

Senate

COMMITTEE ON GOVERNMENT AFFAIRS

Minutes of Meeting - February 6, 1975

Present: Chairman Gibson
Senator Carl Dodge
Senator Margie Foote
Senator Lee Wilson
Senator Mary Gojack
Senator Jack Schofield

Also Present:

Father Dunphy, Franciscan Center
Lucy R. Barrier, Tax Commission
Jim Rathburn, Tax Commission
Micki Blomdal, Tax Commission
Bob Gagner, S.N.E.A.
James Wittenburg, Dept. of Administration
Joe Braswell, Native American Elders United
Richard L. Morgan, N.E.S.A.
Bob Warren, Nev. League of Cities
Senator Blakemore, SB-55
Senator Sheerin, SB-18, 45 & 46
W. E. Adams, City of Las Vegas
Donald Kensie, Attorney General's office

The sixth meeting of Government Affairs was called to order by Chairman Gibson at 3:00 p.m. on February 6, 1975. It was requested that the minutes reflect a quorum was present.

SB-18 Provides minimum standards for political activities of certain public officers and employees. Fiscal Note (BDR 23-417)

Senator Sheerin stated that SB-18 was really concerning the "Little Hatch Act". Nevada's Little Hatch Act is a group of regulations in the State Administrator's Manual that severely restricts the political activities of public employees. The federal laws have broadened their views considerably and felt that Nevada should also change their laws in regards to public employees involvement in political activities.

The Senator concluded his testimony on SB-18 by stating that he felt public employees should be able to become involved in political activities as long as it is on their own time and they do not use their jobs in any way for political gain.

Father Dunphy spoke in favor of SB-18 and a copy of his testimony is attached.

James Wittenberg, representing the Dept. of Administration spoke in favor of SB-18 as he felt it would provide public employees with less restrictions, siting several political activities that are now not allowed. He indicated that a more recent modification of the Little Hatch Act does permit public employees to wear campaign buttons and have bumper stickers. Basically, the state law (No. 284) does provide

for more participation after work hours and members of political activities.

Discussion followed with regards to the misuses that could occur and Chairman Gibson requested Mr. Wittenberg to provide the committee with a copy of the Federal Regulation on the Little Hatch Act.

Mr. Gagner, Executive Director of State of Nevada Employee's Association, stated that Nevada really didn't have a "Little Hatch Act" but a compilation of a number of laws which Senator Sheerin is trying to overcome. The item which brought SB-18 to the attention of S.N.E.A. was the provision in NRS 616 which provides that no employee shall serve on any committee or any political party. That is a very broad statement and restricted the Nevada Industrial Commission much more than any other employee in state government. Mr. Gagner feels that the only provisions that should remain are the coercion provisions.

Mr. Dick Morgan, representing the Nevada State Education Association, spoke in regards to the Little Hatch Act where public school teachers are concerned. In the third line of Section 1 it states that no employee of any school district, this might be later construed against teachers from being involved in political activities. He feels that it might be amended to state classified or clerical personnel.

Mr. Joe Braswell, spoke in favor of SB-18 as an interested citizen. As a previous state employee he felt that the laws should be broadened to enable public employees to participate in public activities.

Chairman Gibson suggested that discussion of SB-18 be set aside at the present.

SB-46 Allows certain counties to establish nonpartisan election for county officials. Fiscal Note (BDR 20-454)

Senator Sheerin stated that this particular bill includes county officials, which are non policy making people. These people are so close to the public that they should be non partisan. He felt that there would be better working relationships if these offices were non partisan. The senator indicated that this bill goes one step further in including county commissioners, who are policy making people. Senator Sheerin feels that Carson City has done very well with non-partisan officials.

Mr. Bob Broadbent, representing the Nevada Association of County Commissioners said he would bring up this bill at the next meeting and would bring back their feelings on this matter.

Chairman Gibson suggested that further discussion be postponed until Mr. Broadbent could bring back his findings to the committee from the Nevada Association of County Commissioners.

SB-45 Expands authority of county commissioners to enact, enforce ordinances licensing all animals and limiting number of animals per owner in residential districts. Fiscal Note (BDR 20-534)

Chairman Gibson stated that this bill has caused quite a bit of objection on two fronts. One is that it applies everywhere and the other is that it covers all animals.

Senator Sheerin stated that this bill was introduced at the recommendation of the Carson City supervisors. Their problem is with dogs and cats primarily.

It was decided that this bill would be set aside until the proper representative could come before the committee to clarify questions on this bill.

SB-103 Revises provisions allowing public employees leaves of absence for military duty with Nevada National Guard. Fiscal Note (BDR 36-203)

Chairman Gibson indicated to the committee that the language in the present law is training duty. The bill would have the effect of eliminating the "type" of duty.

Mrs. Lucy Barrier, representing the the Tax Commission, indicated that she, as Personnel Director, was neither pro or con but to see that things are equitable with the employees in their agency.

Mrs. Barrier referred the committee to Statute 284.370 which also mentions the National Guard on training duty. This statute mentions all of the reserves or National Guard. Mrs. Barrier felt that this discriminates on the National Guard. She also felt they could be called out on duty (i.e. parades, etc.) and the other guards would be specified to training duty only. She is concerned with the misuse it might cause.

Mr. Wittenberg reflected the same feelings with the exception of voluntary vs. nonvoluntary. Voluntary service can be classified as training and there are some forms of training that could be abused in the system.

Discussion followed regarding the "training" and possibly eliminating it from the bill. Further discussion was set aside for the present.

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Chairman Gibson discussed the possibilities of re-referral to the Health and Welfare Committee on Senate Bills 98 and 99.

Senator Dodge moved for re-referral, seconded by Senator Schofield. Motion carried unanimously.

SB-55 Increases monthly dollar limit on supplies a member of local government governing body may sell to such governing body. Fiscal Note (BDR 27-578)

Senator Blakemore indicated that this bill was requested by one of the county commissioners in a small county. This particular commissioner has the only machine shop and has been called upon to provide services for county equipment and he has not been properly compensated for his services.

Discussion followed and it was decided to amend Line 4 to read as follows, "but the governing body may purchase services and supplies, not to exceed (\$100).

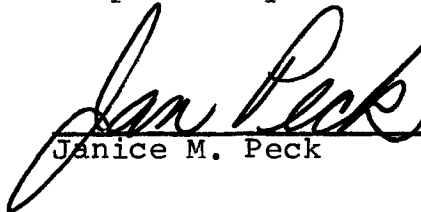
Motion of amend and "Do Pass" by Senator Dodge, seconded by Senator Walker, motion carried unanimously.

Chairman Gibson discussed SB-30 to the committee and although it was not on the agenda he felt that it was the Legislative Counsel Bureau's feelings that this bill should be passed as soon as possible in order to cure a defective double amendment in Section 2.101 in the Las Vegas City Charter which occurred in the 1973 session.

Senator Dodge moved a "Do Pass" seconded by Senator Schofield. Motion carried unanimously.

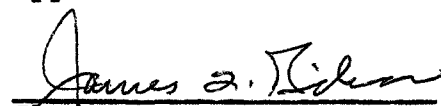
As there was no further business the meeting was adjourned at 4:00 P.M.

Respectfully submitted,



Janice M. Peck

Approved:



Chairman

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS.....

DATE ..2-6-75.....TIME.....2:30 P.M.....ROOM.....345.....

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel Requested*</u>
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|------------|---|--|
| SB-18 | Provides minimum standards for political activities of certain public officers and employees. HEARING

Notify: Sponsor: Sen. Sheerin
James F. Wittenberg, Bob Gagnier, Mr. Broadbent, Mr. Bob Warren, Mr. Bill Adams, Mr. Ken Guinn, Mr. Dick Morgan and Father Dunphy | |
| SB-46 | Allows certain counties to establish nonpartisan election for county officials. HEARING

Notify: Sponsor: Sen. Sheerin
Same as Above. | |
| SB-45 | Expands authority of county commissioners to enact, enforce ordinances licensing all animals and limiting number of animals per owner in residential districts. HEARING

Notify: Sponsor: Sen. Sheerin
Mr. Broadbent | |
| SB-55 | Increases monthly dollar limit on supplies a member of local government governing body may sell to such governing body. HEARING

Notify: Sponsor: Sen. Blakemore
Mr. Broadbent | |
| SB-103 | Revises provision allowing public employees leaves of absence for military duty with Nevada National Guard. HEARING

Notify: Same is in SB-18 | |
| SB-98 & 99 | 98 - Clarifies rights of handicapped persons.
99 - Transfers child care services division of human resources department into youth services agency of department.

Consider referral to the Highway ^{Welfare} Committee. | |

SB 18 Larry Dunphy, speaking on behalf of Common Cause concerns;

Favor the passage of this bill, because:

- 1) Establishes a uniform standard applicable to all in same manner and basis.
- 2) Provides through the Federal Statute an acceptable distinction as to what is permitted and what is not.
 - a) The Federal Statute makes clear that non-partisan issues are not within the scope of prohibited activity. Frequently, public employees have felt or been made to feel that any form of their participation at the Legislature or other governmental bodies were prohibited. It seems that this fear has prevented the Legislature from obtaining some very valuable input from public employees about the actual day to day functioning of public agencies and programs. The public employee who works directly with the public can give valuable information and insights which do not come from the administrative level. Their participation should be clearly permitted by law.
3. It would seem that the law as stated in the Federal Statute would provide for better and more public form of government and reduce somewhat the likelihood for behind the scenes dealings.
4. More open government is certainly the desire of all the people today.

I would recommend that the bill be amended by adding a requirement that the restrictions on political participation as interpreted by the Attorney General of the State Of Nevada be posted publicly and permanently in certain specified places in offices of governmental bodies where this would apply.

S. B. 18

SENATE BILL NO. 18—SENATOR SHEERIN

JANUARY 22, 1975

Referred to Committee on Government Affairs

SUMMARY—Provides minimum standards for political activities of certain public officers and employees. Fiscal Note: No. (BDR 23-417)



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

AN ACT relating to public officers and employees; providing minimum standards for political activities of persons in the executive branch of state and local government; 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 281 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *No employee of any county, city, school district or any other political*
- 4 *subdivision of the State of Nevada shall be subject to restrictions on his*
- 5 *political activities which are more stringent than those applicable to state*
- 6 *and local employees subject to the provisions of 5 U.S.C. § 1501 et seq.*
- 7 **SEC. 2.** Chapter 284 of NRS is hereby amended by adding thereto a
- 8 new section which shall read as follows:
- 9 *Except as otherwise provided by law, officers and employees in the*
- 10 *classified and unclassified service of the State of Nevada shall not be sub-*
- 11 *ject to restrictions on their political activities which are more stringent*
- 12 *than those applicable to state and local employees subject to the pro-*
- 13 *visions of 5 U.S.C. § 1501 et seq.*
- 14 **SEC. 3.** NRS 463.025 is hereby amended to read as follows:
- 15 463.025 1. The commission members shall devote such time to the
- 16 business of the commission as may be necessary to the discharge of their
- 17 duties.
- 18 2. No member [shall be:
- 19 (a) A member of any political convention; or
- 20 (b) A member of any committee of any political party.] *of the legis-*
- 21 *lature, no person holding any elective office in the state government, nor*
- 22 *any official of any political party shall be eligible to appointment to the*
- 23 *commission.*
- 24 3. Before entering upon the duties of his office, each member shall
- 25 subscribe to the constitutional oath of office and, in addition, swear that



1 he is not actively engaged in nor does he hold a direct pecuniary interest
2 in gaming activities.

3 SEC. 4. NRS 463.060 is hereby amended to read as follows:

4 463.060 1. Each member shall devote his entire time and attention
5 to the business of the board and shall not pursue any other business or
6 occupation or hold any other office of profit.

7 2. [No member shall be:

8 (a) A member of any political convention.

9 (b) A member of any committee of any political party, or engage in
10 any party activities.

11 3.] No member shall be pecuniarily interested in any business or
12 organization holding a gaming license under this chapter or doing business
13 with any person or organization licensed under this chapter.

14 [4.] 3. Before entering upon the duties of his office, each member
15 shall subscribe to the constitutional oath of office and, in addition, swear
16 that he is not pecuniarily interested in any business or organization hold-
17 ing a gaming license or doing business with any such person or organiza-
18 tion. The oath of office shall be filed in the office of the secretary of state.

19 SEC. 5. NRS 616.185 is hereby amended to read as follows:

20 616.185 1. The commission may employ a secretary, actuary,
21 accountants, examiners, experts, clerks, stenographers, and other assist-
22 ants, and fix their compensation.

23 2. The commission shall employ a safety inspector, and fix his com-
24 pensation.

25 3. Employments and compensation shall be first approved by the
26 governor and compensation shall be paid out of the state treasury.

27 4. Actuaries, accountants, inspectors, examiners, experts, clerks, sten-
28 ographers, and other assistants shall be entitled to receive from the state
29 treasury their actual and necessary expenses while traveling on the busi-
30 ness of the commission. Expenses shall be itemized and sworn to by the
31 person who incurred the expense and allowed by the commission.

32 [5. No employee of the commission shall serve on any committee of
33 any political party.]

34 SEC. 6. NRS 618.255 is hereby amended to read as follows:

35 618.255 1. The department may employ such qualified employees as
36 in the opinion of the director are necessary to enforce the provisions of
37 this chapter. Such personnel shall be employed under the provisions of
38 chapter 284 of NRS.

39 2. Any safety consultant employed by the department shall have had
40 at least 4 years' practical experience in the field of construction, trade,
41 craft, technical skill, profession or industry in which his services are
42 required.

43 3. The director and other employees of the department shall not be
44 financially interested in any business interfering with, or inconsistent with,
45 their duties. They shall give their entire time to the business of the depart-
46 ment and shall not pursue any other business or vocation or hold any
47 office of profit.

48 [4. No employee of the department shall serve on any committee of
49 any political party.]

1 SEC. 7. NRS 679B.020 is hereby amended to read as follows:

2 679B.020 1. The chief officer of the division shall be the commis-
3 sioner appointed as provided in NRS 232.250 and 232.270.

4 2. The commissioner shall not engage in any other occupation, busi-
5 ness or activity that is in any way inconsistent with the performance of
6 his duties as commissioner, nor shall he hold any other public office.

7 3. The commissioner shall not [

8 (a) Directly] *directly* or indirectly solicit or receive, or be in any man-
9 ner concerned with soliciting or receiving, any assessment, subscription,
10 contribution or service, whether voluntary or involuntary, for any politi-
11 cal purpose whatever, from any person within or without the state.

12 [(b) Act as an officer or manager for any candidate, political party or
13 committee organized to promote the candidacy or any person for any
14 public office.]

15 SEC. 8. NRS 703.040 is hereby amended to read as follows:

16 703.040 1. One of the commissioners shall be generally familiar with
17 the operation of transportation facilities, and one commissioner shall have
18 a general knowledge of fares and freights and tolls and charges levied and
19 collected by public utilities as defined in chapter 704 of NRS.

20 2. No commissioner shall be pecuniarily interested in any public util-
21 ity in this state or elsewhere.

22 3. The commissioners shall give their entire time to the business of
23 the commission and shall not pursue any other business or vocation or
24 hold any other office of profit.

25 4. No commissioner shall [be a member of any political convention
26 or a member of any committee of any political party.] *use his official*
27 *authority to influence or interfere with an election or affect the results*
28 *thereof or for any partisan political purpose.*

S. B. 46

SENATE BILL NO. 46—SENATOR SHEERIN

JANUARY 28, 1975

Referred to Committee on Government Affairs

SUMMARY—Allows certain counties to establish nonpartisan election for county officers. Fiscal Note: No. (BDR 20-454)



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

AN ACT relating to county officers; allowing certain counties to designate all county offices as nonpartisan; 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 245 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 1. *Whenever a number of registered voters equal to 10 percent or*
- 4 *more of the number of persons registered to vote at the last preceding*
- 5 *general election in any county in this state having less than 100,000 pop-*
- 6 *ulation as determined by the last preceding national census of the Bureau*
- 7 *of the Census of the United States Department of Commerce petition the*
- 8 *board of county commissioners of their county to designate all county*
- 9 *offices as nonpartisan, the question shall be submitted to the qualified*
- 10 *electors of the county for approval or disapproval at the next succeeding*
- 11 *general election.*
- 12 2. *If a majority of the voters voting on such question approve the*
- 13 *designation of all county offices as nonpartisan, the board of county com-*
- 14 *missioners shall so instruct the county clerk of the county and all candi-*
- 15 *dates for election to county offices shall be printed on the official ballots,*
- 16 *for all succeeding elections, without party designation or symbol.*
- 17 SEC. 2. NRS 293.195 is hereby amended to read as follows:
- 18 293.195 1. Judicial offices, school offices, [and] members of boards
- 19 of hospital trustees of public hospitals *and county offices so made pursu-*
- 20 *ant to section 1 of this act* are hereby designated nonpartisan offices.
- 21 2. No words designating the party affiliation of [a candidate] candi-
- 22 *dates* for nonpartisan offices shall be printed upon the ballot or ballot
- 23 label.

S. B. 45

SENATE BILL NO. 45—SENATOR SHEERIN

JANUARY 28, 1975

Referred to Committee on Government Affairs

SUMMARY—Expands authority of county commissioners to enact, enforce ordinances licensing all animals and limiting number of animals per owner in residential districts. Fiscal Note: No. (BDR 20-534)



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

AN ACT authorizing boards of county commissioners to enact and enforce ordinances licensing all animals and limiting the number of animals per owner in residential districts.

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

- 1 SECTION 1. NRS 244.359 is hereby amended to read as follows:
- 2 244.359 1. Each board of county commissioners may enact and
- 3 enforce an ordinance or ordinances:
- 4 (a) Fixing, imposing and collecting an annual license fee on [dogs]
- 5 *all animals* and providing for the capture and disposal of all [dogs]
- 6 *animals* on which the license fee is not paid.
- 7 (b) Regulating or prohibiting the running at large and disposal of all
- 8 kinds of animals.
- 9 (c) Establishing a pound, appointing a poundkeeper and prescribing
- 10 his duties.
- 11 (d) Prohibiting cruelty to animals.
- 12 (e) *Limiting the number of animals permissible for each owner to keep*
- 13 *in any area zoned for residential purposes.*
- 14 2. Any ordinance or ordinances enacted pursuant to the provisions
- 15 of paragraphs (a) and (b) of subsection 1 may apply throughout an
- 16 entire county or govern only a limited area within the county which shall
- 17 be specified in the ordinance or ordinances.

S. B. 55

SENATE BILL NO. 55—SENATOR BLAKEMORE

JANUARY 29, 1975

Referred to Committee on Government Affairs

SUMMARY—Increases monthly dollar limit on supplies a member of local government governing body may sell to such governing body. Fiscal Note: No. (BDR 27-578)



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

AN ACT relating to the Local Government Purchasing Act; increasing the aggregate monthly value of supplies a member of a local government governing body may sell to such governing body.

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

- 1 SECTION 1. NRS 332.150 is hereby amended to read as follows:
- 2 332.150 1. No member of the governing body may be interested,
- 3 directly or indirectly, in any contract entered into by the governing body;
- 4 but the governing body may purchase supplies, not to exceed **[\$100]**
- 5 \$250 in the aggregate in any 1 calendar month, from such a member,
- 6 when not to do so would be of great inconvenience due to a lack of other
- 7 local source.
- 8 2. A member who supplies pursuant to subsection 1 shall not vote
- 9 on the allowance of the claim therefor.
- 10 3. A violation of this section is a misdemeanor and cause for
- 11 removal from office.

S. B. 103

**SENATE BILL NO. 103—COMMITTEE ON
GOVERNMENT AFFAIRS**

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Revises provision allowing public employees leaves of absence for military duty with Nevada National Guard. Fiscal Note: No. (BDR 36-203)



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

AN ACT to amend NRS 412.078, relating to leaves of absence by public officers and employees for military duty with the Nevada National Guard, by eliminating the distinction between duty for training and other purposes.

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

- 1 SECTION 1. NRS 412.078 is hereby amended to read as follows:
- 2 412.078 Any officer or employee of any department, agency or insti-
- 3 tution, or of any county, city or other political subdivision of the State of
- 4 Nevada, who is an active member of the Nevada National Guard shall be
- 5 relieved from his duties, upon request, to serve under orders on [train-
- 6 ing] duty without loss of his regular compensation for a period not to
- 7 exceed 15 working days in any 1 calendar year. Any such absence shall
- 8 not be deemed to be such employee's annual vacation provided for by
- 9 law.
- 10 SEC. 2. This act shall become effective upon passage and approval.

S. B. 98

SENATE BILL NO. 98—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Clarifies rights of handicapped persons.
Fiscal Note: No. (BDR 23-108)



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

AN ACT relating to handicapped persons; clarifying the rights of such persons to fair employment practices and equal employment opportunities; 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 281.370 is hereby amended to read as follows:
- 2 281.370 1. All personnel actions taken by state, county or municipal
- 3 departments, agencies, boards or appointing officers thereof shall be
- 4 based solely on merit and fitness.
- 5 2. State, county or municipal departments, agencies, boards or
- 6 appointing officers thereof shall not:
- 7 (a) Refuse to hire a person because of such person's race, color, creed,
- 8 national origin, *physical or visual handicap*, sex or age, unless based
- 9 upon a bona fide occupational classification.
- 10 (b) Discharge or bar any person from employment because of such
- 11 person's race, creed, color, national origin, *physical or visual handicap*,
- 12 sex or age [.] , *unless based upon a bona fide occupational classifica-*
- 13 *tion.*
- 14 (c) Discriminate against any person in compensation or in other terms
- 15 or conditions of employment because of such person's race, creed, color,
- 16 national origin, *physical or visual handicap*, sex or age, except as pro-
- 17 vided in NRS 284.3781.
- 18 SEC. 2. NRS 338.125 is hereby amended to read as follows:
- 19 338.125 1. It is unlawful for any contractor in connection with the
- 20 performance of work under a contract with the state, or any of its
- 21 political subdivisions, when payment of the contract price, or any part
- 22 of such payment, is to be made from public funds, to refuse to employ
- 23 or to discharge from employment any person because of his race, color,
- 24 creed, national origin, *physical or visual handicap*, sex or age, *unless*

1 based upon a bona fide occupational classification, or to discriminate
2 against a person with respect to hire, tenure, advancement, compensa-
3 tion or other terms, conditions or privileges of employment because of
4 his race, creed, color, national origin, *physical or visual handicap*, sex
5 or age.

6 2. Contracts negotiated between contractors and the state, or any
7 of its political subdivisions, shall contain the following contractual pro-
8 visions:

9 In connection with the performance of work under this contract, the
10 contractor agrees not to discriminate against any employee or applicant
11 for employment because of race, creed, color, national origin, *physical*
12 *or visual handicap*, sex or age. Such agreement shall include, but not be
13 limited to, the following: Employment, upgrading, demotion or transfer,
14 recruitment or recruitment advertising, layoff or termination, rates of
15 pay or other forms of compensation, and selection for training, including
16 apprenticeship.

17 The contractor further agrees to insert this provision in all subcon-
18 tracts hereunder, except subcontracts for standard commercial supplies
19 or raw materials.

20 3. Any violation of such provision by a contractor shall constitute a
21 material breach of contract.

22 SEC. 3. NRS 613.340 is hereby amended to read as follows:

23 613.340 1. It is an unlawful employment practice for an employer
24 to discriminate against any of his employees or applicants for employ-
25 ment, for an employment agency to discriminate against any individual,
26 or for a labor organization to discriminate against any member thereof
27 or applicant for membership, because he has opposed any practice made
28 an unlawful employment practice by NRS 613.310 to 613.420, inclu-
29 sive, or because he has made a charge, testified, assisted or participated
30 in any manner in an investigation, proceeding or hearing under NRS
31 613.310 to 613.420, inclusive.

32 2. It is an unlawful employment practice for an employer, labor
33 organization or employment agency to print or publish or cause to be
34 printed or published any notice or advertisement relating to employment
35 by such an employer or membership in or any classification or referral
36 for employment by such a labor organization, or relating to any classi-
37 fication or referral for employment by such an employment agency,
38 indicating any preference, limitation, specification or discrimination,
39 based on race, color, religion, sex, age, *physical or visual handicap* or
40 national origin, except that such a notice or advertisement may indicate
41 a preference, limitation, specification or discrimination based on religion,
42 sex, age, *physical or visual handicap* or national origin when religion,
43 sex, age, *physical or visual condition* or national origin is a bona fide
44 occupational qualification for employment.

45 SEC. 4. NRS 613.350 is hereby amended to read as follows:

46 613.350 Notwithstanding any other provision of NRS 613.310 to
47 613.420, inclusive:

48 1. It is not an unlawful employment practice for an employer to hire
49 and employ employees, for an employment agency to classify or refer
50 for employment any individual, for a labor organization to classify its

1 membership or to classify or refer for employment any individual, or for
 2 an employer, labor organization or joint labor-management committee
 3 controlling apprenticeship or other training or retraining programs to
 4 admit or employ any individual in any such program, on the basis of his
 5 religion, sex, age, physical or visual handicap or national origin in those
 6 certain instances where religion, sex, age, *physical or visual condition*
 7 or national origin is a bona fide occupational qualification reasonably
 8 necessary to the normal operation of that particular business or enter-
 9 prise; and

10 2. It is not an unlawful employment practice for an employer to fail
 11 or refuse to hire and employ employees, for an employment agency to fail
 12 to classify or refer any individual for employment, for a labor organiza-
 13 tion to fail to classify its membership or to fail to classify or refer
 14 any individual for employment, or for an employer, labor organization
 15 or joint labor-management committee controlling apprenticeship or other
 16 training or retraining programs to fail to admit or employ any individual
 17 in any such program, on the basis of his physical or visual handicap in
 18 those certain instances where physical or visual condition is a bona fide
 19 and relevant occupational qualification necessary to the normal opera-
 20 tion of that particular business or enterprise, provided it is shown that
 21 the particular physical or visual handicap would prevent proper per-
 22 formance of the work for which the handicapped individual would other-
 23 wise have been hired, classified, referred or prepared under a training
 24 or retraining program.

25 3. It is not an unlawful employment practice for a school, college,
 26 university or other educational institution or institution of learning to
 27 hire and employ employees of a particular religion if such school, col-
 28 lege, university or other educational institution or institution of learning
 29 is, in whole or in substantial part, owned, supported, controlled or
 30 managed by a particular religion or by a particular religious corpora-
 31 tion, association or society, or if the curriculum of such school, college,
 32 university or other educational institution or institution of learning is
 33 directed toward the propagation of a particular religion.

34 4. It is not an unlawful employment practice for an employer to
 35 observe the terms of any bona fide employee benefit plan such as a retire-
 36 ment, pension or insurance plan, which is not a subterfuge to evade the
 37 provisions of NRS 613.310 to 613.420, inclusive, as they relate to dis-
 38 crimination against an individual because of age, except that no such
 39 employee benefit plan shall excuse the failure to hire any individual.

40 SEC. 5. NRS 613.380 is hereby amended to read as follows:
 41 613.380 Notwithstanding any other provision of NRS 613.310 to
 42 613.420, inclusive, it is not an unlawful employment practice for an
 43 employer to apply different standards of compensation, or different terms,
 44 conditions or privileges of employment pursuant to a bona fide seniority
 45 or merit system, or a system which measures earnings by quantity or
 46 quality of production or to employees who work in different locations,
 47 provided that such differences are not the result of an intention to dis-
 48 criminate because of race, color, religion, sex, age, *physical or visual*
 49 *handicap* or national origin, nor is it an unlawful employment practice
 50 for an employer to give and to act upon the results of any professionally

1 developed ability test, provided that such test, its administration or
2 action upon the results is not designed, intended or used to discriminate
3 because of race, color, religion, sex, age, *physical or visual handicap* or
4 national origin.

5 SEC. 6. NRS 613.400 is hereby amended to read as follows:

6 613.400 Nothing contained in NRS 613.310 to 613.420, inclusive,
7 requires any employer, employment agency, labor organization or joint
8 labor-management committee subject to NRS 613.310 to 613.420,
9 inclusive, to grant preferential treatment to any individual or to any
10 group because of the race, color, religion, sex, age, *physical or visual*
11 *handicap* or national origin of such individual or group on account of
12 an imbalance which may exist with respect to the total number or per-
13 centage of persons of any race, color, religion, sex, age, *physical or*
14 *visual handicap* or national origin employed by any employer, referred
15 or classified for employment by any employment agency or labor orga-
16 nization, admitted to membership or classified by any labor organization,
17 or admitted to, or employed in, any apprenticeship or other training
18 program, in comparison with the total number or percentage of persons
19 of such race, color, religion, sex, age, *physical or visual handicap* or
20 national origin in any community, section or other area, or in the avail-
21 able work force in any community, section or other area.

S. B. 99

SENATE BILL NO. 99—COMMITTEE ON GOVERNMENT AFFAIRS

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Transfers child care services division of human resources department into youth services agency of department. Fiscal Note: No. (BDR 18-264)

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

AN ACT relating to youth and children's services; transferring the child care services division of the department of human resources to the youth services agency in such department; 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 232.300 is hereby amended to read as follows:
- 2 232.300 1. The department of human resources is hereby created.
- 3 2. The department shall consist of a director and the following divi-
- 4 sions and agency:
- 5 (a) Aging services division.
- 6 (b) [Child care services division.
- 7 (c)] Health division.
- 8 [(d)] (c) Mental hygiene and mental retardation division.
- 9 [(e)] (d) Rehabilitation division.
- 10 [(f)] (e) Welfare division.
- 11 [(g)] (f) Youth services agency.
- 12 3. The department shall act as the sole agency responsible for admin-
- 13 istering the provisions of law relating to its respective divisions.
- 14 SEC. 2. NRS 232.320 is hereby amended to read as follows:
- 15 232.320 The director shall:
- 16 1. Appoint, with the consent of the governor, a chief of each of the
- 17 divisions and agencies of the department. The chief of the aging services
- 18 division shall be known as the administrator of the aging services divi-
- 19 sion, [the chief of the child care services division shall be known as the
- 20 administrator of the child care services division,] the chief of the health
- 21 division shall be known as the state health officer, the chief of the mental

1 hygiene and mental retardation division shall be known as the admin-
 2 istrator of the mental hygiene and mental retardation division, the chief
 3 of the rehabilitation division shall be known as the administrator of the
 4 rehabilitation division, the chief of the welfare division shall be known
 5 as the state welfare administrator, and the chief of the youth services
 6 agency shall be known as the administrator of the youth services agency.

7 2. Be responsible for the administration, through the divisions and
 8 agencies of the department, of the provisions of chapters 210, 422 to
 9 427A, inclusive, and 430 to 433, inclusive, of NRS, NRS 435.130 to
 10 435.320, inclusive, chapters 436, 439 to 447, inclusive, 449, 450, 458
 11 and 615 of NRS, and all other provisions of law relating to the functions
 12 of the divisions and agencies of the department, but shall not be respon-
 13 sible for the clinical activities of the health division or the professional
 14 line activities of the other divisions or agencies.

15 3. Have such other powers and duties as provided by law.

16 SEC. 3. NRS 232.400 is hereby amended to read as follows:

17 232.400 1. The purpose of the youth services agency created by
 18 NRS 232.400 to 232.500, inclusive, is to provide services for youth who
 19 are in need of residential care or in need of treatment, or both [.] , and
 20 to assist in meeting the need for child care facilities, services and pro-
 21 grams. In accomplishing this purpose, the agency shall work closely with
 22 other governmental agencies and with public and private agencies pro-
 23 viding the same or a similar service. [The agency, through the]

24 2. The department of human resources, through the agency, shall be
 25 the sole state agency for the establishment of standards for the receipt
 26 of federal funds in the field of juvenile development and delinquency
 27 prevention programs. The agency shall develop standards for implemen-
 28 tation of programs aimed toward the prevention of delinquent acts of
 29 children and programs for the treatment of those brought to its attention.
 30 It shall assist in the development of programs for the predelinquent
 31 children whose behavior tends to lead them into contact with law
 32 enforcement agencies.

33 3. The department, through the agency, shall act as the single state
 34 agency of the State of Nevada and its political subdivisions in the admin-
 35 istration of any federal funds granted to the state pursuant to any federal
 36 law for the purposes of child care services and programs.

37 SEC. 4. NRS 232.420 is hereby amended to read as follows:

38 232.420 1. The youth services agency is hereby created within the
 39 department of human resources.

40 2. The agency shall consist of an administrator and the following
 41 divisions:

- 42 (a) Nevada youth training center division.
- 43 (b) Nevada girls training center division.
- 44 (c) Northern Nevada children's home division.
- 45 (d) Southern Nevada children's home division.
- 46 (e) Community services division.
- 47 (f) Child care services division.

48 SEC. 5. NRS 232.440 is hereby amended to read as follows:

49 232.440 The administrator shall:

50 1. Appoint, with the approval of the director, a chief of each of the

1 divisions in the agency. The chief of the Nevada youth training center
2 division shall be known as the superintendent of the Nevada youth
3 training center, the chief of the Nevada girls training center division
4 shall be known as the superintendent of the Nevada girls training center,
5 the chief of the northern Nevada children's home division shall be known
6 as the superintendent of the northern Nevada children's home, the chief
7 of the southern Nevada children's home division shall be known as the
8 superintendent of the southern Nevada children's home, [and] the chief
9 of the community services division shall be known as the chief of the
10 community services division [.] and the chief of the child care services
11 division shall be known as the chief of the child care services division.

12 2. Be responsible for the administration, through the divisions of
13 the agency, of the provisions of chapters 210, [and] 423 and 432A of
14 NRS and NRS 232.400 to 232.500, inclusive, and all other provisions
15 of law relating to the functions of the divisions of the agency, but shall
16 not be responsible for the professional line activities of the divisions
17 except as specifically provided by law.

18 SEC. 6. NRS 232.450 is hereby amended to read as follows:

19 232.450 1. The superintendents of the Nevada youth training center,
20 the Nevada girls training center, the northern Nevada children's home
21 and the southern Nevada children's home shall:

22 (a) Be in the unclassified service of the state pursuant to the pro-
23 visions of chapter 284 of NRS, unless federal law or regulation requires
24 otherwise, in which case the superintendent affected shall be in the classi-
25 fied service of the state pursuant to the provisions of such chapter.

26 (b) Receive annual salaries as determined pursuant to the provisions
27 of NRS 284.182, unless a superintendent is in the classified service of
28 the state, in which case his salary shall, unless otherwise fixed by law,
29 be fixed pursuant to the provisions of chapter 284 of NRS.

30 2. The chief of the community services division and the chief of the
31 child care services division shall:

32 (a) Be in the classified service of the state pursuant to the provisions
33 of chapter 284 of NRS.

34 (b) Receive [an annual salary in an amount] annual salaries in
35 amounts fixed pursuant to the provisions of chapter 284 of NRS.

36 SEC. 7. NRS 232.500 is hereby amended to read as follows:

37 232.500 The board shall be an advisory body to the administrator
38 and as such shall have the following advisory powers and duties:

39 1. To be informed on and interested in the entire field of legislation
40 and administration concerning the care and delivery of services to,
41 whether or not so adjudicated, delinquent youth and youth in need of
42 services.

43 2. To advise the administrator concerning the organization and
44 administration of the agency or any of its divisions. The administrator
45 shall report to the board upon all matters concerning the administration
46 of his office and he shall request the advice and counsel of the board
47 on matters concerning the policy thereof, but the administrator shall be
48 responsible for the conduct and policies of the agency and its adminis-
49 trative functions, unless otherwise provided by law.

50 3. To report to the governor and the legislature on all matters which

1 it may deem pertinent to the agency and concerning any specific matters
2 previously requested by the governor.

3 4. To advise and make recommendations to the governor or legis-
4 lature relative to the policy of the state concerning youth.

5 5. To advise the administrator with respect to the preparation and
6 amendment of any rules or regulations to give effect to the provisions
7 of chapters 210, [and] 423 and 432A of NRS and NRS 232.400 to
8 232.500, inclusive.

9 6. To exercise any other advisory powers necessary or reasonably
10 implied within the provisions and purposes of chapters 210, [and] 423
11 and 432A of NRS and NRS 232.400 to 232.500, inclusive.

12 7. To keep minutes of the transactions of each board meeting, reg-
13 ular or special, which shall be public records and filed with the depart-
14 ment.

15 8. To adopt and maintain a program of public information as to
16 the operation and needs of the divisions within the agency.

17 SEC. 8. NRS 432A.020 is hereby amended to read as follows:
18 432A.020 For purposes of this chapter:

19 1. "Administrator" means *the administrator of the youth services*
20 *agency in the department.*

21 2. "Chief" means the chief of the child care services division. [of
22 the department of human resources.]

23 [2.] 3. "Department" means the department of human resources.

24 [3.] 4. "Director" means the director of the department of human
25 resources.

26 [4.] 5. "Division" means the child care services division of the
27 [department of human resources.] *youth services agency in the depart-*
28 *ment.*

29 SEC. 9. NRS 432A.040 is hereby amended to read as follows:
30 432A.040 The division shall:

31 1. Serve as a clearing house for information relating to child care.

32 2. Assist the [director] *administrator* in all matters pertaining to
33 child care services and programs.

34 3. Develop plans and conduct and arrange for research and demon-
35 stration programs in the field of child care.

36 4. Provide technical assistance and consultation to political sub-
37 divisions with respect to programs for child care.

38 5. Prepare, publish and disseminate educational materials dealing
39 with child care.

40 6. Gather statistics in the field of child care which other federal and
41 state agencies are not collecting.

42 7. Stimulate more effective use of existing resources and available
43 services for child care.

44 SEC. 10. NRS 432A.060 is hereby amended to read as follows:
45 432A.060 The [administrator] *chief* shall be appointed on the basis
46 of his education, training, experience and demonstrated abilities and
47 his interest in child care services and programs.

1 SEC. 11. NRS 432A.070 is hereby amended to read as follows:

- 2 432A.070 1. The [administrator] chief shall:
- 3 (a) Subject to the approval of the [director,] administrator, adopt
- 4 rules and regulations necessary to carry out the purposes of this chapter;
- 5 (b) Establish appropriate administrative units within the division;
- 6 (c) Appoint such personnel and prescribe their duties as he deems
- 7 necessary for the proper and efficient performance of the functions of the
- 8 division;
- 9 (d) Prepare [and submit] for submission to the governor, through the
- 10 administrator and the director, before September 1 of each even-
- 11 numbered year for the biennium ending June 30 of such year, reports of
- 12 activities and expenditures and estimates of sums required to carry out
- 13 the purposes of this chapter;
- 14 (e) Make certification for disbursement of funds available for carry-
- 15 ing out the purposes of this chapter; and
- 16 (f) Take such other action as may be necessary or appropriate for
- 17 cooperation with public and private agencies and otherwise to carry
- 18 out the purposes of this chapter.
- 19 2. The [administrator] chief may delegate to any officer or
- 20 employee of the division such of his powers and duties as he finds neces-
- 21 sary to carry out the purposes of this chapter.

22 SEC. 12. NRS 432A.080 is hereby amended to read as follows:

- 23 432A.080 The department, through the youth services agency and
- 24 the division, shall make agreements, arrangements or plans to:
- 25 1. Cooperate with the Federal Government in carrying out the pur-
- 26 poses of this chapter or of any federal statutes pertaining to child care
- 27 services and programs and to this end may adopt such methods of
- 28 administration as are found by the Federal Government to be necessary
- 29 for the proper and efficient operation of such agreements, arrangements
- 30 or plans; and
- 31 2. Comply with such conditions as may be necessary to secure the
- 32 full benefits of such federal statutes.

33 SEC. 13. NRS 432A.130 is hereby amended to read as follows:

- 34 432A.130 1. The [administrator,] chief, with the approval of the
- 35 [director,] administrator, shall appoint a statewide community coordi-
- 36 nated child care policy board consisting of such number of persons as
- 37 the [director] administrator may determine. Members shall be selected
- 38 from among persons who are experienced or have demonstrated partic-
- 39 ular interest in child care services and programs.
- 40 2. Members of the board shall receive no compensation but shall,
- 41 while attending meetings or otherwise engaged on business of such board,
- 42 receive travel expenses and subsistence allowances in the amounts pro-
- 43 vided by NRS 281.160.
- 44 3. The [administrator] chief is authorized to furnish to the board
- 45 such technical and secretarial assistance and such pertinent data avail-
- 46 able to him as the board may require to carry out its function.
- 47 SEC. 14. NRS 432A.050 is hereby repealed.