

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 21, 1973

The fourteenth meeting of the Committee on Federal, State and Local Governments was held on February 21, 1973, at 2:45 P.M.

Committee members present: Chairman James Gibson
Stan Drakulich
John Foley
Lee Walker
Coe Swobe
Chic Hecht
Stan Drakulich

Also present were:

Bob Gagnier, Nevada State Employees Association
Bob Warren, Nevada Municipal Association
James Wittenberg, State Personnel Director
Noel Manoukian, Personnel Advisory Commission
Clinton Wooster, Legislative Counsel Bureau
Press

Chairman Gibson called the meeting to order. The first bill to be considered by the committee was SB-240.

SB-240 Authorizes the City of Henderson to issue not to exceed \$2,100,000 of bonds for acquiring public improvements.

Chairman Gibson explained the need in the City of Henderson for this legislation. This is for ratification purposes only. Senator Dodge moved "Do Pass," seconded by Senator Hecht. Motion carried.

AB-13 Amends certain voting machine provisions.

Chairman Gibson referred to the previous testimony given by Mr. Colton on this bill in the hearing with the Elections Committee. Senator Drakulich moved "Amend and Do Pass," seconded by Senator Swobe. Motion carried.

SB-173 Creates hearing officer in personnel division of department of administration.

Mr. Wittenberg, Director of the State Personnel Division, testified that this would set up a hearing officer to hear appeals that now go directly to the advisory commission. The advisory commission could still hear cases if they felt there was merit, but if not, the decision of the hearing officer would be final. Judicial recourse would be possible subsequent to that. There would not be enough need at this time to create a full-time position, but would be done on a contract basis. It was also noted that this is presently included in the Governor's budget.

Mr. Manoukian, who presently serves on the Personnel Advisory Commission, testified that he served seven days in January as a member of this Commission on a \$25.00 per diem basis. He has already been approached by a number of people (attorneys) who are interested in the hearing officer position. A legal background would be helpful but is not necessary.

Following further discussion, Senator Swobe moved "Do Pass and refer to Senate Finance with inclusion of judicial review," seconded by Senator Drakulich. Motion carried.

AB-74 Authorizes variable workweek scheduling in state agencies requiring weekend and holiday coverage.

Mr. Wittenberg said that this bill simply clarifies the statutes and allows them to schedule where there is a variable work week within the state agencies. Senator Swobe moved "Do Pass," seconded by Senator Walker. Motion carried.

AB-77 Modifies procedures for temporary and limited appointments of handicapped persons in the state personnel system.

Mr. Wittenberg stated again that this is mostly clarifying language. The program has already been administered in this way for the past two years and has been successful. Following discussion it was felt that the word "qualifications" should be changed to read "training and experience." Senator Dodge moved "Amend and Do Pass," seconded by Senator Swobe. Motion carried.

AB-13 Amends certain voting machine provisions.

Chairman Gibson referred to subsection 2, line 14 of this bill and said that Mr. Colton had asked for consideration of adding

the language, "or place of tabulation." This would then take care of the new developments in voting methods, with particular reference to the vote-a-matic device. Senator Drakulich moved to "Amend and Do Pass," seconded by Senator Swobe. Motion carried.

AB-61 Amends new charter of the City of Yerington.

Mr. Wooster testified that the changes made in this bill to the charter of the City of Yerington are not overly substantive. Mainly this will allow the city to appoint a municipal judge, if they so desire. This bill also deletes the provision which says to qualify to be a councilman you have to be a taxpayer on real property; changes Section 4 to give the city clearly the right to control traffic in parking areas; makes it clear simply by an action in court the city can collect charges on utilities in addition to their rights of lien; Section 6 again deletes the taxpayer on real property requirement for the qualification of mayor; Section 7 goes back to the appointing of a municipal judge; and Section 8 is general authority to be able to collect fines by installments.

Senator Swobe moved "Do Pass," seconded by Senator Walker. Motion carried.

AB-1 Amends the new charter of the City of Henderson.

It was noted by Chairman Gibson that this again contains the "assent to action" language previously discussed. Following discussion it was agreed to wait for more feedback on this matter before any action is taken.

SB-162 Limits campaign expenditures of state senators and assemblymen.

The committee further discussed the testimony previously heard on this bill. Senator Swobe moved "Amend and Do Pass," seconded by Senator Walker. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi
Committee Secretary

SENATE BILL NO. 240—SENATOR GIBSON

FEBRUARY 14, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Authorized the City of Henderson to issue not to exceed \$2,100,000 of bonds for acquiring public improvements. Fiscal Note: No. (BDR S-1133)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT authorizing the issuance by the City of Henderson of the city's bonds in not to exceed the aggregate principal amount of \$2,100,000 to improve the city water system, to improve the city sanitary sewer system, to acquire parks and other recreational facilities, to improve, equip and acquire public buildings, and to acquire a storm sewer system; providing for the payment of the bonds and the interest thereon by the levy and collection of general (ad valorem) taxes; concerning other securities relating to such projects and such bonds; otherwise stating powers, duties, immunities, rights, privileges, liabilities, disabilities, other limitations and other details in connection therewith; and providing other matters properly relating thereto.

1 WHEREAS, The city council of the City of Henderson, in the County of
2 Clark and State of Nevada (sometimes designated in this act as the
3 "council," the "city," the "county" and the "state," respectively), caused
4 to be submitted to, on the 22nd day of April, 1971, and there were
5 approved by, the general obligation bond commission of the county, pur-
6 suant to NRS 350.001 to 350.006, inclusive, five proposals (sometimes
7 designated in this act as the "proposals") authorizing the council to issue
8 and sell, in one series or more, the city's negotiable, coupon, general
9 obligation bonds, in the maximum principal amount of \$2,100,000, such
10 bonds to be issued in:

11 (a) A principal amount of not exceeding \$700,000 to defray wholly
12 or in part the cost of improving the city water system, including without
13 limitation the extension, betterment, alteration, reconstruction, repair and
14 other improvement of water collection, treatment and distribution facili-
15 ties and the acquisition of equipment, fixtures, structures, buildings and
16 appurtenances and incidentals thereto (herein the "water project"),

17 (b) A principal amount of not exceeding \$400,000 to defray wholly
18 or in part the cost of improving the city sanitary sewer system, includ-
19 ing without limitation the extension, betterment, alteration, reconstruction,
20 repair and other improvement of facilities for the collection,
21 interception, transportation, treatment and disposal of sewage and the
22 acquisition of fixtures, structures, buildings and appurtenances and inci-
23 dentals thereto (herein the "sanitary sewer project"),

A. B. 13

ASSEMBLY BILL NO. 13—MR. DREYER

JANUARY 16, 1973

Referred to Committee on Elections

SUMMARY—Amends certain voting machine provisions.
Fiscal Note: No. (BDR 24-325)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to elections; clarifying law requiring election boards to supply information with keys to voting machines; describes ballot to be used in voting machines; and eliminates requirement that clerk attest a posted copy of election results.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 293A.175 is hereby amended to read as follows:
2 293A.175 The voting devices for the candidates at primary elections
3 shall be arranged in separate parallel party lines, one or more lines for
4 each party, and in parallel office rows transverse thereto, and for general
5 elections shall conform as nearly as practicable to the form of ballot provided
6 for general elections. [where voting machines are not used.]
7 SEC. 2. NRS 293A.460 is hereby amended to read as follows:
8 293A.460 1. The election board shall, before they adjourn, post
9 conspicuously on the outside of the polling place a copy of the result of
10 the votes cast at the polling place. The copy of the result shall be signed
11 by the election board. [and attested by the clerk.]
12 2. If the machine is provided with a recording device, the statement
13 of return of votes cast produced by operating its mechanism may be
14 considered the "result of the votes cast" at the polling place.
15 SEC. 3. NRS 293A.515 is hereby amended to read as follows:
16 293A.515 The election board shall enclose the keys of the machine
17 in an envelope, which shall be supplied by the officials, on which envelope
18 they shall write the number of the machine, the number on the seal, the
19 number registered on the protective counter, and the precinct [and
20 other] or district where it has been used. They shall securely seal,
21 endorse, and return the envelope to the officer from whom the keys
22 were received.

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Original bill is on file at
the Research Library.

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S. B. 173

SENATE BILL NO. 173—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS

FEBRUARY 7, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Creates hearing officer in personnel division of department of
administration. Fiscal Note: No. (BDR 23-274)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to the state personnel system; providing procedures for hearings
on dismissals, demotions, suspensions and transfers; providing for a hearing
officer in the personnel division of the department of administration; and
providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Chapter 284 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 4, inclusive, of this act.
3 SEC. 2. *The chairman of the commission shall appoint a hearing*
4 *officer to conduct hearings and render decisions as provided in NRS*
5 *284.390 and section 3 of this act.*
6 SEC. 3. 1. *Within 30 days after receipt of notice of a transfer pur-*
7 *suant to the provisions of NRS 284.375, a permanent classified employee*
8 *who has been transferred without his consent may, in writing, request a*
9 *hearing before the hearing officer of the personnel division to determine*
10 *whether the transfer was made for the purpose of harassing such*
11 *employee.*
12 2. *The hearing officer shall grant the employee a hearing within 20*
13 *working days after receipt of the employee's written request unless the*
14 *time limitation is waived, in writing, by the employee or there is a conflict*
15 *with the hearing or review calendar of the hearing officer, in which case*
16 *the hearing shall be scheduled for the earliest possible date after the expi-*
17 *ration of the 20 days. The technical rules of evidence do not apply at*
18 *such hearing.*
19 3. *After the hearing and consideration of the evidence, the hearing*
20 *officer shall render his decision in writing, setting forth the reasons there-*
21 *for.*
22 4. *If the hearing officer determines that the transfer was made for the*
23 *purpose of harassing the employee, the transfer shall be set aside and the*

A. B. 74

ASSEMBLY BILL NO. 74—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 24, 1973

Referred to Committee on Government Affairs

SUMMARY—Authorizes variable workweek scheduling in state agencies requiring weekend and holiday coverage. Fiscal Note: No. (BDR 23-273)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to hours and days of operation of state agencies; authorizing variable workweek scheduling in agencies where weekend and holiday coverage is needed; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 281.110 is hereby amended to read as follows:
2 281.110 1. The offices of all state officers, departments, boards,
3 commissions and agencies shall:
4 (a) Maintain not less than a 40-hour workweek.
5 (b) Be open for the transaction of business at least from 8 a.m. until
6 12 m. and from 1 p.m. until 5 p.m. every day of the year, with the excep-
7 tion of Saturdays, Sundays and legal holidays. *Variable workweek sched-*
8 *uling may be required in those agencies where coverage is needed on*
9 *Saturdays, Sundays and legal holidays.*
10 2. The offices of all state officers, departments, boards, commissions
11 and agencies shall remain open during the noon hour of each regular
12 working day if any such office has more than one person on its staff.

Original bill is on file at
the Research Library.

A. B. 77

ASSEMBLY BILL NO. 77—COMMITTEE ON GOVERNMENT
AFFAIRS

JANUARY 24, 1973

Referred to Committee on Government Affairs

SUMMARY—Modifies procedures for temporary and limited appointments of
handicapped persons in the state personnel system. Fiscal Note: No. (BDR
23-269)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to appointment of handicapped persons in the state personnel
system; establishing procedures for certification of such persons for temporary
limited appointments; modifying the requirements and conditions applicable to
such appointments; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 284.327 is hereby amended to read as follows:
2 284.327 1. [Notwithstanding any other provisions of this chapter,
3 in order to assist handicapped persons, appointing authorities are encour-
4 aged and authorized to make temporary limited appointments of handi-
5 capped persons for not to exceed 700 hours notwithstanding that the
6 positions so filled are continuing positions. Such appointments need not
7 be made from appropriate eligible lists, but positions in the classified serv-
8 ice above class grade 25 or their equivalent shall not be filled by such
9 temporary limited appointments. All such handicapped appointees shall
10 possess the qualifications for the positions to which they are appointed.]
11 *Notwithstanding any other provisions of this chapter, in order to assist*
12 *handicapped persons certified by the rehabilitation division of the depart-*
13 *ment of health, welfare and rehabilitation, appointing authorities are*
14 *encouraged and authorized to make temporary limited appointments of*
15 *such certified handicapped persons for not to exceed 700 hours notwith-*
16 *standing that the positions so filled are continuing positions. Such certi-*
17 *fied handicapped persons shall be placed on appropriate eligible lists as*
18 *defined in NRS 284.250, but they shall not be placed on such lists for*
19 *positions in the classified service above a class grade which is equal to the*
20 *majority of trainee or entry level classes in the professional series as*
21 *determined by the personnel division. All such handicapped persons shall*
22 *possess the qualifications for the positions for which they are certified.*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

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ASSEMBLY BILL NO. 61—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 23, 1973

Referred to Committee on Government Affairs

SUMMARY—Amends new charter of the City of Yerington.
Fiscal Note: No. (BDR S-211)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT to amend an act entitled "An Act incorporating the City of Yerington, in Lyon County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 23, 1971, as amended.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Section 1.070 of Article I of the above-entitled act, being
2 chapter 465, Statutes of Nevada 1971, at page 902, is hereby amended
3 to read as follows:
4 Section 1.070 Appointive offices.
5 1. The city council of the city may appoint the following officers:
6 (a) City attorney.
7 (b) Police chief.
8 (c) Fire chief.
9 (d) City clerk.
10 (e) City manager.
11 (f) *Municipal judge.*
12 2. The city council shall establish such other offices as it may deem
13 necessary.
14 SEC. 2. Section 1.090 of Article I of the above-entitled act, being
15 chapter 465, Statutes of Nevada 1971, at page 902, is hereby amended
16 to read as follows:
17 Section 1.090 Officers' [performance] *fidelity* bonds. The city
18 councilmen may require from all officers and employees of the city con-
19 stituted or appointed under this charter, except councilmen sufficient
20 security for the faithful and honest performance of their respective
21 duties.
22 SEC. 3. Section 2.010 of Article II of the above-entitled act, being

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 1

ASSEMBLY BILL NO. 1—MESSRS. SMITH AND DINI

JANUARY 15, 1973

Referred to Committee on Government Affairs

SUMMARY—Amends the new charter of the City of Henderson.
Fiscal Note: No. (BDR S-216)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT to amend an act entitled "An Act incorporating the City of Henderson, in Clark County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 13, 1971, as amended.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Section 2.050 of Article II of the above-entitled act,
2 being chapter 266, Statutes of Nevada 1971, at page 405, is hereby
3 amended to read as follows:
4 Section 2.050 Meetings: Special.
5 1. Special meetings may be held on call of the mayor or by a majority
6 of the city council, by giving a minimum of 6 hours' notice of such special
7 meeting to each member of the city council prior to the meeting.
8 2. *A special meeting may be held and the actions taken are valid and*
9 *effective even though notice of such meeting is not properly given, if those*
10 *members who did not receive notice assent in writing to the action taken.*
11 3. At a special meeting:
12 (a) No contract involving the expenditure of money may be made or
13 claim allowed unless notice of the meeting called to consider such action
14 is published in a newspaper of general circulation within the city at least
15 1 day before such meeting.
16 (b) No business may be transacted except such as has been stated in
17 the call of the meeting.
18 (c) No ordinance may be passed except an emergency ordinance, or
19 one specified in section 7.040.
20 SEC. 2. Section 2.100 of Article II of the above-entitled act, being
21 chapter 266, Statutes of Nevada 1971, at page 406, is hereby amended
22 to read as follows:
23 Section 2.100 Ordinances: Enactment procedure; emergency ordi-
24 nances.

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

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