

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON GOVERNMENT AFFAIRS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 25, 1981

The Senate Committee on Government Affairs was called to order by Chairman James I. Gibson, at 2:10 p.m., Monday, May 25, 1981, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda.

COMMITTEE MEMBERS PRESENT:

Senator James I. Gibson, Chairman
Senator Jean Ford, Vice Chairman
Senator Keith Ashworth
Senator Virgil Getto
Senator Gene Echols
Senator James Kosinski
Senator Sue Wagner

GUEST LEGISLATORS:

Assemblyman John DuBois
Assemblyman Bob Robinson

STAFF MEMEBERS PRESENT:

Fred Weldon, Senior Research Analyst
Anne Lage, Committee Secretary

ASSEMBLY BILL NO. 138

Abolishes presidential prererence primary elections.

Assemblyman Bob Robinson testified that the original bill would have cancelled the primary entirely. Statistics showed that it was costly. In Eureka County it cost \$22.30 per each vote cast. The thought was to change the date of the Nevada primary. New Hampshire was the earliest with a primary date of February 26. They finally decided to hold the Nevada primary on the second Tuesday in March. May was the most popular month for primaries. Thought had been given to having a regional western states primary. Hopefully, this earlier date would give Nevada a chance to have the candidates appear in Nevada.

Senator K. Ashworth moved "Amend and Do Pass" amending the bill back to its original form which abolished the presidential primary in the state of Nevada.

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Senator Echols seconded the motion.

The motion carried. (Senators Ford, Kosinski and Wagner voted "No".)

Senator K. Ashworth will get the amendments to this bill.

ASSEMBLY CONCURRENT RESOLUTION NO. 49

Urges planning in Clark County to control floods.

Assemblyman John DuBois testified that this bill focused on the problem of flood control. It called upon the Clark County Flood Control District and the Clark County Comprehensive Planning Department to develop a master plan and seek out any funding which may be available from the federal government.

Senator Ford moved "Do Pass" on Assembly Concurrent Resolution No. 49.

Senator Echols seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NO. 652

Increases permissible rental fee for polling places.

Senator Kosinski stated that this bill was introduced at the request of the Washoe County Registrar of Voters. They use several homes as polling places. Some areas in Washoe were separated from any schools or public places.

Senator Kosinski moved "Do Pass" on Assembly Bill No. 652.

Senator Wagner seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 350

Revises provisions for factfinding and arbitration in disputes of local government employers and employees.

Mr. Fred Weldon, Research Analyst, reviewed and explained his proposed changes to NRS 288.200. (See Exhibit B.)

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Mr. Ken Frazier, Employee Management Relations Board Commissioner, commented on Mr. Weldon's memorandum which proposed changes to NRS 288.200.

He referred to the proposed time change on page 1 wherein April 25 to June 15 was changed to May 25 to July 15. He thought this might create a problem for the parties in timely securing the services of a factfinder. He proposed a time frame of May 1 to June 1. This would give more time to make reservations for the utilization of a factfinder.

With regards to the panel, Mr. Frazier thought that this would be adding a cost to government by creating a situation in which these members would have to be paid a daily rate and a per diem expense. He felt that this procedure could conceivably be burdensome in trying to congregate the accountant, the attorney, the member at large from the public, the commissioner, the two parties, their clients and their witnesses. He stated that this would be a paperwork burden on his two person office. He felt these areas should be considered.

On page 2, subsection b, Mr. Frazier felt that a list of the issues which were at impasse should be submitted to his office at the time of filing for the request which was the procedure presently.

On page 3, subsection 1, the determination of whether there has been bad faith bargaining will be determined by the Employee-Management Relations Board.

Mr. Frazier questioned whether an attorney or accountant would be willing to offer his time for a particular monetary amount, in lieu of his own business. He questioned the quality of people one would obtain at any given amount of money paid.

On page 5, subsection 11, Mr. Frazier did not think it was necessary for the commissioner to be given the subpoena power.

Mr. Frazier reviewed and explained his proposals. (See Exhibit C.)

Ms. Joyce Woodhouse, President of the Nevada State Educations Association, testified that they would prefer Mr. Frazier's recommendation, realizing that they would not be getting away from the political appointment problem, but the experience in the field of negotiation would outway this.

Mr. Chuck Neely, Clark County School District, testified that they would support Senator Ashworth's proposal for a panel.

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Mr. Ross Culbertson, Nevada Public Employees Action Coalition, testified in support of the panel proposal.

Chairman Gibson assigned Senators Ford and Getto to work with Fred Weldon and Ken Fraser to work out a time schedule.

Senators Kosinski and Wagner were assigned to work out the criteria to be used by the panel in their determination of whether an impasse has occurred.

Senators Ashworth and Echols were assigned to work out the financial criteria on determination of "ability to pay".

Chairman Gibson stated that he would work on the language for establishing an independent panel.

ASSEMBLY BILL NO. 468

Raises limitation on amount of bonds housing division of department of commerce may issue and provides penalty for false statements in loan applications.

Ms. Sharon Cleary, Nevada Association of Realtors, testified that they had requested reconsideration by the committee of this bill. Ms. Cleary stated that Congress had introduced legislation which would deal with problems encountered in the single family program. It would make this program usable again in the state of Nevada. It was their understanding that if that happened the Housing Division was ready to put a good single family program together. The Nevada Association of Realtors urged increasing the capacity to \$150,000,000 which this bill recommended.

Mr. Jim Wadhams, Director Department of Commerce, stated that this bill had its genesis within the agency itself. The agency was created through this committee to take advantage of federal tax laws that allowed the issuance of bonds to bring in money to subsidize low to moderate income housing projects, both single family and multi-family. At its inception, the program grew very slowly as the interest rates were still reasonable. However, in the last eighteen months there was much demand for the kind of money that this program could bring into the state of Nevada. He stated that these programs were only in demand when the private sector could not provide the kind of funds to satisfy the need. At the present conventional interest rate of sixteen percent, very few people can qualify. To qualify a family had to make less than 120 percent of the median income for the state.

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Senator K. Ashworth moved to reconsider Assembly Bill No. 468.

Senator Ford seconded the motion.

The motion carried unanimously.

Senator K. Ashworth moved "Do Pass" on Assembly Bill No. 468.

Senator Getto seconded the motion.

The motion carried unanimously.

Chairman Gibson stated that he thought the justification of the Veteran's loans was still there and he did not think it should be tampered with.

SENATE BILL NO. 88

Clarifies requirements for reporting campaign contributions and expenses.

Chairman Gibson advised the committee that there had been an Assembly amendment to this bill. The amendment deleted the language "subscription and pledge" on line 10. On line 12, "value" was deleted and "value other than the services of the volunteer" was inserted.

Senator Echols moved "Do Concur" on the Assembly amendment to Senate Bill No. 88.

Senator Ford seconded the motion.

The motion carried. (Senators Kosinski and Wagner voted "No".)

BILL DRAFT REQUEST NO. 2144 (S.C.R. 72)

Directs legislative commission to study needs of certain minorities.

The committee agreed to submit this bill for committee introduction.

SENATE BILL NO. 705

Increases salaries of elected county officers and removes 95-percent limit upon salaries of certain public officers and employees.

Senator Ford moved "Do Pass" on Senate Bill No. 705.

Senator Kosinski seconded the motion.

The motion carried unanimously.

CONGRESSIONAL REAPPORTIONMENT

Mr. Andrew Grose explained the proposal to split the state into east/west districts with a vertical line.

Senator K. Ashworth moved to reapportion the Congressional Districts with the division line going through Reno and Las Vegas forming east/west districts.

Senator Ford seconded the motion.

Senator Kosinski stated that he was concerned about the costs of the campaign. He said this would force all candidates to buy in both of the large media markets.

Senator Wagner stated that with a north/south district a northern candidate could reach the Clark County people of his district through a mail campaign which would not be as costly as if he had to cover half of Clark County.

Senator K. Ashworth stated that by splitting the state into north/south districts, it was making more of a split in the state. He felt that a Congressional representative should be exposed to the problems of the entire state, both north and south and also the rural areas.

Chairman Gibson voiced concern over a north/south districting, because he felt that the 60,000 people living in the south who were a part of the northern district would be ignored.

The committee decided to consider Senator K. Ashworth's motion.

The motion failed. (Senators Wagner, Kosinski, Echols and Getto voted "No".)

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The committee discussed the alternative plan of the north/south Congressional districts.


Senator Ford moved to use a horizontal line having north/south districts including Assembly districts 17, 19, 20 and the Moapa Township within the northern district.

Senator K. Ashworth seconded the motion.

The motion carried. (Senator Kosinski voted "No".)

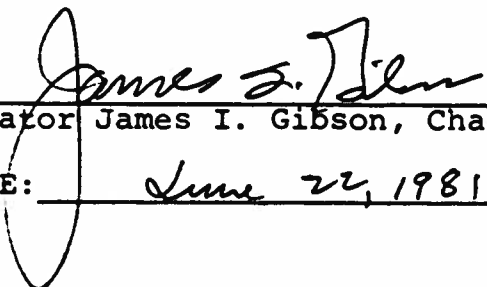
As there was no further business, the meeting adjourned at 5:15 p.m.

Respectfully submitted by:



Anne L. Lage, Secretary

APPROVED BY:



Senator James I. Gibson, Chairman
DATE: June 22, 1981

Library

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on Government Affairs, Room 243.

Day Monday, Date May 25, 1981, Time 2:00 p.m..

A. B. No. 138--Abolishes presidential preference primary elections.

A. B. No. 652--Increases permissible rental fee for polling places.

A. C. R. No.49--Urges planning in Clark County to control floods.

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EXHIBIT B

M E M O R A N D U M

TO: Senator James Gibson, Chairman,
Senate Committee on Government Affairs

FROM: Fred Welden, Senior Research Analyst *FW*

SUBJECT: Possible Structure and Procedures to
Replace Governor's Authority to
Order Binding Factfinding

Following is an outline of the concepts which have been discussed with your committee relative to a possible structure and procedures to replace the governor's authority to order binding factfinding. These provisions would amend NRS 288.200.

NRS 288.200:

1. Change April 25 to June 15, and change May 25 to July 15.
2. No change.
3. No change.
4. Change June 15 to July 25, or eliminate first sentence entirely.
5. No change.
6. Give the authority, which the governor presently may exercise, to a panel which is selected in the following manner:
 - (a) Either party may file with the commissioner of the local government employee-management relations board a request that binding factfinding be ordered.

For each dispute in which such a request is submitted, a four-member panel is selected as follows:

- (1) The state board of accountancy and the state bar association each submit a list of five names of members who are not closely allied with any employee organization or local government employer to the commissioner.
 - (2) The parties select a name from each list by alternately striking one name until only one name remains. This activity is undertaken separately for each list. The employee organization strikes the first name.
 - (3) These two members of the panel select a third member who must be a resident of the State of Nevada and who must not be closely allied with any employee organization or local government employer.
 - (4) The commissioner is the fourth member of the panel. He is a nonvoting member, and he chairs all hearings and proceedings of the panel. ~~He may delegate this responsibility to an assistant.~~
- (b) Provide that at least 10 days before any initial hearing date established by the panel, the parties must submit to the commissioner a list of the issues which are at impasse and each party's position relative to each issue.
- (c) Change the date by which the panel must make the order from June 1 to July 15.
- (d) Delete the last sentence in subsection 6 and specify that in making its decision the panel must consider:

- (1) Whether, in its judgment, the parties have bargained in good faith; and
- (2) Whether, in its judgment, an impasse exists.

The panel may also consider factors relating to its evaluation of:

- (1) The history of actions of the parties in response to recommendations or awards made under previous factfinding proceedings.
 - (2) The reasonableness of the parties' positions;
 - (3) The best interests of the state and all its citizens;
 - (4) The potential fiscal effect both within and outside the political subdivision; and
 - (5) Any danger to the safety of the people of the state or a political subdivision.
7. Change the final sentence in the subsection to state that the factfinder's report must contain the facts upon which he based his determination of the financial ability of the local government employer and upon which he based his recommendations or award.
8. Following are three separate proposals which have been submitted relative to limiting the funds which the factfinder may consider in determining the employer's ability to pay:
- (a) S.B. 536. Retain the existing language and add:

The factfinder shall not consider any transfer of money from one fund or account to another when determining the current financial capability of a government employer to pay monetary benefits to government employees.

- (b) A.B. 55. Delete the existing language and replace with:

In determining the financial ability of a local government employer, the following sums must not be counted:

- (a) Any sum of money obtained from the Federal Government;
- (b) Any sum of money set aside for capital improvements in a capital reserve or fund;
- (c) Any sum of money in any fund of the employer which is unencumbered at the end of a fiscal year; and
- (d) Any reasonable and adequate sum of money necessary to insure against the risk undertaken which is maintained in a self-insurance reserve or fund.

- (c) From cities' recommendations of May 20, 1981:

- (1) Retain the present language in subsection 8.
- (2) The factfinder must not consider money put into debt service, special assessment districts, capital projects, or trust and agency funds, unless the money represents a grant designated for the specific purpose of providing benefits for employees.
- (3) The factfinder must not consider money in an enterprise fund or internal service funds, unless the benefits are for employees whose position is designated to carry on the operation of these funds.
- (4) The factfinder must not consider the projected ending fund balance of a governmental unit, unless the fund balance is in excess of 1/12th of the expenditure from that fund in the preceding fiscal year.

9. Change "governor's" to "panel's."
10. Provide that each member of the panel, other than the commissioner, is entitled to receive \$_____ for each day he is engaged in panel business and is also entitled to the expenses and allowances prescribed in NRS 281.160.
11. Question: Is it necessary for the commissioner to be given the subpoena power?

FW/llp:5/2/Fact

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EXHIBIT C

1. Amend Mediation Statute 288.190

- a) Either party may request mediation between April 1 and June 1
- b) Mediator selection
 - 1) party agreement or if none
 - 2) labor commissioner to submit list of 7 possibles with striking process - labor first, last name left is the mediator.
- c) If parties DO NOT invoke factfinding of NRS 288.200, parties may agree to choose mediator as above provided at any time to help resolve dispute.
- d) Mediator to attempt to settle dispute but no power to compel. Can establish times/dates for meetings. Mediator to bring parties to agreement as soon as possible and no later than June 30 unless mutually agreed to extend.
- e) Labor and Management to split costs of mediation. Each party to bear its own costs.
- f) If parties proceed to factfinding pursuant to NRS 288.200 mediator shall submit report of mediation efforts to commissioner of EMRB by June 30.
- g) Parties may agree to have mediator serve as factfinder as well.

2. Amend NRS 288.200 Impasse Resolution

- a) Between May 1 and June 1, AND IF PARTIES HAVE SELECTED MEDIATOR, pursuant to NRS 288.190, WHOSE SERVICES MUST BE USED PRIOR TO INVOKING FACTFINDING, either party may submit dispute to factfinder.
- b) Factfinder selection process to remain as is shown in NRS 288.200.
- c) Labor and Management to continue to pay one-half cost of factfinding. Each party to pay own costs of presentation.
- d) Schedule of times and dates for hearings must be established before June 20.

- e) Parties may agree to make factfinder's recommendations and findings binding.
- f) Request for binding factfinding must be submitted to commissioner of EMRB on or before June 25. Request must include:
 - 1) List of issues at impasse and parties' respective positions
 - 2) Fiscal impact on politican subdivision
 - 3) Outline of prior factfinding experience of parties, the prior determinations and responses of both parties where recommendations of factfinder weren't binding.
 - 4) Statement that they engaged services of a mediator.
- g) Panel will conduct hearings and must order some, all, or none of the disputed issues to binding factfinding by July 15.
- h) Panel to be comprised of the EMRB and Labor commissioners. A unanimous vote of the two is necessary to send the dispute to binding factfinding.
- i) Hearing format to be determined by panel. Criteria in making decision:
 - 1) Good faith of parties
 - 2) Whether or not true impasse exists
 - 3) Prior factfinding experience of parties
 - 4) Is this an initial request
 - 5) Fiscal impact
 - 6) Best interests of state and all its citizens
 - 7) Danger to safety of people of state or political subdivision

j) Issues which can be included:

- 1) Those mandatory subjects of bargaining in NRS 288.150(2) unless precluded by contract between parties.
- 2) Those which existing contract between parties makes subject to negotiation that year.