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COMMITTEE OF GOVERNMENT AFFAIRS

Minutes of Meeting - January 29, 1975

Present:

Chairman Gibson
Senator Foote
Senator Hilbrecht
Senator Gojack
Senator Schofield

Also Present:

Charles Saulisberry, Society for Range Management Joe Braswell, Native American Elders United W. E. Adams, City of Las Vegas Mr. Bob Warren, Nevada League of Cities Perry Burnett, Legislative Counsel Bureau Harold Barrett, State Board of Examiners U.P.I.

Chairman Gibson brought the fourth meeting to order by requesting the minutes to reflect that Senators Dodge and Walker were excused from the meeting.

Mr. Charles Saulisberry, in reference to <u>SB-16</u>, asked if he could distribute samples and slides of the Indian Ricegrass as requested by Chairman Gibson in the January 23, 1975 meeting.

The first bill brought before the committee was SB-29.

SB-29 Technical Amendment to conform section 19 of Chapter 763, Statutes of Nevada 1973, to Section 1, Chapter 546, Statutes of Nevada 1973, and NRS 533.370 Fiscal Note No. (BDR S-81).

Mr. Burnett, representing the Legislative Counsel Bureau, stated that this bill was to correct the terminology of the Colorado River Resources instead of the Colorado River Commission. Also on line 26, page 2 the correction is improving the grammar to be more explicit.

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

SB-30 Corrects technical defect in 1973 amendment of Las Vegas city charter. Fiscal Note: no. (BDR S-88)

Mr. Burnett requested that this bill be removed from the agenda in order for the Legislative Counsel Bureau to go over with regards to changes in other bills affecting this bill. Mr. Dick Sheffield would contact Senator Gibson when the bill has been prepared.

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SB-36 Technical amendment deleting incorrect references to "department of personnel" Fiscal note no. (BDR 39-73)

Mr. Burnett referred the committee to lines 11 and 12 reflecting the fact that it is not a personnel department but a division of personnel.

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

Technical amendment deleting obsolete language relating to procedure for short term financing for drainage districts. Fiscal Note No. (BDR 48-82)

Mr. Burnett said this technical amendment was the result of implications on changes in another provisional law which now has it that the Nevada Tax Commission rather than the State Board of Finance passes on these applications in the districts of short term financing.

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

SB-40 Provides that presentation of canceled state controller's warrant be made to state board of examiners. Fiscal Note No. (BDR 31-124)

Mr. Howard Barrett, representing the State Board of Examiners, testified on $\underline{SB-40}$ and explained that this bill would correct problems now existing in the State Board of Examiners office. Mr. Barrett is in favor of this bill to alleviate the enormity of paper work involved.

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

Provides for clerk of State Board of Examiners to approve claims under certain circumstances and require chief of budget division of department of administration to report expenditures from emergency account. Fiscal Note No. (BDR 31-541)

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Mr. Barrett testified that <u>SB-41</u> is the result of an audit of the budget office. It delegates to Mr. Barrett the responsibility for auditing the claims against the state. Responsibility is further delegated to the staff, under Mr. Barrett's supervision. It is the intent of SB-41 to state this specifically.

The second part of <u>SB-41</u> is reporting expenditures from the Board of Examiners emergency fund that is reported to the State on September 1st, biannually. Mr. Barrett feels that as long as they report biannually the date upon which the report is submitted is not important, under the proposal this will be done in the Governor's budget to commence each two years.

Discussion followed on $\underline{SB-41}$ and a motion of "Do Pass" was made by Senator Foote, seconded by Senator Gojack. Motion carried unanimously.

Chairman Gibson discussed presenting a number of bills to the committee and made reference to Mr. Warren's presentation of measures that should be introduced.*

lst - Annexation of urbanized territory. Russ McDonald is drafting this bill. At the present several members of the committee felt there would be some conflicts in introducing this bill. The committee refused to introduce this bill at this time.

2nd - Employee Management Bill Statute. This bill is being drafted by a sub-committee and is not ready. The committee agreed to introduce this bill.

3rd - Permitting cities to borrow funds by means of short term financing. The committee agreed to introduce this bill.

Mr. Warren will bring the annexation bill to the committee for further discussion after it has been drafted.

Chairman Gibson introduced to the committee some bill requests from several executive departments and the Public Works board. The bills were introduced in the following order with a brief discussion on each:

BDR 136-203 234-225 23-439 31-348 27-127 26-554 26-552

23-108 18-264 18-337 16-179 49-488 48-343 48-342

28-123 22-647 S-645

The above mentioned bills were unanimously approved by the committee for introduction.

* See attached.

Discussion followed on these bills and what would be on the agenda for the next meeting. Because of the lack of matters before the committee no meeting will be held on Thursday. Because of E.R.A. hearings no meeting will be held on Monday, 2-3-75.

Chairman Gibson requested Senator Foote to get with Secretary of State, William Swackhammer, to go over election law legislation he felt should be presented from this committee.

With no further business the meeting was adjourned.

Respectfully submitted,

Janice M. Peck

prresponding Secretary

Approved:

Chairman

SENATE BILL NO. 29—SENATOR MONROE

JANUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY—Technical amendment to conform section 19 of chapter 763, Statutes of Nevada 1973, to section 1 of chapter 546, Statutes of Nevada 1973, and NRS 533.370. Fiscal Note: No. (BDR S-81)



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

AN ACT to amend an act entitled, "An Act relating to the state government; transferring the functions of the Colorado River commission to the state department of conservation and natural resources; and providing other matters properly relating thereto," approved May 3, 1973.

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

SECTION 1. Section 19 of the above-entitled act, being chapter 763, Statutes of Nevada 1973, at page 1603, is hereby amended to read as follows:

Section 19. NRS 533.370 is hereby amended to read as follows:

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533.370 1. Except as provided in subsection 2, the state engineer shall approve all applications made in proper form where all fees, as provided in this chapter, have been paid which contemplate the application of water to beneficial use, and where the proposed use or change does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare.

2. Based upon the public interest and the economic welfare of the State of Nevada, the state engineer may in his discretion approve or disapprove any application of water to beneficial use or any application which contemplates a change in the place or beneficial use of water to a use involving the industrial purpose of generating energy to be exported out of this state.

3. The state engineer shall either approve or reject each application within 1 year from the final date for filing protest; but:

within 1 year from the final date for filing protest; but:

(a) Action can be postponed by the state engineer upon written
authorization to do so by the applicant or, in case of a protested application, by both the protestant and the applicant; and

(b) In areas where water supply studies are being made or where court

actions are pending, the state engineer may withhold action until such time as it is determined there is unappropriated water or the court action becomes final.

4. Where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights, or threatens to prove detrimental to the public interest, the state engineer shall reject the application and refuse to issue the permit asked for.

5. The refusal or approval of an application shall be endorsed on a copy of the original application, and a record made of such endorsement in the records of the office of the state engineer. The copy of the application so endorsed shall be returned to the applicant. If the application is approved, the applicant shall be authorized, on receipt thereof, to proceed with the construction of the necessary works and to take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is refused, the applicant shall take no steps toward the prosecution of the proposed work or the diversion and use of the public water so long as such refusal shall continue in force.

6. Anything in this chapter to the contrary notwithstanding, the state engineer shall not approve any application nor issue any permit to appropriate the waters of the Colorado River, which waters are held in trust by the Colorado River commission of Nevada division of Colorado River resources of the state department of conservation and natural resources pursuant to NRS 538.170, except after approval of such application by the Colorado River commission of Nevada. The commission administrator of that division. The administrator and the state engineer are authorized to may adopt such joint regulations as may be necessary for the purpose of carrying out the provisions of this subsection.

SEC. 2. This act shall become effective upon passage and approval.

SENATE BILL NO. 30—SENATOR MONROE

JANUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY—Corrects technical defect in 1973 amendment of Las Vegas city charter. Fiscal Note: No. (BDR S-88)



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

AN ACT to amend section 2.5 of chapter 752, Statutes of Nevada 1973, to correct technical defect in amendment of Las Vegas city charter; and providing other matters properly relating thereto.

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

SECTION 1. Section 2.5 of chapter 752, Statutes of Nevada 1973, at page 1571, is hereby amended to read as follows:

Section 2.5. Section 2.010 of Article II of the above-entitled act, being chapter 515, Statutes of Nevada 1971, at page 1066, is hereby amended to read as follows:

Section 2.010 Board of commissioners: Qualifications; election; term of office; salary.

- 1. The legislative power of the city is vested in a board of commissioners consisting of four commissioners and a mayor.
 - 2. The mayor and commissioners shall be:
- (a) Registered voters within the city for at least 2 years immediately prior to the year in which the election is held. Registered voters, for at least 2 years immediately prior to the year in which the election is held, within the territory established by the boundaries of the city on the last day for filing an affidavit of candidacy.

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- (b) At least 25 years of age.(c) Citizens of the United States.
- The mayor shall be elected by the registered voters of the city at large. Each commissioner other than the mayor shall be a resident of the ward which he represents and elected by the registered voters of that ward. All commissioners, including the mayor, shall serve for terms of 4 years.
- 23 The mayor and commissioners shall receive a salary in an amount 24 fixed by the board of commissioners.
 - SEC. 2. This act shall become effective upon passage and approval.

SENATE BILL NO. 36—SENATOR MONROE

JANUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY—Technical amendment deleting incorrect references to "department of personnel." Fiscal Note: No. (BDR 39-73)



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

AN ACT to amend NRS 436.012 and NRS 436.018, relating to mental health services, by deleting incorrect references to the "department of personnel" and substituting the correct reference to the "personnel division of the department of administration."

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

Section 1. NRS 436.012 is hereby amended to read as follows: 436.012 The administrator shall:

1. Have training and demonstrated administrative qualities of leadership in the professional fields of either psychiatry, medicine, psychology, social work, education or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to mental health, including care, treatment or training, or any combination thereof, of mentally ill and mentally retarded persons.

3. Have such additional qualifications as are in accordance with criteria prescribed by the [department of personnel.] personnel division of the department of administration.

4. Be in the unclassified service of the state, be compensated by an annual salary determined pursuant to the provisions of NRS 284.182 and receive the per diem expense allowance and travel expenses fixed by law.

SEC. 2. NRS 436.018 is hereby amended to read as follows:

436.018 The medical director of a state operated mental health center other than the Nevada mental health institute or the Las Vegas mental health center shall be the medical head of such mental health center and:

1. Shall be a psychiatrist licensed to practice medicine as provided by law.

2. Shall be in the unclassified service, shall be compensated by an annual salary in an amount determined pursuant to the provisions of NRS 284.182 and shall receive the per diem expense allowance and travel expenses fixed by law.

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3. Shall cause to be kept a fair and full account of all medical affairs.

4. Shall have standard medical histories currently maintained on all patients, and administer or have administered the accepted and appropriate transfer and the standard medical histories transfer and appropriate transfer and administer or have administered the accepted and appropriate transfer and the standard medical histories currently maintained on all patients.

priate treatments to all patients under his care.

5. Shall undertake any diagnostic, medical or surgical procedure in the interest of the patient, but only with such patient's consent; and may give the required consent in an immediate life-threatening medical emergency when the patient is incompetent and there is no other person with legal authority to give such consent, only after consultation and approval of at least two other physicians licensed to practice in this state.

6. Shall have such additional qualifications as are in accordance with criteria prescribed by the **[**department of personnel division

of the department of administration.

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7. May be a psychiatrist in private practice under contract to the division.

SEC. 3. This act shall become effective upon passage and approval.

SENATE BILL NO. 37—SENATOR MONROE

JANUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY—Technical amendment deleting obsolete language relating to procedure for short-term financing for drainage districts. Fiscal Note: No. (BDR



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

AN ACT to amend NRS 540.590, relating to liabilities incurred by the boards of supervisors of drainage districts, by deleting the reference to the "state board of finance" and substituting "Nevada tax commission" to conform to change in the approving authority for short-term financing.

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

SECTION 1. NRS 540.590 is hereby amended to read as follows: 540.590 A debt or liability incurred in excess of the provisions of 3 this chapter shall be absolutely void, except:

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1. That the purpose of organization or for the purpose of this chapter the board of supervisors may, before the collection of the first annual taxes, cause warrants of the district to issue, bearing interest not exceeding 8 percent per annum.

In any case where money has been theretofore loaned to the district and actually expended by the board of supervisors for the benefit

3. That in cases of great necessity the board of supervisors may apply to the [state board of finance] Nevada tax commission as provided in chapter 354 of NRS for permission to obtain short-term financing to meet such necessity, and the state board of finance Nevada tax commission may give its permission as therein provided. The limit of the loan for such purpose shall be an amount equivalent to an average of \$1.50 per acre throughout the district.

SEC. 2. This act shall become effective upon passage and approval.

SENATE BILL NO. 40-SENATOR LAMB

JANUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY—Provides that presentation of canceled state controller's warrant be made to state board of examiners. Fiscal Note: No. (BDR 31-124)



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

AN ACT to amend NRS 353.145, relating to a canceled state controller's warrant; providing that renewal of claim be presented to state board of examiners; and providing other matters properly relating thereto.

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

SECTION 1. NRS 353.145 is hereby amended to read as follows: 1. If a state controller's warrant has been canceled pursuant to the provisions of NRS 353.130, after a period of 1 year from the date of the original warrant, the person in whose favor such warrant may have been drawn shall be permitted to renew his claim against the state, to the amount of such warrant canceled, [by the presentation of the same to any succeeding legislature to be acted upon in the same manner as deficiency claims.

Whenever a person shall renew his claim against the state and the same has been approved, the claim shall be paid out of the general fund. by presenting it to the state board of examiners.

2. If approved by the state board of examiners, payment may be made out of the stale claims fund account as provided in NRS 353.097.

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SENATE BILL NO. 41—SENATOR LAMB

JANUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY—Provides for clerk of state board of examiners to approve claims under certain circumstances and requires chief of budget division of department of administration to report expenditures from emergency account. Fiscal Note: No. (BDR 31-541)



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

AN ACT relating to state financial administration; providing for the clerk of the state board of examiners to approve claims against the state under certain circumstances; and requiring the chief of the budget division of the department of administration to report expenditures from the emergency account in the state general fund.

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

SECTION 1. NRS 353.190 is hereby amended to read as follows:

353.190 1. In addition to [the] his other duties, [imposed by law on the chief [, he shall be] is ex officio clerk of the state board of examiners. He shall:

(a) Assist the state board of examiners in the examination, classification and preparation for audit of all the claims required to be presented to the board.

(b) Conduct an effective check and preaudit of all such claims before they are submitted to the board.

(c) Approve, on behalf of and when authorized by the board, claims against the state not required to be passed upon by the legislature.

2. The rules of procedure governing the duties of the chief under this section shall be promulgated by the state board of examiners.

3. The chief may delegate [the] these duties [herein set forth] to his [duly appointed and qualified] deputy.

SEC. 2. NRS 353.263 is hereby amended to read as follows: 353.263 1. As used in this section, "emergency" means invasion, insurrection, riot, epidemic or natural disaster.

2. There is hereby created in the general fund [in the state treasury a fund an account to be known as the emergency [fund] account. Moneys for such [fund] account shall be provided by direct legislative appropriation.

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3. When the state board of examiners finds that an emergency exists which requires an expenditure for which no appropriation has been made, or in excess of an appropriation made, by the legislature, the board may authorize the expenditure of not more than \$50,000 from the emergency fund account to meet such emergency.

the emergency [fund] account to meet such emergency.

4. [The state board of examiners shall, before September 1 of each even-numbered year, file a report covering the biennium ending June 30 of such year with the president of the senate and the speaker of the assembly enumerating the expenditures authorized by the state board of examiners under the provisions of this section.] The chief shall enumerate expenditures from the account made in the preceding biennium in each executive budget report.

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January 27, 1975

Honorable James Gibson Nevada State Senate Carson City, Nevada 89701

RE: Introduction of Selected Bills for the Nevada League of Cities

Dear Senator:

On behalf of the Nevada League of Cities, I have been asked to respectfully request introduction by the Senate Government Affairs Committee of the following pieces of legislation:

1. To provide for the automatic annexation of urbanized territory as soon as an unincorporated area reaches a certain population density, and other criteria.

Although this proposed legislation may become entangled in the considerations of the Urban Action Committee recommendations for annexation in Clark County, this proposal can stand on its own merits. Several urbanizing areas in Nevada will benefit from the provisions.

The legislation is being drafted by Russell McDonald on behalf of the Nevada City-County Committee, which represents both the Nevada League of Cities and the Nevada Association of County Commissioners. It must be approved by this committee before introduction.

The legislation will recognize that municipalities are created to provide the governmental services essential for sound urban devel opment and for the protection of health, safety, and the welfare in the areas being intensively used for residential, commercial, industrial, institutional and governmental purposes or in areas undergoing such development. We feel, also, that the municipal boundaries should be extended in accordance with uniform legislative standards applicable throughout the state.

Before a city can trigger an annexation, the urbanized area must have a certain density and intensity of land use; and the municipality must

demonstrate that it has both the financial and physical capabilities of extending all the necessary services to the annexed area.

- 2. Legislation is needed to correct inequities in the existing employeemanagement relations statutes. We propose to:
 - (a) Clarify the management responsibility of appointed personnel vs civil service personnel in matters of collective bargaining.
 - (b) Repeal NRS 288, the Local Government Employee-Management Relations Act (Dodge Act), which has severely diminished the authority of locally elected officials to administer city and county governments. Provide draft of alternative legislation, which will guarantee employee relations bargaining procedures and more clearly define the responsibilities and authority of management.

It should be noted that the meeting of the Nevada Association of County Commissioners, this fall in Tonopah, recognized the problems with the Dodge Act, and endorsed the objectives of the proposed legislation. The counties, however, proposed to amend rather than repeal.

A staff subcommittee of the Nevada City-County Committee is drafting an alternative to the Dodge Act. It, too, must be approved by the city-county committee prior to introduction.

3. This third request would permit cities to borrow funds by means of short term financing, interim warrants, or general obligation and revenue bonds at an interest rate greater than the 8% presently authorized. To avoid obligating cities and counties to an excessive rate of interest, the legislation will contain an escalator clause which will tie the interest rate to a national bond index or other suitable measure of prevailing rate of interest.

This legislation, likewise, is supported by both cities and the counties.

We are not, however, drafting a proposal. Therefore, we suggest that legislative counsel prepare this bill draft.

On behalf of the Nevada League of Cities, and the Nevada City-County Committee (of which I am the secretary), may we express our appreciation for your consideration of a committee introduction of these three items.

Sincerely,

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Robert E. Warren
Executive Director

57th SESSION

MINIMUM RULES GOVERNING STANDING SENATE COMMITTEES

1. Four members constitute a quorum of the committee.

2. Motions will be moved, seconded, and passed by a simple majority of those present, except that definite action ("Do Pass" or "Hold") on

a bill will require a majority of the entire committee.

3. In order to reconsider previous actions taken, an affirmative vote of five (5) members of the committee will be required. However, a majority may allow the hearing of new evidence or information which would be pertinent to the determination of whether or not a matter or an action should be reconsidered.

4. Mason's Manual will be followed as to parliamentary procedure.

5. Any member of the committee may request an item on the agenda by contacting the committee chairman a day ahead of the committee meeting.

6. Committee bill introduction will be only by unanimous approval of the committee members present. Committee introduction does not imply, in any way, a commitment on the part of any committee member to sup-

port the bill introduced.

7. All bills referred to the committee will be acted upon. The Chairwill have discretion to set the time for hearing and action on all materials except, that on request of the majority of the committee, the Chairman shall call up for action any matter so requested at the time specified in the request.

8. If favorable action has been taken by the Committee on a bill or resolution, the Chairman shall report same to the Secretary of the Senate

within two (2) legislative working days.

9. The Committee shall keep minutes covering formal sessions. The minutes shall cover subjects under discussion, witnesses who appear, committee members statement as to legislative intent, action taken by the committee, as well as the vote of individual members on all matters that come before the Committee on which a vote is taken.

Any member may submit to the Secretary of the Committee, additional

remarks to be included in the minutes.

10. The Secretary of the Committee will file, within a reasonable time with the Secretary of the Senate, the minutes of Committee sessions. The Secretary of the Senate shall retain the minutes of the various committees in her possession during a session of the Senate.

At the conclusion of the legislative session, the Secretary of the Senate will deliver all minutes of committee meetings in her possession to the

Director of the Legislative Counsel Bureau.

11. The Secretary of the Senate and the Director of the Legislative Counsel Bureau upon request, shall permit the in-house inspection of committee minutes.

[Senate Daily Journal 1973, p. 11, January 24, 1973]

July Commission

DATE Jan. 29, 1975	UponTIME AdjournmentROOM345	
Bills or Resolutions to be considered		ounsel equested
·	 Consideration for bills for intro- duction 	
	(a) State Public Works Board requests.	•
	(b) Nevada League of Cities requests	•
SB-29	Technical amendment to conform section 19 of Chapter 763, Statutes of Nevada 1973, to section 1 of chapter 546, Statute of Nevada 1973, and NRS 533.370	Yes s
SB-30	Corrects technical defect in 1973 amendment of Las Vegas city charter.	Yes
SB-36	Technical amendment deleting incorrect references to "department of personnel"	Yes
SB-37	Technical amendment deleting obsolete language relating to procedure for short-term financing for drainage districts.	Yes
SB-40	Provides that presentation of canceled state controller's warrant be made to state board of examiners.	
	Provides for clerk of state board of examiners to approve claims under certain circumstances and requires chief of budget division of department of administration to report expenditures from emergency account.	

Miscellaneous Discussion

^{*} Please do not ask for counsel unless necessary