

SENATE

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - April 18, 1977

Present: Chairman Gibson
Senator Foote
Senator Gojack
Senator Hilbrecht
Senator Raggio
Senator Schofield

Also Present: See Attached Guest Register

Chairman Gibson opened the thirty-sixth meeting of the Government Affairs Committee at 2:15 p.m. with all members present.

AB-333

Increases distance certain activities must be conducted from polling place during elections. (BDR 24-944)

Vaughn Smith, Carson City Clerk, testified in favor of this bill noting that there was no definite point whereby you began measuring this distance. The bill only clarifies where that point is.

Motion of "Do Pass" by Senator Raggio, seconded by Senator Schofield. Motion carried unanimously.

AB-568

Authorizes local government to let contracts without competitive bidding if no bids are received.

Tom Moore, Clark County, noted that this was an amendment to the Local Government Purchasing Act. They are in favor of the bill.

Russ McDonald, Washoe County, testified that this bill was sponsored by the county commissioners and it will support the statutes in NRS 568.

Steven Stucker, North Las Vegas, concurred with testimony given by Mr. Moore and Mr. McDonald. They are in favor of this bill.

Motion of "Do Pass" by Senator Raggio, seconded by Senator Faiss. Motion carried unanimously.

AB-640

Grants emergency powers over water and energy to Governor. (BDR 19-1652)

Bill Isaiff, Attorney General's office, testified to the committee on this bill. Mr. Isaiff stated that the bill seeks to make clear what the Governor's authority is concerning emergency situations on water and energy. Mr. Isaiff went over each section for the committee. Concluded by stating that the bill provides for it to become effective upon passage and approval.

Clark Guild, Legal representative for Southwest Gas Corporation, testified in favor of this bill. Mr. Guild felt that the laws needed to give the Governor a definite role in the effective controls of conservation, especially during emergency water shortages.

Motion of "Do Pass" by Senator Raggio, seconded by Senator Hilbrecht. Motion carried unanimously.

SB-504

Revises provisions on coroner's inquests and investigations of certain deaths. (BDR 20-1662)

Mike Fondi, District Attorney in Carson City, stated that this legislation is to help preserve evidence for criminal cases. Noted in Section 2, lines 9 through 14 as the language that corrects the problems that they have been working under. Mr. Fondi noted that the Justice of the Peace in Carson City is in favor of this bill also.

Motion of "Do Pass" by Senator Foote, seconded by Senator Hilbrecht. Motion carried unanimously.

AB-569

Clarifies restriction on county commissioners against voting on certain matters extending beyond their term of office.

Tom Moore, Clark County, testified that this bill is merely a house-keeping bill.

Mr. McDonald, Washoe County, noted that this was requested by them and it is designed to clarify any ambiguity regarding voting on a contract that would extend beyond the term of office for a county commissioner.

Motion of "Do Pass" by Senator Gojack, seconded by Senator Hilbrecht. Motion carried unanimously.

AB-618

Permits certain state and local employees to participate in federal Social Security. (BDR 23-1816)

Jim Gibbs, Employment Security Department, stated that this bill is only for those state employees who are not covered under the state retirement system. It is voluntary and must be elected by the people that will be eligible.

Motion of "Do Pass" by Senator Faiss, seconded by Senator Schofield. Motion carried unanimously.

Chairman Gibson stated that he had been requested to ask the committee to re-consider AB-4.

Motion to "Reconsider AB-4" by Senator Schofield, seconded by Senator Faiss. Motion carried.

The bill was re-scheduled for committee action on 4-20-77.

SB-320

Permits board of examiners to grant exceptions to certain salary limitations. (BDR 23-1066)

AB-421

Exempts full-time publicly employed physicians and surgeons from certain salary restrictions. (BDR 23-1160)

Chairman Gibson informed those present that at the last scheduled meeting Senator Raggio suggested that in SB-320 we might rest this authority on proving applications for exemptions from limitations with the interim Finance Committee rather than the Board of Examiners. The testimony indicated that this would be unduly burdensome on the Board of Examiners because of other duties and responsibilities.

Chairman Gibson read Mr. Daykin's answer on the question of constitutionality. "You have asked whether, without violating the constitution, the Legislature can by statute empower the interim Finance Committee to approve exceptions to the limit, 95% of the Governors salary, imposed on State and local government salaries by NRS 281.123. An exception would be approved if it were shown that a particular position could not be filled with a qualified person within the limitation. It has long been recognized that a legislative body may delegate to an administrative body or to another legislative body the power to find facts and apply these findings to particular situations. In so doing the legislative body which delegates the power must prescribe standards for the exercise of the power. The second sentence of the preceding paragraph taken with the statutory requirements for whatever position might be in question would constitute such a standard. The cases cited do not involve delegation to a group of legislators or an agency within the legislative department of the state government. The power to approve or modify a recommendation to the State Board of Examiners for allocations from the contingency fund was given to the interim Finance Committee in 1969 and has not been challenged. Several states, among them, Florida, Iowa, Wisconsin, have conferred upon interim committees of the legislature the power to review the regulations adopted by Executive Agencies. None of these delegations has been successfully challenged in a court of last resort. It seems, therefore, that no distinction need be made between delegation between the legislative department and delegation outside it as governed by the ordinary principles of administrative law. I believe, therefore, that the interim Finance Committee can be authorized to approve exceptions as described under NRS 281.123.

In AB-421 it exempts physicians and surgeons employed full time by the county, physicians and surgeons employed full time by the state or its political subdivisions. Chairman further stated that in effect what AB-421 does is to take out of the provision of the 95% those particular areas that had been questioned most.

Senator Hilbrecht felt that it would be necessary to amend AB-421 providing the language that interim Finance would be able to

manage the salary scales in the future, and thereby avoid the necessity of having the bill be returned to the Assembly.

Motion to Amend and Do Pass on AB-421 by Senator Hilbrecht, seconded by Senator Raggio. Motion carried unanimously

Motion to "Indefinitely Postpone" SB-320 by Senator Raggio, seconded by Senator Hilbrecht. Motion carried unanimously.

SB-242

Enacts State Employee Management Relations Act. (BDR 23-44)

Mr. Jim Wittenberg, State Administrator for Personnel, testified to the committee and had prepared amendments for their consideration. (See Attachment #2)

Mr. Bob Gagnier, S.N.E.A. was provided a copy of the amendments at the hearing and went over the changes with Mr. Wittenberg.

The committee and Chairman asked Mr. Wittenberg to line up the suggested amendments with the bill and a meeting was set for Tuesday, April 19th at 5 PM. for the committee to discuss SB-242.

SB-346

Expands subjects of bargaining between local government employers and employees and limits prohibition against strikes to certain employees. (BDR 23-1072)

After discussing the above bill the following motion was made.

Motion to "Indefinitely Postpone" by Senator Gojack, seconded by Senator Hilbrecht. Motion carried unanimously.

SB-434

Reorganizes local government employee-management relations board, requires secret ballot elections for recognition of local government employee organization and requires financial reports from organizations. (BDR 23-1535)

Motion to "Indefinitely Postpone" by Senator Hilbrecht, seconded by Senator Schofield. Motion carried unanimously.

Senator Hilbrecht commented, for the record, that this bill was a substantial departure and did not zero in on any one item.

SB-440

Revises mediation and factfinding provisions of local government labor relations law and provides for arbitration.

Chairman asked the committee to decide on what should be done with this bill. After reviewing the Iowa law Chairman Gibson stated that he had problems with the item by item concept. Many of the members preferred the Last Best Offer as a package deal.

Chairman also stated that the arbitrator appears to balance the requests of both sides and we could very well get into the same problems as with binding arbitration.

Senator Hilbrecht asked if we could have a representation of the committee on their feelings about both Senator Raggio and himself voting since they have previously disclosed conflicts. They both represent agencies that would be affected by this legislation.

Chairman Gibson felt that the discussion should be by all members and possibly re-refer to Legislative Functions for the vote.

Bob Warren, Nevada League of Cities, had a statement that he would like to make before the committee makes a decision on the bill. It was the opinion of the League of Cities that this bill needs substantial consideration, other states haven't had time to work with it long enough for us to get an accurate picture of the full ramifications. They urge for a interim committee study.

Chairman asked for clarification on whether or not the committee was considering Last Best Offer, item by item or with the package concept.

Senator Foote felt that the whether we go with the item by item or package concept the whole idea of Last Best Offer is new and needs more study. The Senator concluded by stating that she could not accept either offer until she knew more about the results in other states.

Senator Raggio stated that he was intrigued by the Last Best Offer approach. We need to provide a system where both sides come forward with negotiations and eliminates the wasted time in the present process. Senator Raggio felt that the issue by issue method was the fairest, did not look at this as binding arbitration.

Senator Hilbrecht also liked the Last Best Offer approach with the package concept so the parties can write their own contract. Suggested deleting the panel and going to the expense of the one arbitrator.

There was discussion by the committee on the time frame with regards to the teachers and Mr. Petroni stated that their working budget should be ready by the third Monday in May. The committee felt that with regards to the teachers there should be some adjustment made with the time frame.

Rita Hamilton, President of Washoe County Teachers Association, stated that the facts through the mediation process would not help us come up with the appropriate system that we feel we can work under.

Chairman Gibson asked Mr. Daykin if it would be possible to use the Fire Fighters in a pilot program in the Clark County area? Could we structure the provisions of the act so that we can get an actual experience and see if it will work?

Mr. Daykin stated that the bill could be amended to include only the Fire Fighters.

Chairman and committee also felt that the pilot program could be coupled with a study to look into other states that are using this program in more depth.

The groups that would be affected by this, Julius Canigliaro representing the Federated Fire Fighters, felt that they would like to be represented in the pilot program.

Mr. Cox, Washoe County Teachers Association, stated that they were more interested in the study.

Mr. Hogan, stated that they were in favor of this approach and would be willing to work with a pilot program

Mr. Petroni stated that due to the contracts that most of the teachers are under now they will be unable to be in the pilot program until their two year contracts expire.

Senator Gojack questioned whether they could have some representation from Washoe County along with the group from Clark County.

Bob Warren, agreed with comments made regarding both the study program and the pilot program.

Bob Rose, noted that there was testimony given on improving the mediation step. Wanted to know if this would only apply to one process or to all the steps.

The committee felt that there should be some thought to amending the language in SB-440 that would call for adequate disclosure in order to maintain meaningful mediation.

The committee agreed to take SB-440 to the drafters to be amended to have a pilot program for Fire Fighters and have the language apply to all counties. Also to amend the bill to provide for an interim committee study. Substitute one arbitrator for the panel.

Mr. Canigliaro suggested using Carson City in this pilot program. This was agreeable to the committee and Carson City would be included in the pilot program as well.

With the considerations as noted above the committee felt that this measure could be passed from the committee with Senators Raggio and Hilbrecht abstaining.

Motion to "Amend and Do Pass" by Senator Schofield, seconded by Senator Foote. Motion carried

SB-451

Requires mediation in local government labor-management relations.
(BDR 23-1743)

Motion to "Indefinitely Postpone" by Senator Schofield, seconded by Senator Gojack. Motion carried unanimously.

SB-435

Abolishes State Fire Marshall Division in Department of Commerce and reassigns function. (BDR 18-1839)

Senator Hilbrecht stated that he talked with several fire chiefs who were opposed to the bill during the hearing on April 15, 1977 Meeting No. 34. Their reasons for objecting the bill were that they felt that the Fire Marshall would be replaced by someone without the proper fire and safety experience necessary in the Fire Marshall's position. It was felt that if the bill could be amended to provide the necessary language specifying fire and safety experience the bill would be more acceptable

Senator Schofield felt that the people did not want to go back to the Insurance Commission. They were happy with the present set-up and the present Fire Marshall. Did not feel we needed this legislation.

Senator Hilbrecht explained that it was due to the Finance Committee's problems with the budget for the Fire Marshall. The change is only brought about to help create a more efficient office with less cost involved.

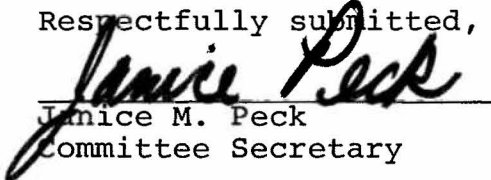
Chairman stated that the Ways and Means Committee concurred with the findings of the Finance Committee.

Motion to Amend and Do Pass by Senator Gojack, seconded by Senator Hilbrecht. Voting went as follows: Yea's Senators Gibson, Hilbrecht, Gojack, Foote. Na's Senators Faiss, Raggio and Schofield. Motion carried.

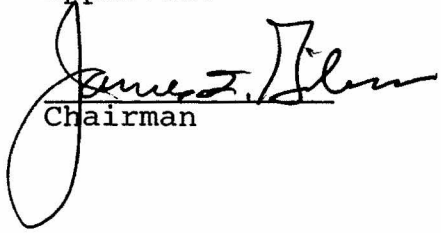
Amendment would be on Page 1, line 8 - After Chief Deputies add "who shall be experienced in fire and safety". Also change the chief deputies to the classified service.

With no further business the meeting was adjourned at 6 PM.

Respectfully submitted,


Janice M. Peck
Committee Secretary

Approved:


Chairman