

MINUTES

ASSEMBLY
GOVERNMENT AFFAIRS COMMITTEE
February 23, 1977

Members Present: Chairman Murphy
Mr. May
Mr. Craddock
Mr. Jeffrey
Mr. Mann
Mr. Moody
Mr. Robinson
Mrs. Westall
Mr. Jacobsen

Chairman Murphy called the meeting to order at 7:40 a.m. there was one addition to the posted agenda and that was the inclusion of AB 287, carried over from the Monday meeting.

SB 28: Senator Dodge testified that this bill was to make it possible to sell the old Fallon fairground property and reinvest this money into the new recreation site. He explained that due to a provision in the 1951 deed, this property cannot be sold without the express permission of the legislature. That is what this bill is to do. Section two of this bill states that this money can only be used to reinvest in other recreational property in Churchill County for the public use. Mr. Mann asked if it should be included in the bill that the funds from this go only to the fairgrounds, since it does not spell that out specifically. Senator Dodge stated that he did not believe the commissioners of Churchill County would use this money for any other purpose than for the replacement of the facilities which will be sold and the extension of the fairgrounds and recreation area it is designated for. He further stated that he would not object to an amendment of this nature if the committee felt it was necessary.

SB 63: Senator Dodge gave a short explanation of this bill and its companion bill SB 62. This bill, SB 63, is a housekeeping bill which was put together by Frank Daykin to help in conforming procedures. Mr. Daykin had been directed to make a staff review of the problems connected with the codification of administration regulations in this state. This codification will be started after the end of this session and when finished, will be available to lawyers, people who practice before boards and commissions and various state agencies.

Mr. Daykin testified next on this bill. He said that what Senator Dodge had said was right and that in 1965 when the Administrative Procedures Act was adopted not attempt was made to go through the rest of NRS and repeal or amend statutes which related to administrative procedures in the individual agencies. In 1967 this was compounded when the Contested Case Procedure was added to the Administrative Procedure Act and again no

attempt was made to avoid duplications or even inconsistencies with the procedures of other agencies. When the study was made last interim, it became clear that these inconsistencies and duplications should be eliminated because they are unnecessary. In those instances, since the adoption of the act, that a procedure has been deliberately added for some specific reason, that has been retained as the Act takes into account those situations. In conclusion he stated that this bill will simply spell out the uniformity of interpretation of the law and additionally is not dependent on SB 62 in any way.

AB 191: Mr. Ian Ross spoke on this bill. He stated this bill is meant to make it necessary for the governor only to have to reside in Carson City proper. He gave the historical background for the old bill, as it was in 1866, when travel time was such a great factor and to live somewhere other than Carson City was prohibitive to effectively carrying out the duties of state offices. This bill would allow any state officer, other than the governor, to live in any town so long as it was within commuting distance of Carson City.

AB 289: Mr. Al Glover testified on this bill as the introducer. He stated this bill would abolish the personnel division and make it a separate department. He stated he felt this would take the personnel division out from under influence of the budget division. He stated he had submitted to Mr. Murphy an amendment to the bill as to how the director was to be appointed, which is by governor appointment. He felt making this a separate department, dependent on no other division, would make it better than it is now and it would avoid other problems in the future.

Mr. Bob Gagnier, Executive Director of the Nevada State Employee's Association, spoke in favor of this bill. He stated that, as the bill is drafted, it make no changes in any of the functions of state personnel, other than providing that it will be a separate agency of state government with the director appointed by the governor. He said his organization felt that currently many of the decisions were made on budgetary implications rather than sound personnel practices. He said he also felt it would be a benefit of the bill, that it would consolidate many of the personnel functions within the new department and then they could allocate personnel officers to the different agencies as the need arose.

Mr. Al Wittenberg spoke as an opponent of this bill. He stated he felt the proposal is counter to government reorganization efforts to reduce the number of departments answering directly to the chief executive. He stated he felt that Nevada had one of the most streamlined governments of any state and this would be counter to that. The tendency in the United States, today, is toward the Department of Administration with the personnel function within the Department. He commented that the budget and personnel functions should be interrelated and should function as a team and this can best be served under the direction of one administrator.

He further commented that he felt if this bill was passed, it would have an eroding effect on other agencies that have been reorganized. He stated that contrary to Mr. Gagnier's testimony, that he felt that the physical matters should be considered in depth and this should be considered along with all the facts which must be considered. He said that part of the proof that the division is working as it should is that the last package that was given to the employees was one of the largest packages for state employees across the country. He said he felt that the personnel people within the different agencies work in concert with the central personnel function and, today, it is essential to have the resources immediately available to deal with the problems effectively.

Mr. Mann asked Mr. Wittenberg if he felt there was a benefit in having a "safety-valve", the Budget Director, between the head of the Personnel Division and the governor. Mr. Wittenberg said that he felt he was at an advantage being a part of the Department of Administration and have the ability to work with the Director of the Budget and the Director of Administration on personnel matters. He stated he felt that the current proposal would breakdown the amount of dialogue between these people. And, more differences would develop which otherwise would not have developed. Mr. Jacobsen asked if Mr. Wittenberg knew of any of the surrounding states that had made this type of change recently and if he attended seminars or meetings with other states where this was discussed. Mr. Wittenberg stated that no other states were going in this direction, in fact just the opposite, and that he does attend meetings where this type of thing is discussed.

Mr. Dell Frost, Administrator for the State Rehabilitation Division, testified in opposition to the bill as a line administrator in an agency that uses the services of the Central Personnel System. He said he did not feel there was anything in the proposed bill which would improve personnel services in state government. He stated that in his ten years of experience within the present system it has met all the needs of his agency. He stated there may be some possible dangers in the current system but, that he has never seen them surface in working with the last three governors. He said the proposal that the director of the personnel department being chosen by the governor presents more of a danger by making him vulnerable to the politics of an appointed officer. He stated that the reason for a classified system was to have qualified people in places of authority who are above partisan politics. He stated that as it is now the personnel division is insulated from this problem which could have an eroding effect on its effectiveness. He stated that he felt the amendment to the bill was the most concerning item of the bill. He said he felt the main purpose of a central personnel agency is to provide support services to the agencies that deliver the services to the people. Further, if you centralize the personnel division to any more of an extent, you would put them one more step away from the people they are supposed to be serving and they would be less sensitive to their needs because they wouldn't deal with the day-

to-day problems. Removing the personnel people from the outer agencies would create a serious problem. He stated that though they are not completely happy with personnel now, that there is nothing in this bill that would help their problems. He stated in response to a question from Mrs. Westall that he felt the solution to these problems could be provided by administration adjustments, and by putting the director of personnel out in the area that would be susceptible to political influence would bring about only more problems.

Mr. Jacobsen asked Mr. Frost if he felt personnel commission responsive and Mr. Frost said that they were extremely responsive and knowledgeable and he felt it should not be changed.

Mr. Gordon Kronenberg, Department of Human Resources, testified briefly in response to a question from Mrs. Westall. He stated that his department had seven people who were directly related to personnel functions, a personnel officer in the director's office, personnel people in the various divisions spread throughout their offices who help with these functions.

Mr. George Miller, Director of State Welfare, stated he was opposed to this bill from the standpoint that it weakens the intent of trying to upgrade the quality of state employees. He felt this would lower the quality of state employees due to centralization. He stated his office has a high turnover and he would not be able to work effectively if they lost their personnel officer. He stated that he had five staff members who work in personnel.

Mr. Robinson asked Mr. Miller how at present, one would go about terminating the chief of personnel if he wasn't doing a good job. Mr. Miller stated that the person asking for dismissal would have to have just cause and if he did have cause he could be terminated. He pointed out that in the classified system a person has a year's probation period, however, with the appointee there is no probationary period and if the wrong person has been appointed, many times, the person who appointed him has a hard time admitting a mistake like that and the appointee is likely to remain longer.

Mr. Grant Bastion, State Highway Engineer, in opposition to this bill, stated that he was also in opposition to the centralization of personnel due to one additional reason to those which had been stated before. He stated that twelve of his people were involved with personnel as well as doing other functions within the office and if this was centralized, they would lose these people and a lot of flexibility they have now and their offices would suffer because of it and they cannot afford that.

Mr. Little, Department of Motor Vehicles, stated that he was in opposition to this bill primarily for the same reasons as Mr. Bastion.

This concluded testimony on AB 289.

AB 169: Chairman Murphy stated that the testimony on the financial portion of this bill will be heard in Ways and Means and this committee will not address itself to that part.

Mr. Bob Warren was first to testify on this bill. He stated a bill was being introduced on the Senate side sponsored by the Nevada Association of County Commissioners and the Nevada League of Cities, that would effect some of the same purposes and objectives as this bill and does go further and he thinks is more complete and workable than this bill. He stated that they do support the concept of a strengthened Employee-Management Relations Board. He felt that the decision which come from this board, and the procedures that it establishes, has a great influence on benefits and salaries and, therefore, has a great impact on the cost of government in Nevada. He said they have suggested that this board be expanded to a five person board, one from labor, one from amnagement, two from general purpose government and one from the consumer area. Also that in addition to a per diem pay that these people be paid a consultants' fee and this would enable the governor to appoint people who are more qualified when an opening in the board is available. He stated that the new bill is being drafted at this time and therefore has no bill number as yet. Mr. Murphy asked that Mr. Warren leave the proposed amendments to this bill with the secretary and those amendments will be put into the record at the time the new bill is presented to the committee and discussed along with AB 169. It was also commented that this board is not one of those which is covered in AB 278.

Joyce Woodhaus, Nevada State Education Association, was next to testify. She stated that they have submitted a similar bill which is being drafted now and will be introduced through the Assembly side soon. After a brief discussion, it was decided that this entire group of bills would be rescheduled and heard at a later date.

AB 144: No one spoke as a proponent of this bill.

Mr. Frost stated he felt this was an unnecessary bill. He stated that the law, as it now stands, provides that all public buildings shall have certain facilities to accommodate handicapped persons. And, the Planning Board has the authority to review plans for building and to recommend changes to accommodate those needs. This bill would only apply to public buildings and would be a duplication. Secondly, the State Rehabilitation Division is a service agency and not an enforcement agency, therefore he felt that the enforcement should be delegated to the Equal Rights Commission or some other department which has the capacity to function as an investigation agency. He stated that rather than using the budget costs proposed in this area, that that money be used for working with the private sector on design for those buildings. He said this was the most important area, design. He said the area of enforcement was the biggest problem.

AB 287: Mr. Joe Parr, Clerk/Treasurer of Lyon County and Mr. Manuel Barenia, County Clerk of Churchill County testified in favor of this bill. Mr. James D. Wood, Secretary/Treasurer of the Tahoe-Carson Irrigation District testified in opposition. After a very lengthy discussion on this matter, it was decided among the three gentlemen, that a settlement to this problem could be arrived at among themselves rather than through legislation and there would be no need to continue with this in this committee meeting. They thanked the committee for their time.

Formal testimony on today's agenda ended at 9:30 a.m. and there was a short recess.

COMMITTEE ACTION:

SB 28:

After a brief discussion regarding this bill with Mr. Dini and Mr. Serpa, Mr. Mann moved for a Do Pass and Mr. Jacobsen seconded the motion and it carried unanimously.

SB 63:

Mr. Mann moved for a Do Pass and Mr. May seconded the motion and it carried unanimously.

AB 191:

Mr. Mann moved for a Do Pass and Mr. Jeffrey seconded the motion. Mr. Jacobsen and Mr. Moody did not vote in favor of the motion and Mr. Jacobsen stated that he would be speaking against the bill on the floor. The motion for Do Pass carried and Mr. Murphy put a discretionary hold on the bill for one week before releasing it from committee.

AB 289:

After a short discussion on this bill Mr. Jeffrey moved for the bill to be put on Hold and Mr. May seconded the motion. Mr. Murphy said that due to the feelings of the two co-sponsors it would be the intention of the Chair to Hold this bill.

AB 169: This bill is on Hold awaiting receipt of similar bills.

AB 144:

Mr. May moved for an Indefinite Postponement on this bill and Mr. Mann seconded the motion and it carried unanimously.

AB 287:

The Chair has placed this bill on Hold.

There being no further business or discussion the meeting was adjourned at 10:40 a.m. Mr. Murphy noted to the committee that they would be meeting in room 131 at 2:00 p.m. today.

Respectfully submitted,

Linda D. Chandler

Linda D. Chandler, Secretary

GOVERNMENT AFFAIRS COMMITTEE

DATE: 2/23/77

	PRESENT	EXCUSED	ABSENT
CHAIRMAN MURPHY	✓		
VICE CHAIRMAN MAY	✓		
ASSEMBLYMAN CRADDOCK	✓		
ASSEMBLYMAN JEFFREY	✓		
ASSEMBLYMAN MANN	✓		
ASSEMBLYMAN MOODY	✓		
ASSEMBLYMAN ROBINSON	✓		
ASSEMBLYMAN WESTALL	✓		
ASSEMBLYMAN RHOADS <i>Jacobson</i>	<i>EW</i>		
			238

The lease for the land on which the Beatty operation is located is currently the responsibility of the Department of Conservation and Natural Resources, and the enforcement of the license is the responsibility of the Department of Human Resources. The separation of these two responsibilities caused difficulties. The state found itself being able to revoke the license of the operator but not being able to terminate the lease. The state, therefore, was not in the position to negotiate with a new operator. Section 4 of this bill places the total responsibility of both the lease and license in one department.

The ongoing licensing and monitoring activities are the responsibility of the Radiological Control Section of the Bureau of Consumer Health Protection. Currently the costs of these functions are being provided with general funds. It is our intent to recover these costs and any future costs with appropriate fees.

This was here!
J.M.
5/26/77