

Assembly

2-0479

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

March 19, 1975

MEMBERS PRESENT:

CHAIRMAN DINI
VICE-CHAIRMAN MURPHY
ASSEMBLYMAN CRADDOCK
ASSEMBLYMAN HARMON
ASSEMBLYMAN MAY
ASSEMBLYMAN MOODY
ASSEMBLYMAN SCHOFIELD
ASSEMBLYMAN FORD
ASSEMBLYMAN YOUNG

ALSO PRESENT:

JOHN J. HART, Constable offices of Reno,
Sparks and Verdi
NADEAN REED, Treasurer's Office
Gordon Cronenberger, Human Resources
Fred Bartlett, Personnel Division

(The following bills were discussed at this meeting: A.B. 354, S.B. 235, A.B. 362, A.B. 363, S.B. 223, A.B. 360, A.B. 343, S.B. 276, S.B. 147).

Chairman Dini called the meeting to order at 8:00 A.M.

The first bill to be discussed was A.B. 354, which increases fees allowed to constables. Mr. John J. Hart, Constable of Reno Township testified and indicated that he was also speaking for Mr. Thornton and for the constable in Verdi. He stated that they have been discussing this bill together, and that they had not been able to speak to two of the other counties in Washoe, namely Gerlach and Wadsworth.

Mr. Hart stated that the one particular portion of this bill that he wished to bring to the committee's attention was regarding the serving of a summons by the constable. Mr. Hart referred to this as an affidavit. He stated that they have been getting \$1.50 plus mileage going to serve the summons. He stated that the sheriff gets \$5.00. Mr. Hart stated that this was a good part of their work and that this bill authorized only a 50¢ increase and that that was not enough. He felt that they should be on a par with the sheriff. He stated that they were just concerned with civil actions. He stated that he would like the committee to note that he would like to have a mileage increase because it was needed. He stated that the price of gas has come up and that the cost of maintenance for a vehicle has also gone up.

Mr. Dini asked if they were getting an additional raise in mileage.

Mr. Hart stated from 50¢ to 70%.

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Mr. Dini stated that two years ago they raised the fees to what they were now.

Mr. Hart informed the committee that when he came into office there was not enough business. He stated that he has one chief deputy and that the two office girls are deputies. He did state that the two girls in the office did not serve papers. Mr. Hart informed the committee that he had sent out letters to attorneys and that as a result of those letters they had picked up more business. All that the deputies get are the fees and the mileage and he stated that it was really not enough for two.

Mr. Hart stated that it works quite differently in Las Vegas. They get paper work out of the Justice courts. It is not true in Reno or Sparks. Any process server can serve an affidavit. They cannot serve executions. The Sheriff can serve out of justice court and he gets \$5.00 where they only get \$1.50. Mr. Hart stated that costs were going up in all lines of business. This will not affect their budget.

Mr. Dini asked what Mr. Hart recommended as a fee on serving a summons. He asked if he recommended more than \$2.00.

Mr. Hart stated that they deserved more than the 50¢ raise.

Mr. Hart had passed out a schedule to the committee members showing the differences in the fees of the constable and sheriff and also the proposed increases.

Mr. May stated that the schedule showed the difference between the fees collected by the sheriff's office and the constable's office and he further stated that two years ago they increased the fees. He stated that there were no adjustments to mileage and that the constable's office was in direct competition with the sheriff's office. Mr. May inquired as to what rates process servers get.

Mr. Hart informed the committee that he had talked to one attorney that paid \$10.00. He thought that that took care of mileage. As far as collection services go, he believed that they charged \$6.00. Mr. Hart indicated that if the constable's office got all business out of justice courts that they would be busier.

Mr. May asked if he received a salary.

Mr. Hart answered yes and that it was \$5,000 a year in Reno Township.

Mr. Dini questioned Mr. Hart if he acted as a peace officer in his capacity.

Mr. Hart stated that according to the statutes they do. They carry a gun for protection only. He stated that they wanted to get away from issuing permits as far as carrying a gun. He assumed that the constable's office just handled civil matters. He further stated that normally they never do carry a gun, although they are

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entitled to.

Mr. Dini asked if they had the power of law enforcement.

Mr. Hart answered yes. There have been changes from time to time.

Mr. Moody asked if he used his own personal car.

Mr. Hart stated that yes he did.

Mr. Dini asked if anyone else wished to testify on A.B. 354.

Mr. Dini stated that the testimony on this bill was now concluded.

The next bill on the agenda to be discussed was S.B. 235, which allows additional representatives of state treasurer to sign checks and warrants drawn upon travel revolving fund. Nadean Lee of the state treasurer's office testified on this bill. She stated that this fund had \$70,000 in it and that they were trying to get an additional signature.

Mr. Dini asked if the budget division was in this.

Miss Lee stated that they were not in S.B. 235.

Mr. Young questioned if these additional signatures would be other people in the office.

Miss Lee stated yes, they intend to put the chief clerk on it.

Mr. Young inquired if the travel revolving fund was a special fund for state employees.

Mr. Lien stated that they had abolished that.

Miss Lee stated that this fund had \$70,000 in it, and that there have been several agencies that would like to have their own travel fund. She stated that they felt that the state was better off without any more special funds. Mr. Young asked who approves the travel.

Miss Lee stated that they had to have authorized signatures, usually the agency head and whoever he chooses to designate.

Mr. Dini asked if there was any further testimony on S.B. 235.

The next bill to be discussed was A.B. 362.

Mr. Fred Bartlett of the Personnel Division representing Mr. Wittenberg testified. Mr. Bartlett stated that he would be happy to answer any questions from the committee. He stated that this bill was to recognize service for state employees after 10, 20 or 30 years.

What they want to allow is each agency to spend up to \$20.00 on each of these awards. The total would be approximately \$5,000 per year. They feel that this is a worthwhile project, and they have been approached by many agencies in state government requesting that they provide something of this nature.

Mr. Dini asked if there were any questions from the committee.

Mr. Gagnier stated that with regard to A.B. 362 and A.B. 363 the employees association supported both of these bills.

The committee next discussed A.B. 363. Mr. Bartlett testified with regard to this bill which entitles classified state employees to return to former position after holding appointive position in unclassified service.

Mr. Bartlett stated that the employee returning to a former position would not have to compete or enter through the normal process, and that this program existed in several other states. He stated that the quality of the top people is improved.

Mr. Dini asked if this would throw their program out of kilter.

Mr. Bartlett stated that it has some disruption factor. He would have regulations that state when an individual is returning it would be to the same or a similar position that he once held.

Mr. Moody questioned if this would allow them to leave their position and run for the legislature and return to the job after the session was finished.

Mr. Bartlett stated that this was only for unclassified.

Mr. Young asked if it would have any effect on the retirement fund and Mr. Bartlett stated no.

Mrs. Ford stated that it would give the chief executive more resources in selecting his department head. Many times the top class people will not accept an unclassified position because they will have to recompute to get the position back.

Mr. Cronenberger testified next. He stated that he was with the Department of Human Resources. He stated that they were originally the ones that suggested it after a lot of discussion. An incoming governor does not have people with 15 years of service and you negate some form of quality of state service. People have turned down these positions because of that. He stated that this would be just another avenue for the governor to select people who have been with the state for a number of years and know the system and programs.

Mr. May referred to dismissal for gross misconduct and asked if there should be other in here.

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Mr. Young referred to dismissal for cause.

Mr. Cronenberger stated that he would not be able to give the committee the certain words that would be the reasons for dismissal.

Mr. May asked Mr. Cronenberger if you wanted to begin dismissal proceedings in classified, what the common grounds were.

Mr. Cronenberger stated that consistence absence, fraud, moral terpitude were a few.

Mr. May stated that the language was restrictive. He stated that it should be made as fair to everyone as possible.

The next bill to be discussed was S.B. 220. Mr. Warren testified with regard to this bill, which permits using certain factor in determining consideration to be paid for vacated street. He stated he was here to find out about this bill. He stated that it was not one of his bills.

The committee took a five minute recess to await Senator Gibson.

The committee reconvened and Senator Gibson testified with regard to this bill. Senator Gibson stated that this bill came from Carson City. Senator Gibson stated that this bill refers to vacating an alley or other city owned land and that the way the law is presently written they do not feel that they can go below the appraised value even though they may want to vacate it for the benefit of the public. He indicated that there were several alleys that are a cost to the city to maintain and keep them up. He stated that they could vacate them and pass title to the adjoining property owners and get rid of them and do it legally. They did not see any problem with it. Following the procedure, a public hearing is necessary. He stated that there was some anxiety has been expressed that there may be something they can do which would be of detriment to the public, but he felt that the safegaurds were there.

Mr. Murphy referred to page 2, line 16. public benefit.

Senator Gibson stated that that was a broad term. He stated that taken as a whole it could be taken as a benefit to the public. It is not defined as a monetary benefit. It would be difficult to attach.

Mr. May asked if this could be applied to the alleys on Fremont Street.

Senator Gibson stated yes. This in the general law and it could be applied there.

The next bill to be discussed was S.B. 223, which increases number of games allowed and changes fees under gaming holiday or special event permit.

Mr. Hannifin of the Gaming Commission testified. He stated the purpose of the bill is to allow for the greater use of the holiday gaming permit through the course of the year. He stated that perhaps a location is licensed for 5 or 6 tables. At certain times of the year when there are large numbers of people the locations would like to add additional tables. He informed the committee that there is a sliding scale for annual fees. It breaks at 7 tables. The amount for the 8th table is considerably above the first seven. The 8th, 9th and 10th table cost \$5,000. However, if you have 16 tables any additional tables cost \$200 each. He stated that there were annual fees and these have to be paid in total. He further stated that it was not economical. As a result, they have not had a great deal of use of the holiday permit. This bill would allow the dropping of the annual fees, but only a percentage fee on the gross win of each table would be charged. It is their estimate that the usage will equal out or increase the revenue as opposed to the laws on annual fees.

Mr. Murphy referred to line 24 - the reference to a gaming table. A game is defined as a table game. The committee discussed A.B. 360, the mining bill while waiting for Senator Monroe.

Mrs. Ford stated that on page 6, line 14, section 19, the word publish was taken out of the amendment entirely. The committee then discussed A.B. 360.

Senator Monroe testified next on S.B. 223. He stated that the cost to a small hotel or casino for a quarterly license runs around \$4,000 or \$5,000. The money that they get over a weekend does not justify that kind of expense. He stated that they should that they should have a temporary working license at a much lower cost. The reduction amounts to \$11,000 per year but they figure that with the extra tables and extra business they could more than offset that loss on the gross tax. It certainly would be a great convenience. He stated that they just cannot afford to pay a quarterly fee. It only happens three or four times a year.

Mrs. Ford asked if this could be used to cover the whole hunting season.

Senator Monroe answered no.

Mr. Murphy asked if most of them had additional tables that they pay for year round.

Senator Gibson stated yes. They are prepared for it.

Mr. Young asked if this would preclude big hotels.

Senator Gibson said no it would not preclude them. They could take advantage of it if they wished to.

Mrs. Ford asked how much advance notice would have to be given.

Mr. Young stated three days.

Mr. Les Koefed testified next. He stated that there was very

little that he could add. He stated that an establishment pays \$1,500 for six or 7 tables. Under the present law they have to pay the full license fee for that extra game. He then read portions of the bill to the committee.

Mr. Cahill stated that he had nothing to add.

Mr. Young moved for a "do pass" on S.B. 223, which was seconded by Mr. Harmon. All of the members were in favor of the motion and it was carried unanimously. Mr. Schofield was not present at the time of the vote and Mr. Dini abstained in the voting on this bill.

Mr. Dini referred to A.B. 354 and stated that he would like to think about this bill and hold it until a proper amendment was drawn up. Mr. Dini stated that the titles would have to be changed. Mr. Murphy made a motion that the committee hold this bill for a few days

The committee then discussed A.B. 360, the mining bill.

Mrs. Ford stated that the committee was discussing the question of property in eminent danger.

Mr. Craddock stated that he did not think that eminent danger covered the entire scope. Mrs. Ford stated that it should be eminent danger to person or property.

Mr. Dini stated that Section 512.220 covers serious accidents.

Mrs. Ford stated that it might be a part of a serious accident.

Mr. Craddock suggested that the amendments be adopted and then the bill be reprinted. Mrs. Ford stated that she thought the only problem is the addition of the word "may".

She referred to Page 3, the bottom of the page of the amendment and stated that the word 'may' should be inserted before the word "publish".

Mr. Craddock stated that he was not completely satisfied because it is unfair to the operator of the mine. He suggested that the definition of eminent domain state "or excessive or unwarranted loss of property".

The committee decided that the following words be added:

"or unwarranted loss of property".

Mr. Schofield moved that the bill be taken to the floor with no recommendation and that it be amended and rereferred back to the committee. The motion was seconded by Mr. Craddock. All of the committee members were in favor of the motion and it was unanimously carried.

Mr. Moody moved for a Do Pass on S.B. 220, which was seconded by Mr. Harmon. All of the committee members were in favor of the motion and it was unanimously carried.

The next bill to be discussed by the committee was S.B. 235. Mr. May moved for a do pass which was seconded by Mr. Murphy. All of the members were in favor of the motion and it was unanimously carried.

The next bill to be discussed was A.B. 362. Mr. Young moved that this bill be referred to Ways and Means with no recommendation from the committee. The motion was seconded by Mr. Murphy. All of the committee members were in favor of the motion and it was unanimously carried.

The next bill to be discussed by the committee was A.B. 342. Mr. Schofield asked that this bill be held by the committee until tomorrow. He stated that he thought that it would be a good bill, and that he wanted to do some checking on it.

The committee discussed S.B. 276. Mr. Dini stated that Mr. Craddock was opposed to this bill and that it was being held by the committee. He asked Mr. Craddock if he had any further comments.

Mr. Craddock stated that he felt that it should appear twice on the agenda for the sake of the department heads. He stated that two meetings were absolutely necessary. Mr. Craddock moved for the indefinite postponement of S.B. 276, which was seconded by Mr. Young. All of the members were in favor of the motion and it was unanimously carried. Mr. May and Mrs. Ford were not present at the time of this vote.

Mr. Dini then stated that the committee had indefinitely postponed S.B. 147 and stated that Earl Oliver had been trying to bail this bill out. He would like the committee to reconsider this bill. Mr. Dini then read the amendment proposed by Mr. Oliver.

Mr. Schofield moved that S.B. 147 be brought back into committee and that the committee reconsider the action of indefinite postponement. The motion was seconded by Mr. Murphy. All of the members were in favor of the motion and it was unanimously carried. Mr. Schofield moved that Mr. Dini have the amendment drafted and bring it back to the committee. The motion was seconded by Mr. Harmon.

There being no further business to come before the committee, the meeting adjourned.

Respectfully submitted,

Barbara Gomez,
Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

WEDNESDAY,

Date MARCH 19, 1975 Time 8:00 A.M. Room 214

2- 0478

Bills or Resolutions to be considered	Subject	Counsel requested*
A.B. 354	Increases fees allowed to constables <u>NOTIFY:</u> Mr. Chaney, Mr. Price and Mr. Bennett	
A.B. 362	Allows any state department, institution or agency to present award to employee for career service. <u>NOTIFY:</u> Mr. Wittenberg	
A.B. 363	Entitles classified state employee to return to former position after holding appointive position in unclassified service. <u>NOTIFY:</u> Mr. Wittenberg	
S.B. 220	Permits using certain factor in determining consideration to be paid for vacated street. <u>NOTIFY:</u> Senator Gibson, Bob Warren, Mr. Broadbent and Mr. Bunker	
S.B. 235	Allows additional representatives of state treasurer to sign checks and warrants drawn upon travel revolving fund. <u>NOTIFY:</u> Senator Foote, State Treasurer	
S.B. 223	Increases number of games allowed and charged fees under gaming holiday or special event permit. <u>NOTIFY:</u> Senator Monroe, Mr. Hannifin (Gaming Control Board), Mr. Bob Cahill, Mr. Les Koefed.	

*Please do not ask for counsel unless necessary.

ASSEMBLY ACTION

SENATE ACTION

ASSEMBLY / SENATE AMENDMENT BLANK

AB360

Adopted
 Lost
 Date:
 Initial:
 Concurring in
 Not concurring in
 Date:
 Initial:

Adopted
 Lost
 Date:
 Initial:
 Concurring in
 Not concurring in
 Date:
 Initial:

Amendments to Assembly / Senate

Bill / Joint Resolution No. _____ (BDR _____)

Proposed by _____

Amendment N^o 5836



(b) Where development is conducted to prepare or open any deposit of minerals or mineral commodities other than solid fuels for extraction; or

(c) Where exploitation or extraction of minerals or mineral commodities other than solid fuels is conducted from any deposit;

2. Private ways and roads appurtenant to such areas;

3. Structures, equipment, machinery, apparatus or other property, upon the surface or underground, used or to facilitate the work of exploring, developing or extracting minerals or mineral commodities other than solid fuels in or from any deposit; or

4. Beneficiation plants, mills, smelters, refineries or other property used or to facilitate the treatment or reduction of any minerals or mineral commodities, whether or not contiguous to an area where exploitation or extraction of minerals or mineral commodities is conducted from any deposit."

Amend sec. 9, page 2, line 29, by deleting "for the purpose of remedying or preventing" and inserting:

"in the recognition, avoidance and prevention of accidents or".

Amend sec. 9, page 2, line 30, by deleting "of" after "conditions" and insert: "in".

Amend sec. 9, page 2, by inserting between lines 35 and 36:

"3. Collect information and statistics relative to mines, mining and the minerals industry of the state."

Amend sec. 10, page 2, line 40, by ~~striking~~ deleting the period, and inserting , as amended."

Amend sec. 10, page 2, line 43, by deleting the period and inserting To Journal

" , as amended."

Amend sec. 13, page 3, line 24, by deleting "this chapter" and inserting:

" subsection 1 of NRS 512.190 ".

Amend the bill as a whole by adding a new section designated section 13.5, following section 13, to read as follows:

"Sec. 13.5. NRS 512.010 is hereby amended to read as follows:

512.010 1. The office of inspector of mines for the State of Nevada is hereby created [.] under the jurisdiction of the Nevada industrial commission.

2. The office shall be administered by the inspector of mines."

Amend sec. 14, page 3, line 39, by deleting "or".

Amend sec. 14, page 3, line 43, by deleting period and inserting:

or

(c) Be an officer or employee of any labor organization."

Amend sec. 14, page 3, line 44, by inserting after "years'" and before "experience" the words: "technical, operational or management".

Amend sec. 14, page 3, line 45, by ~~inse~~ inserting ~~after~~ after "in" and before "mines," the words: "at least two of the following areas:".

Amend sec. 15, page 4, line 26, by deleting "at" after "accidents" and insert the word "in".

Amend sec. 19, page 6, line 11, by inserting after "reports of" and before "employment" the word: "production,".

Amend sec. 19, page 6, line 14, by deleting "keep, analyze and" and insert: "keep and analyze and".

Amend sec. 21, page 7, lines 2 and 3, by deleting "inspection or examination" and inserting: "[examination] inspection or investigation".

Amend sec. 21, page 7, lines 13 and 14, by inserting "." following word "inspection" and deleting words "without loss or deduction in pay."

Amend sec. 22, page 7, line 18, by inserting open and closed brackets around word "examination" and inserting after closed bracket the word "inspection".

Amend sec. 22, page 7, line 43, by deleting words "with respect to the condition of the mine or" and inserting the words "in such mine or with respect to the".

Amend sec. 22, page 8, by deleting lines 3 and 4.

Amend sec. 22, page 8, line 6, by inserting after "regulation" and before "adopted" the words "or standard".

Amend sec. 25, page 10, by deleting lines 11 through 18, inclusive and insert the following:

"512.220 1. Whenever a ~~xxxix~~ serious [or fatal] accident [shall occur] ~~a~~ occurs in any mine in the State of Nevada [,] subject to the provisions of this chapter, the [owner, lessor, lessee, agent, manager, or other person in charge thereof] operator shall, immediately and by the quickest means, notify the inspector of mines or his deputy [,] or assistant, as may be most convenient, of such accident [.] , and shall take appropriate measures to preserve anything and everything which might assist the inspector of mines in determining the cause or causes of the accident. Except as necessary to alleviate or eliminate any situation constituting an imminent danger, no person shall alter

any condition which might assist the inspector of mines in determining the cause or causes of the accident."

Amend sec. 26, page 10, line 49, by deleting words "or worker".

Amend sec. 26, page 11, lines 4 and 5 by deleting words "or deputy or assistant inspectors of mines".

Amend sec. 26, page 11, lines 7 and 8 by deleting words "or deputy or assistant inspectors of mines".

Amend sec. 26, page 11, by inserting between lines 25 and 26:

"(1) Violates or fails or refuses to comply with an order of withdrawal issued pursuant to NRS 512.190."

Amend the bill as a whole by adding a new section designated section 26.5,

allowing section 26, to read as follows:

"Sec. 26.5. NRS 616.181 is hereby amended to read as follows:

616.181 1. There is within the commission a department of occupational safety and health as provided for in chapter 618 of NRS [.] and the office of inspector of mines for the State of Nevada as provided for in chapter 512 of NRS.

2. The commission, the department of occupational safety and health and the office of inspector of mines for the State of Nevada are ~~NRS~~ agencies of the State of Nevada for all purposes of the provisions of NRS 41.031 to 41.038, inclusive."

Amend sec. 28, page 12, line 33, by deleting words "and 512.260" and insert words: ", 512.260 and 618.335".

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Amendment No. 5836 to Assembly Bill No. 360 (BDR 46-751) Page 6

Amend the title of the bill to read as follows:

"AN ACT relating to health and safety in mines and ~~★~~ mining; requiring the inspector of mines to develop programs, give assistance to operators and adopt certain regulations relating to mining health and safety; amending provisions relating to records~~x~~ and reports of the inspector of mines and operators; changing qualifications of inspector of mines and his deputies; making certain changes in notices and orders issued by the inspector of mines for certain violations by operators; making certain changes in provisions relating to investigations of mines and accidents in mines; declaring the Nevada industrial commission, the department of occupational safety and health and the office of inspector of mines for the State of Nevada to be agencies of the State of Nevada for the purpose of statutes relating to waiver of sovereign immunity; repealing certain statutes relating to health and safety in mines and other places of employment; providing penalties; and providing other matters properly relating thereto."

