentage of apprentices on vertical construction, they can. The proposed amendment would eliminate the ability for those two bodies to work together which makes no sense. Regarding

section 1, subsection 5 of the proposed amendment, I understand the intent. But to consider a journeyman an apprentice for the sake of this measure completely subverts the intent of the prior legislation to create career opportunities. The language is permissive, and a union and a contractor would have to agree to not bring on more apprentices. But why would we allow that? We oppose the two parts of this bill and support everything else.

PAUL MORADKHAN (Vegas Chamber):

The Vegas Chamber is concerned about the good faith language and the journeyman component of apprentice workforce development. We oppose S.B. 82.

ALEXIS MOTAREX (Nevada Association of General Contractors):

We are neutral on S.B. 82. Though the bill significantly improves current legislation on this issue, we cannot support it yet. A few areas of concern and language could be clarified.

SARAH COLLINS (National Electrical Contractors Association, Northern Nevada):

We are neutral on S.B. 82. The intent is positive as it expands our State apprenticeship program and aids workforce development in the electric trades. However, we still have concerns.

BRETT HARRIS (Labor Commissioner, Nevada Department of Business and Industry):

The Office of Labor Commissioner has a fiscal note on this bill, so I wanted to be present to answer any questions. I am neutral on S.B. 82.

SENATOR DALY:

I have tried to address every issue with S.B. 82 brought to my attention for two months. It is not going to take people out of the trade. Not all apprenticeship programs are the same. This bill gives some flexibility. I do not want to have a small crew and company have a guy graduate from apprenticeship and then get immediately laid off.

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CHAIR FLORES:

I close the hearing on S.B. 82. Having no further business, the Senate Committee on Government Affairs adjourns at 4:47 p.m.

RESPECTFULLY SUBMITTED:

Spencer Jones,
Committee Secretary

APPROVED BY:

Senator Edgar Flores, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 51	C	3	Vinson Guthreau / Nevada Association of Counties	Proposed Amendment
S.B. 83	D	6	Rick McCann / Nevada Association of Public Safety Officer; Nevada Law Enforcement Coalition	Testimony
S.B. 82	E	9	Senator Skip Daly	Proposed Amendment
S.B. 82	F	11	Mac Bybee / Associated Builders and Contractors Nevada Chapter	Testimony