

SENATE LEGISLATIVE FUNCTIONS COMMITTEE

APRIL 22, 1975 - 12:00 P.M.

The twelfth meeting of the Senate Legislative Functions Committee was called to order at 12:14 p.m.

Chairman Warren Monroe was in the Chair.

PRESENT: Chairman Warren Monroe
Vice Chairman Mel Close
Senator James Gibson
Senator Mahlon Brown
Senator Gene Echols
Senator Floyd Lamb
Senator Cliff Young

TESTIMONY FROM: Senator Young
Father Larry Dunphy, Common Cause
Douglas M. Miller, Chairman, Advisory Mining Board

Senator Young explained proposed amendments to SB 503. (Please see EXHIBIT "A".) Pros and cons regarding these amendments were discussed with the committee.

Father Larry Dunphy explained Common Cause's proposed amendments to SB 503. (Please see EXHIBIT "B".) He stated that if AB 610 passes, then Sections 18, 19, 20, 23 and 24 of SB 503 would not be needed.

Douglas Miller, individual, asked the committee to be realistic and confine disclosure to something "we can live with", and not make it too difficult on businessmen to run for office.

ACTION WAS TAKEN ON THE FOLLOWING BILLS:

SJR 24 Memorializes the President of the United States to appoint a Mineral Affairs Adviser to the White House Staff.

Douglas Miller stated that a representative of the mining industry is needed on the President's Council, and that the Advisory Mining Board is attempting to establish a minerals policy and needs the federal government to honor these responsibilities.

Senator Young moved "DO PASS"
Seconded by Senator Brown
Motion carried unanimously.

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SCR 21 Directs the Legislative Commission to study the problems of medical malpractice insurance.

Senator Close moved "DO PASS"
Seconded by Senator Young
Motion carried unanimously.

SCR 33 Directs Legislative Commission to study feasibility of employer payment of employee contributions to Public Employee's Retirement Fund.

Senator Lamb moved "DO PASS"
Seconded by Senator Gibson
Motion carried unanimously.

ACR 8 Directs Legislative Commission to study sexual discrimination in Nevada Law.

Senator Young moved "DO PASS"
Seconded by Senator Gibson
Motion carried unanimously.

Having heard all those who wished to testify, and the Senate due to go into Session, Chairman Monroe adjourned the meeting.

Respectfully submitted,

Beth Quilici
Beth Quilici, Secretary

APPROVED:

Warren L. Monroe
SENATOR WARREN "SNOWY" MONROE, CHAIRMAN

PROPOSED AMENDMENTS TO S.B. 503

1. Page 2, line 46
After "Any real property", insert "in Nevada".
2. Page 3, line 4
After "management", insert "for which monetary compensation is received".
3. Page 3
Delete Section 14
4. Page 4, line 1
After "real property", insert "in Nevada"
5. Page 4, line 4
After "\$1,000", delete the balance of the words on lines 4, 5, 6 and 7.
6. Page 4, line 8
After "Each", insert the word "general"
7. Page 4
Delete lines 12 & 13
8. Page 4, line 14
After "Any", insert "salaried"
9. Page 4, lines 14 & 15
Delete the words "salaried or" at the end of line 14 and delete "otherwise" at the beginning of line 15.
10. Page 4, Section 16
Delete subsection 5.

11. Page 4, Section 17

Delete subsection 2 and insert "each person appointed to serve as a public official within 30 days after he takes office"

12. Page 5, Section 19, line 3

After "agency", delete "may" and insert "shall".

13. Page 5, Section 20, subsection 2, line 19

After "accordingly", insert a new sentence: "The court may award reasonable attorney fees and court costs to the prevailing party of an action brought under this section".

14. Page 5, Section 21

Delete, starting line 22, the sentence stating "A copy of each such statement shall be given to any member of the public upon payment of a reasonable charge, not to exceed ten cents per page".

15. Page 5, Section 23, line 35

Add a new sentence: "A suit brought by citizen or group of citizens, a condition precedent to bringing filing of the suit, shall be the filing of the bond in the amount of \$2,000 to cover costs and attorney fees if awarded by the court against the plaintiff or plaintiffs."

16. Page 5, Section 23

Delete subsections 3 & 4.

17. Page 6, Section 24

Delete subsections 2 & 3.

18. Page 6, line 22

Delete Section 25 and insert in lieu thereof the following: "No public official serving in a legislative capacity shall introduce, vote upon, or otherwise exert influence on legislation for or on behalf of any person or firm having a contractual relation with the legislator or any business with which he has a financial interest. No public official

Amendments to S.B. 503
Continued

serving in the executive branch shall appear before any agency, commission or board on behalf of any person or firm having a contractual relationship with the public official or any business in which he has a financial interest".

PROPOSED AMENDMENTS FOR SB 503- from LARRY DUNPHY, FOR COMMON CAUSE.

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AMEND BY:

Page 1, line 24, after: "interest.", strike period, insert comma, add:

OR A BUSINESS WHICH IS A CLIENT OF THE PERSON. Continue with: A BUSINESS . . . "

Page 2, between lines 5 & 6, insert a new section:

SECTION 8,: "MINISTERIAL ACTION" MEANS AN ACTION THAT A PERSON PERFORMS IN A PRESCRIBED MANNER IN OBEEDIENCE TO THE MANDATE OF LEGAL AUTHORITY, WITHOUT REGARD TO, OR THE EXERCISE OF, THE PERSON'S OWN JUDGEMENT UPON THE PROPRIETY OF THE ACTION BEING TAKEN.

Renumber subsequent sections to conform.

Page 2, line 17, after: "duty.", delete period, insert comma, and add:

EXCEPT THAT WHICH IS SOLEY IN THE NATURE OF MINISTERIAL ACTION.

Page 2, between lines 35 and 36 add:

a) USE HIS PUBLIC OFFICE NOR ANY CONFIDENTIAL INFORMATION RECEIVED IN HIS OFFICIAL CAPACITY TO OBTAIN FINANCIAL GAIN OTHER THAN COMPENSATION PROVIDED BY LAW FOR HIMSELF, HIS SPOUSE OR DEPENDENT CHILDREN, NOR FOR A BUSINESS WHICH IS A CLIENT OF HIS.

b) NOR SHALL HIS SPOUSE, NOR HIS DEPENDENT CHILDREN , NOR ANY BUSINESS ENTITY OF WHICH HE IS A DIRECTOR, OFFICER, PARTNER, TRUSTEE, EMPLOYEE, OR HOLDS A POSITION OF MANAGEMENT ENTER INTO ANY CONTRACT VALUED AT \$500 OR MORE WITH A GOVERNMENTAL BODY UNLESS THE CONTRACT HAS BEEN AWARDED THROUGH AN OPEN AND PUBLIC PROCESS, INCLUDING PRIOR PUBLIC NOTIFE AND SUSEQUENT PUBLIC DISCLOUSRE OF ALL PROPOSALS CONSIDERED AND CONTRACTS AWARDED. ANY CONTRACT MADE IN VIOLATION OF THIS SUBSECTION SHALL BE VOIDABLE BY A COURT OF COMPETANT JURISDICTION IF THE SUIT IS COMMENCED WITHIN 90 DAYS OF MAKING OF THE CONTRACT.

c) HAVE ECONOMIC INTERESTS WHICH ARE IN SUBSTANTIAL CONFLICT ACCORDING TO SUBSECTION 2 OF THIS SECTION WITH THE PROPER EXERCISE OF HIS OFFICIAL DUTIES AND POWERS.

2. A PUBLIC OFFICER HAS ECONOMIC INTERESTS WHICH ARE IN SUBSTANTIAL CONFLICT WITH THE PROPER EXERCISE OF HIS OFFICIAL DUTIES AND POWERS, IF THE ACTION OR DECISION WOULD HAVE A MATERIAL OR ECONOMIC EFFECT ON:

a) ANY BUSINESS ENTITY , etc. Continue with bill as is on page 2, line 44.

Page 3, line 8, delete subsection 1, and add:

(1)

(1) PREPARE A WRITTEN STATEMENT SIGNED UNDER PENALTY OF PERJURY DESCRIBING THE MATTER REQUIRING ACTION AND THE NATURE OF THE POTENTIAL CONFLICT; IF HE IS A MEMBER OF A LEGISLATIVE OR QUASI-LEGISLATIVE BODY AND HE WILL NOT REQUEST THAT HE BE EXCUSED FROM VOTING, DELIBERATING, OR TAKING ACTION ON THE MATTER, THE STATEMENT SHALL STATE WHY, DESPITE THE POTENTIAL CONFLICT, HE IS ABLE TO VOTE AND OTHERWISE PARTICIPATE FAIRLY, OBJECTIVELY, AND IN THE PUBLIC INTEREST. SUCH STATEMENT SHALL BE DELIVERED TO THE PRESIDING OFFICER OF THE BODY, WHO SHALL CAUSE THE STATEMENT TO BE RECORDED IN THE MINUTES OF THE BODY OR IN ITS JOURNAL.

(2) IN NO WAY ATTEMPTS TO INFLUENCE ANY OTHER PUBLIC OFFICER WITH RESPECT TO THE MATTER.

Continue with subsection (b) line 14 page 3. (b) "WHOSE ACTION, . . . etc.

page 3, line 45, after: "file", insert: UNDER PERJURY A STATEMENT DURING APRIL OF EACH YEAR CONTAINING THE FOLLOWING INFORMATION.

page 3, line 50, after: "\$10,000;" insert: AND IF, THE BUSINESS ENTITY HAS DONE BUSINESS WITH OR BEEN REGULATED BY THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, THE DATE, AND NATURE OF SUCH BUSINESS OR REGULATION; ~~THE SOURCE OF ANY INCOME~~ RECEIVED FOR MENTAL HEALTH SERVICES NEED NOT BE INCLUDED.

Page 4, between lines 17 & 18, insert:

(e) WHERE AN AMOUNT IS REQUIRED TO BE REPORTED PURSUANT TO SUBSECTIONS (a) THROUGH (d) OF THIS SECTION, IT SHALL BE SUFFICIENT TO REPORT WHETHER THE AMOUNT IS LESS THAN: \$2,500, 2,500-5,000; \$5,000 - \$10,000; \$10,000-25,000; \$25,000-50,000, or MORE THAN \$50,000.

Page 4, lines 18-21, delete, subsection (2) and insert:

2. PUBLIC OFFICIALS WHOSE ACTION ARE SOLELY MINISTERIAL IN NATURE NEED NOT FILE SUCH REPORTS.

Page 4, between line 32 and 33, insert:

(6) WHERE APPLICABLE, THE SPOUSE AND DEPENDENT CHILDREN OF THE PUBLIC OFFICIAL MUST FILE IN THE SAME MANNER AND WITHIN THE SAME TIME PERIOD, ANY INCOME, INVESTMENTS, INDIRECT OR DIRECT INTERESTS, GIFTS, PROPERTY, ETC. AS REQUIRED BY SEC. 16, SUBSECTIONS 1 (a)-(d), 3, 4, & 5 OF THIS ACT.

Page 5, between lines 2 & 3, : insert:

3. If AB 610 of the 58th SESSION PASSES AND BECOMES LAW, THE PROVISIONS OF FILING WITH THE ETHICS COMMISSION OF THAT BILL SHALL REPLACE THE REQUIREMENTS OF SEC. 18 (1) & (2) OF THIS ACT.

Page 5, Between lines 19 & 20, insert:

3. IF AB 610 OF THE 58TH SESSION PASSES AND BECOMES LAW, THE PROVISIONS OF

105 103
THAT ACT SHALL PREVAIL OVER SEC. 19 & 20 OF THIS ACT.

Page 5, lines 16- 19 from "Could" to "accordingly", Delete, and insert:

ARE SOLEY DE MINIMIS IN NATURE, OR REGULATE ACTIVITIES WHICH ARE SOLELY MINISTERIAL IN NATURE OR THAT ACTIVITIES WHICH COULD BE IN CONFLICT WITH THE PROVISIONS, OR INTENT OF THIS LAW, HE MAY ORDER THE AMENDMENT OF THE REGULATIONS ACCORDINGLY.

Page 5, between lines 24 & 25, insert:

2. NO PERSON SHALL USE FOR ANY COMMERCIAL PURPOSE INFORMATION COPIED FROM THE STATEMENTS REQUIRED TO BE FILED UNDER SEC. 16 OF THIS ACT NOR FROM ANY LISTS COMPILED FROM SUCH STATEMENTS.

~~Page 5, line 21, as subsection 1-bud: "ON PUBLIC OFFICIAL SHALL BE ALLOWED TO TAKE THE OATH OF OFFICE OR ENTER OR CONTINUE UPON HIS DUTIES, NOR SHALL HE RECEIVE ANY COMPENSATION FROM PUBLIC FUNDS, UNLESS HE HAS FILED A STATEMENT OF FINANCIAL INTERESTS WITH THE APPROPRIATE AUTHORITY AS REQUIRED BY SEC. 16 AND 17 OF THIS ACT."~~

Page 6, between lines 21 & 22, insert:

4. IF AB 610 OF THE 58TH SESSION PASSES AND BECOMES LAW, THE PROVISIONS OF THAT ACT RELEVANT TO PROCEDURES IN CASE OF VIOLATION AND TO THE PENALTIES TO BE PROVIDED SHALL PREVAIL OVER SECS. 23 & 24 OF THIS ACT.

S. J. R. 24

SENATE JOINT RESOLUTION NO. 24—SENATOR
BLAKEMORE

APRIL 17, 1975

Referred to Committee on Legislative Functions

SUMMARY—Memorializes the President of the United States to appoint a mineral affairs adviser to the White House staff. (BDR 1781)

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

SENATE JOINT RESOLUTION—Memorializing the President of the United States to appoint a mineral affairs adviser to the White House staff.

1 WHEREAS, The position of presidential science adviser was abolished in
2 early 1973 by then President Nixon, and he also disbanded the Office of
3 Science and Technology at that time; and

4 WHEREAS, In an era of great concern over the interrelated problems of
5 ecology and energy independence, the failure of the President to have his
6 own advisers on scientific matters, especially in the areas of natural
7 resource recovery and utilization, seems to be a lamentable oversight;
8 and

9 WHEREAS, There are distinct differences between renewable and non-
10 renewable natural resources, the latter being the mining industry; and

11 WHEREAS, Mining is separate and distinct from the manufacturing
12 industry that it supports and its problems have little in common with
13 manufacturing and fabricating industries; and

14 WHEREAS, There is no integrated national policy on mining, even
15 within the Department of the Interior, where the Bureau of Mines works
16 separately from the Bureau of Land Management under whose control
17 much mining exploration is done; and

18 WHEREAS, The vitality and strength of mining, an industry essential
19 to the economic well-being of the nation, is dependent upon the develop-
20 ment of an integrated national policy for nonrenewable natural resources;
21 and

22 WHEREAS, The development of such a policy will be greatly speeded
23 and enhanced if the President of the United States has ready access to an
24 experienced and knowledgeable mining expert; now, therefore, be it

25 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
26 That the legislature hereby respectfully memorializes the President of the
27 United States to recognize the importance and value of a mining affairs
28 adviser and to appoint such a person to his staff; and be it further

S. C. R. 21

SENATE CONCURRENT RESOLUTION NO. 21—
COMMITTEE ON JUDICIARY

MARCH 26, 1975

Referred to Committee on Judiciary

SUMMARY—Directs the legislative commission to study the problems of
medical malpractice insurance. (BDR 1356)



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

SENATE CONCURRENT RESOLUTION—Directing the legislative commission
to study the problems of medical malpractice insurance.

- 1 WHEREAS, There is a nationwide problem of doctors and health care
2 providers obtaining malpractice insurance with many of the insurance
3 carriers getting out of malpractice coverage and others increasing
4 premiums by several hundred percent; and
5 WHEREAS, A major insurer of Nevada doctors has elected to leave
6 the malpractice field this year; and
7 WHEREAS, The problems related to obtaining malpractice insurance
8 have been studied by a special committee of the 58th session and that
9 committee has made recommendations to ameliorate some of the prob-
10 lems; and
11 WHEREAS, The malpractice problem in Nevada is presently in a state
12 of transition with the exact dimensions of a number of the problems
13 unclear; and
14 WHEREAS, The several legislative proposals concerning medical mal-
15 practice insurance should be watched closely over the next 2 years in
16 order to gauge their adequacy and to determine what other solutions
17 might be necessary so as to avoid another crisis situation for the legis-
18 lature; now, therefore, be it
19 *Resolved by the Senate of the State of Nevada, the Assembly con-*
20 *cursing,* That the legislative commission study the ongoing problem of
21 medical malpractice insurance, in particular assessing the effectiveness
22 of legislation enacted on the subject by the 58th session of the legislature
23 and recommending other changes deemed necessary to ensure high qual-
24 ity health care in Nevada; and be it further
25 *Resolved,* That the committee appointed to make such study shall
26 include those members of the legislature most involved in the study of
27 malpractice during the 58th session of the legislature and the insurance

S. C. R. 33

SENATE CONCURRENT RESOLUTION NO. 33—
COMMITTEE ON FINANCE

APRIL 11, 1975

Referred to Committee on Finance

SUMMARY—Directs legislative commission to study feasibility of employer payment of employee contributions to public employees' retirement system. (BDR 1739)



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

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the feasibility of permitting or requiring public employers to pay the entire amount required to provide for employees' retirement.

1 WHEREAS, Various proposals have been made in committee hearings
2 upon the financing of public employees' retirement, either to require or to
3 permit the public employer to make on behalf of its employees the con-
4 tribution now required of them to the public employees' retirement sys-
5 tem; and

6 WHEREAS, This concept is attractive in the context of providing addi-
7 tional benefits to enhance the attractiveness of public employment while
8 attempting to mitigate the financial burden on public employees imposed
9 by the constantly rising cost of living; but

10 WHEREAS, The fiscal impact of such a change with its related effect
11 upon the withdrawability of contributions is complex and the adminis-
12 trative feasibility of a mixed system (where only certain employers would
13 make such payments) is undetermined; now, therefore, be it

14 *Resolved by the Senate of the State of Nevada, the Assembly concur-*
15 *ring,* That the legislative commission is directed to study the feasibility of
16 payment by the public employer of all contributions required to provide
17 for public employees' retirement, in lieu of the present system of joint
18 contribution, including specifically:

19 1. Whether it is administratively feasible to make such payment elec-
20 tive on the part of the public employer, or whether all employers must
21 be treated uniformly with respect to contribution; and

22 2. The fiscal impact of elective payment (if feasible) and mandatory
23 payment of total retirement costs upon the respective classes of public
24 employers, state and local, and the requisite total rates of contribution;
25 and be it further

26 *Resolved,* That the legislative commission report the results of its
27 study, with any recommended legislation, to the 59th session of the
28 legislature.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. C. R. 8

ASSEMBLY CONCURRENT RESOLUTION NO. 8—
ASSEMBLYMEN GETTO, FORD AND WAGNER

FEBRUARY 12, 1975

Referred to Committee on Legislative Functions

SUMMARY—Directs legislative commission to study sexual discrimination
in Nevada law. (BDR. 382)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative
commission to study sexual discrimination in Nevada law.

- 1 WHEREAS, The 92d Congress of the United States of America has pro-
2 posed a constitutional amendment providing that equality of rights under
3 the law shall not be denied or abridged by the United States or by any
4 state on account of sex; and
5 WHEREAS, The legislatures of a large number of states have ratified the
6 proposed constitutional amendment; and
7 WHEREAS, Discrimination based on sex has come under close judicial
8 scrutiny; and
9 WHEREAS, It is presently undetermined which constitutional and statu-
10 tory provisions of Nevada law are based upon suspect sexual differentia-
11 tion and which of such provisions might be modified to retain their basic
12 features while eliminating their sexual bias; now, therefore, be it
13 *Resolved by the Assembly of the State of Nevada, the Senate con-*
14 *curring,* That the legislative commission is hereby directed to study con-
15 stitutional and statutory provisions of Nevada law to discover which of
16 them discriminate between persons on the basis of their sex, and to report
17 the results of such study and submit appropriate recommendations and
18 suggested legislation to the 59th session of the Nevada legislature; and be
19 it further
20 *Resolved,* That the legislative commission consider appointing a citi-
21 zens' advisory committee to assist with this study.