

MINUTES

WAYS AND MEANS COMMITTEE

NEVADA STATE LEGISLATURE - 59th SESSION

March 16, 1977

The meeting was called to order by Chairman Mello at 8:00 a.m.

PRESENT: Chairman Mello, Mr. Bremner, Mr. Glover, Mr. Hickey, Mr. Kosinski, Mr. Rhoads, Mr. Serpa and Mr. Vergiels.

TARDY: Mrs. Brookman.

EXCUSED: Mr. Bode Howard, due to illness.

OTHERS PRESENT: John Dolan, Assembly Fiscal Analyst; Bill Bible, Budget Division; Dan Miles, Budget Division; Mayor Harold Jacobson; Henry Etchemendy, City Manager, Carson City; Thelma Calhoun, Carson City Board of Supervisors; Harry Dickson, Carson City School District; Bud Campos, Chief Parole and Probation Office; Carl Hocker, Executive Secretary, Parole Board; Colonel James Lambert, Highway Patrol; Tom Ballow, Director of Agriculture; Jim Avance, Taxicab Authority; Dr. Jack Davis, Athletic Commission; Jean Ross, Budget Division; Harry Frost, Racing Commission; Stan Wells, Racing Commission and Doug Lowberg, Administration Accountin

CARSON CITY TAXES. Mr. Etchemendy stated each year Carson City provides an estimate to the State Budget Director based on what their assessor's estimate will be on private evaluation of real estate, as well as state owned evaluations. They submit the estimate and the state Budget Office examines that and makes its own determination. Based on the fact that the state properties themselves have not been reassessed for over five years, the Assessor's office felt that for the budget year 1978-79 they would have a reassessment done. In preparing the budget, the State Budget Office pushed that reevaluation up one year anticipating that it would be for 1977-78. On that basis the Executive Budget recommends \$249,206 for the first year of the biennium and \$153,431 for the second year.

Chairman Mello stated he felt that the budget for 1977-78 is contrary to NRS 361.055. Mr. Bible stated that Budget Division was not sure exactly what Carson City intended to do. Apparently they intend instead of to reevaluate to simply change the formula.

Chairman Mello stated that unless the statute is changed, he didn't know how we could comply with the Governor's recommendation in this budget. Mr. Bible replied no, it can't be complied with at this point because they have passed the dates for reevaluation.

Mayor Jacobson stated that approximately 30 years ago, the State of Nevada started contributing toward some of the costs of operating the City of Carson because of the fact that Carson provided such things as fire protection and police protection for the state owned property and state facilities. In 1969 the Legislature felt that they wanted to provide about \$100,000 per year. With that in mind, they worked back to it and that is how they arrived at the formula used. In 1977-78 under that same formula the figure would be \$30,290 because of the rapid growth of Carson City itself. This is not a formula that is used only in Nevada. The Mayor has written to all of the state capitols and they are all trying to do something similar to this formula. The Mayor feels there should be a new statute or an amendment to the statute and that would change it so the formula would be somewhat different. Mr. Glover has requested a BDR to change the formula.

Chairman Mello asked if there was a moratorium on building in Carson City. Mr. Etchemendy replied no. They have a moratorium at the present time on new subdivisions.

Mr. Bremner asked how long ago Carson City enacted the extra 1/2¢ local option sales tax. Mr. Etchemendy replied a year ago. Mr. Bremner inquired why it took so long to do it. Mr. Etchemendy replied that the Board of Supervisors in the past had always felt that there wasn't the need at that time to really lay that tax on.

FULL TIME PAROLE BOARD (A.B. 138). Mr. Campos stated they are asking for a full time Board, consisting of three members, appointed by the Governor. Two of the members will receive \$20,000 per year and the Chairman also appointed by the Governor would be salaried at \$22,500.

They are recommending the balance of the agency consist of the Executive Secretary, Administrative Secretary and Senior Clerk Typist. The Senior Clerk Typist, salaried at \$9,500, is going to be paid for under a Criminal Commission Grant both this year and possibly next year because it has to be approved by the State Allocation Committee for funding that position for a two year period.

Mr. Campos stated that the significant problems they have in the current system boils to really one word: time. Another thing wrong are the individuals that are on the Board currently and in the past. The problem is they simply do not have enough time to do all things necessary to determine who should and who should not be released on parole. When you stop to think about the "system", it does seem a little bit on the ridiculous side. Millions of dollars are spent identifying criminals apprehending criminals. Millions of dollars are spent prosecuting criminals. Millions of dollars are spent assuring that they are properly complying within the state, and then the State pays a few people \$40.00 several times a month to come to a decision as to whether a person should or should not be paroled.

Some of the things the Board should have the time to do, which they currently do not have are: being able to advise the inmate in person on the decisions they make and the reasons for the decisions. Mr. Campos thinks it is imperative that they do that. Otherwise the inmate is not going to be getting the maximum use out of his time in prison. He is not going to come out eventually as well prepared as he could be.

The Board needs to develop or be able to develop expertise in interviewing. It doesn't do much good to talk with an inmate for 15 minutes about his parole plans when you know that under no circumstances this individual is going to be paroled at the time. They need to really have the expertise to know how to utilize their time in terms of what is best in a particular situation.

The Board needs to be thoroughly knowledgeable of all case factors prior to making parole decisions. Right now, the only way it can be done is that the Prison prepares the report and the Board has to rely almost entirely on that particular report with some input from other people. What the Board should be able to do in making this type of major decision, is read every bit of information they can lay their hands on about this individual and there is an abundance of information available.

The Board should have the expertise to utilize to the maximum available tools and alternatives such as work release. Again, because of the limited time in the parole hearing process, they are bound to get almost total input involved in whether or not an individual should be paroled, rather than that parole should occur.

Nevada standards and goals on corrections which hasn't yet been totally approved, indicated that a Board should review no more than 15 cases per day. Right now they may be reviewing somewhere in the neighborhood of

cases per day. 15 cases per day is a high. The Prison does not recommend hearing 15 cases per day. Certainly in certain situations, two or three hours may be warranted.

The Board themselves need to develop greater expertise on Parole risk factors. Again, not having to rely on Mr. Hocker or Mr. Campos, the buck should stop with the Parole Board. They should know.

They should also be able to increase, rather than decrease the identification with the public. Right now, some people have properly opposed this full time Board because they feel that a full time Board will be too professionally oriented and will lose contact with the people. Mr. Campos thinks that could happen if Nevada were a large state and eventually it will happen, but he thinks that for years to come they can be much more involved in identity with the community through various organizations.

Mr. Campos stated a survey has been done on all of the other states which had prison populations similar to that of Nevada. Nevada currently is providing less service in the parole process than any of these other states. The states are Maine, Nebraska, New Mexico and West Virginia, and to a lesser extent the state of Utah and Minnesota.

Chairman Mello asked if Mr. Campos mentioned in his opening remarks that Nevada is kind of mandated into creating a full time parole board, and asked if there was some type of a federal report that recommended that Nevada have a full time parole board. Mr. Campos replied there was a recent report on U.S. Civil Rights that made several recommendations. Their report was two years after their investigation and the recommendations they made Nevada had already done, not because the feds were going to make them, but just because they were things that needed to be done. The same is true for the full time Board.

Chairman Mello asked why the full time Board was not requested last Session. Mr. Campos stated this is the first time he has pushed for the full time board.

Mr. Bremner said that Chairman Mello had mentioned that A.B. 138 was passed and because of its passage, Mr. Campos alluded to the fact that they were going to need more monies and asked if those monies were reflected in the budget or are there additional monies that will be needed. Mr. Campos replied no, this budget is adequate.

If Nevada were to initiate the full time Parole Board, Nevada would be right in the middle of the other states that were compared. They will be in better shape than several states and not providing as much as several states.

Mr. Serpa inquired why it was decided to have the Commissioners unclassified. Chairman Mello commented that he didn't think you would want them any other way.

Mr. Rhoads inquired about the background requirements for the Board members and asked if the Governor has full appointment authority. Mr. Campos replied there is no criteria as to the background requirements. There are so many ideas about what makes a good parole board member that they finally decided to come up with nothing, only intelligent, reasonable and logical people that know something about human behavior. Mr. Campos stated that the Board members will be appointees of the Governor.

Mr. Campos stated as to the salary figure, it is arbitrary to some extent. He is looking at what kind of person, not who, are they likely to attract. Maybe they will want someone with law enforcement background. You are likely to be looking at someone at the rank of about Sergeant and Lieutenant who make pretty good money. They might appoint a Parole Officer. Again, the Parole Officer is making pretty good money. You have to be able to compete with other salaries and to Mr. Campos this salary is a compromise because the job you are going to get rich on is certainly not one you are going to be popular on.

Mr. Hocker stated that the state is not going to attract people with the necessary knowledge and experience for less money than that which is being proposed.

S.B. 58. Chairman Mello stated that there was a problem with this bill and it was referred to Ways and Means because the testimony made everyone think that it was going to cost a lot of money to implement the program. Chairman Mello stated he personally didn't think it will. A letter was received that the project could cost as high as \$500.00.

Colonel James Lambert, Chief of the Highway Patrol testified to S.B. 58, stating this bill has problematical areas. He stated that if they were to get 40 women troopers, the \$500.00 figure would be ridiculously low. If they get one female trooper in, \$500.00 would be ridiculously high if she were stationed in Reno or Las Vegas. Both the requirements say if you have a mixed commitment of people in an office area there have to be separate bathroom facilities. In some areas where you have a large number of troops and many times it's beneficial after a bad accident to come in to take a shower, then you would have to have separate showers. Conversely, they have separate bathrooms in those facilities and there would be no additional cost if assigned to Reno or Las Vegas. If assigned in Wendover where they have no offices, there would be no cost. They didn't attach any fiscal notes until the problem was broached to the Highway Patrol.

Chairman Mello asked what the probability would be of having 40 women in the patrol. Colonel Lambert replied, rare.

Chairman Mello inquired as to how many troopers there were now. Colonel Lambert replied none.

Chairman Mello inquired if there have been any women at all that have worked for the Highway Patrol. Colonel Lambert said the woman presently working for the Legislature had been a Special Officer and she did an excellent job. The only problem is that the job provided family problems for her and it was much more beneficial in her estimation to leave the job as a Special Officer in order to better her family life. She will not be returning as a Special Officer although Colonel Lambert would like to have her back.

Mr. Bremner inquired if there are any physical requirements that are put on State Troopers. He stated that Municipal Police Departments or Fire Departments say you must be a certain height and weight, a certain age, etc. and inquired if the Highway Patrol had any qualifications. Colonel Lambert replied yes. There was a great deal of controversy over this during the period between this Session and last Session and the Personnel Advisory Commission decided to go to a non-specific set of requirements in general and base it on their physical agility, strength, etc. They did some testing and utilized some of the ladies from the University and some of the prison personnel and went over the physical agility test and they then set up a standard.

Mr. Bremner stated he heard that some of these standards were being considered discriminatory or arbitrary against women and didn't know if they were having any problems in that area or that they were changing or modifying them. Colonel Lambert stated the height and weight standard was primarily the factor not only against women but certain minority ethnic groups. One of the court cases came down out of the Sixth Judicial Appellate Court and they upheld the police standards on height and weight in effect because they did not challenge the case. The attempt to eliminate court decisions are costly and time consuming. The Highway Patrol qualifies the people if they have the strength and the ability to do the job.

S.B. 58. Mrs. Brookman made a motion for a "Do Pass"; seconded by Mr. Glover. Motion approved.

FIRE MARSHAL (Page 578). Mr. Hickey made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Glover. Motion approved. (Mr. Bremner voted no).

GAMING CONTROL BOARD INVESTMENT FUND (Page 626). Mr. Bremner made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Hickey. Motion approved.

DEPARTMENT OF CONSERVATION (Page 634). Chairman Mello stated that the Committee will send a Letter of Intent indicating that the Committee get the study and Interim Finance can look at it and come up with recommendations.

Mr. Serpa made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mrs. Brookman. Motion approved.

DIVISION OF FORESTRY (Page 650). Mr. Glover made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Bremner. Motion approved.

DEPARTMENT OF MILITARY (Page 557). Mrs. Brookman made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Glover. Motion approved. (Mr. Bremner voted no.)

SOUTHERN NEVADA PRE-RELEASE CENTER (Page 521). Mrs. Brookman made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Rhoads. Motion approved. (Mr. Kosinski voted no.)

PARKS YCC PROGRAM (Page 674). Mr. Bremner made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Hickey. Motion approved.

A.B. 183. Tom Ballow stated that he has been requested by the Legislative Council to prepare a fiscal note on the bill. The bill was before the Assembly Agriculture Committee and they did hear testimony from the livestock industry and from the slaughterhouses regarding the bill, and with discussions with Mr. Hickey yesterday, he indicated that he wanted to know how they would handle the financing of the program.

They did submit a fiscal note which requires some authorizations to collect money from the slaughterhouses for the services which will be rendered under the bill. It would also require general fund appropriations to aid the meat grader and the employees of the meat grader that would be hired to provide the service. The portion of the time he would spend doing the meat grading work will be paid entirely by the users. Under the USDA meat grading program, at the present time the meat grading service requires that the rate be \$17.00 per hour. The way this is broken down is \$11.00 would come to the Nevada Department of Agriculture to pay for the employee's salary. The balance of the money would go to the USDA agricultural marketing service to pay them for the supervision of the employee. That way they have it analyzed that they would need approximately, for the first full fiscal year, a total of \$24,263. They reflect revenues on the slaughterhouses who are using the service at \$14,057, leaving roughly a need for a general fund appropriation of \$10,206. The bill would have to be amended in order to provide the authorization to spend that money and also the general fund appropriation.

For the current fiscal year to get the service going they would need \$2,170 general fund appropriations. During fiscal year 1977-78 they would need \$10,206 general fund appropriations. During fiscal year 1978-79 they would be \$10,957 general fund appropriations.

Chairman Mello inquired where these general fund appropriations were going to be put. Mr. Ballow replied that they are recommending that the monies be put in the Plant Industry Fund (Page 677). There are two reasons for this. One is that is where they handle the potato grading work that is being carried out on a contract basis with the USDA. Also they feel this

is a field where they feel they utilize the additional time of this employee when he is not with the meat grader to carry out a scale inspections and package inspections.

Mr. Ballow pointed out that the meat grading activity itself will be self-supporting and the only assistance they need from the general fund is to provide for employment of the person when he is not employed in the meat grading. Mr. Ballow doesn't feel that they can get a part-time meat grader. You have to hire someone full time in order to get a qualified trained meat grader.

Mr. Kosinski stated that in the fiscal note there is a continuing need for \$11,600 and asked if that means that even after this coming biennium they do not expect the revenues to cover this person's salary and expenses. Mr. Ballow replied this is based on the firm commitments that they could get from the slaughterhouses for use of the services. On an optimistic side, once the program is started hopefully the other slaughterhouses in the area and the other meat processors will probably take up much more of his time and the continuing need will probably work down and the time will probably come when they are self-sustaining.

Mr. Serpa made a motion that A.B. 183 be amended to include for fiscal year 1976-77 the sum of \$2,170; for fiscal year 1977-78 the sum of \$10,206; and for the year 1978-79 the sum of \$10,957 in general fund appropriations; seconded by Mr. Rhoads. Motion approved.

Mr. Rhoads made a motion that A.B. 183 be amended that this is effective upon passage and approval and the necessary language will be put in so that fees can be collected and spent; seconded by Mr. Serpa. Motion approved.

Mr. Serpa made a motion for a "Do Pass as Amended"; seconded by Mr. Rhoads. Motion approved.

PREDATORY ANIMAL & RODENT CONTROL (Page 693). Mr. Bremner made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Serpa. Motion approved.

Chairman Mello appointed a sub-committee to study the budget of the State Board of Education. Mr. Serpa will be Chairman and Mr. Vergiels will be on the sub-committee.

WOOLGROWERS PREDATORY ANIMAL CONTROL COMMITTEE (Page 695). Mr. Rhoads made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mr. Serpa. Motion approved.

TAXICAB AUTHORITY (Page 615). Jack Avance, Administrator of the State Taxicab Authority stated that the Taxicab Authority generates its own revenues from the taxation system of the taxicabs themselves. There are some problems in that area, but for the next two years they are able to balance.

Chairman Mello asked Mr. Avance if he was familiar with A.B. 329 and asked what that would do to the Taxicab Authority. Mr. Avance replied that A.B. 329 would abolish the Authority but would put the control somewhere else. He stated he is in favor of putting ground transportation in one agency because right now it is split up quite a bit. What Mr. Avance is asking is that the Taxicab Authority not be abolished until that agency is formed and has time to control it.

Chairman Mello commented that A.B. 329 separates part of the Public Service Commission and creates another Public Service Commission on transportation. Chairman Mello stated he didn't think the bill would pass.

Mrs. Brookman asked if all the existing positions were filled. Mr. Avance replied yes.

Mr. Avance commented on the airport patrol operation. He stated the Taxicab Authority has a bad contract now with the airport wherein they originally agreed to pay for half of the personnel and taxi operation at the airport. When they agreed to pay half in 1973, they put a ceiling at \$20,000. Consequently, it is now way over that, and he is re-negotiating that with them Friday to get that contract straightened out.

ATHLETIC COMMISSION (Page 611). Dr. Jack Davis, Chairman of the State Athletic Commission, stated that all the funds in this budget are generated through patrons at the bouts and the licensing that is required for promoters and for boxers.

They have handled over the years a great number of promotions in the state. At the present time, the State of Nevada is second in promotions throughout the United States. This past year there were 118 promotions with a gross fee received of \$874,398. They had 70,000 people in attendance. Along with the professional promotions, they are also given the jurisdiction and the authority to work with the amateur boxers within the State of Nevada. The amateur activity has been excellent. They had this past year 1,100 amateur boxers that participated in 32 promotions. They feel this has been a very good thing for the young people in the state.

The Commission has a priority list on those people that feel they should serve. The boxer is the person they feel must be paid attention to first. They next feel they must pay attention to giving the patrons the right kinds of bouts; the right kinds of matches. The third priority are the promoters and to see that they are taken care of and allow them to get the job done within the state.

The \$5,000 for the amateurs will take care of them adequately for each year of the biennium. Chairman Mello stated he was approached at the beginning of the Session by an individual that is involved in the program and he said the \$5,000 is not sufficient. Dr. Davis said at this point the \$5,000 would be adequate. Dr. Davis stated that at the present time by law there isn't any other way they could spend any more money unless they want another 1,000 amateur boxers and another 30 to 40 bouts that they don't have at the present time.

RACING COMMISSION (Page 618). Mr. Harry Frost, Chairman of the Racing Commission stated their only income is 1% of handle of the race tracks that are running. For the past four or five years they have been racing at county fairs only. For the last and for the year coming up they will be racing at Elko, Ely and Fallon. They will handle approximately 300,000. They will get 1% of that which is about \$3,000. Their other income comes from the sale of licenses to owners, trainers and jockies. That will run in the neighborhood of \$4,000. They have a total income of approximately \$7,000.

On the expense side, The National Association of State Racing Commissioners meeting costs \$800.00. There is also a fee for the state veterinarian. The state veterinarian attends the races in Elko, Ely and Fallon. The Commission also has the State Steward. They attend all of these meetings. They also pay for the drug testing on the horses. Besides that they have one meeting a year which costs about \$600 or \$700. There are other miscellaneous printing costs.

Mr. Frost also acts as Commission Secretary and does not charge for postage or anything like that. They do charge for telephone. Out of their income of around \$7,000 per year, they spend approximately \$7,000. They have about one year built up as a cushion.

Mr. Bremner asked when the famous Henderson Dog and Pony Show is going to get off the ground. Mr. Frost replied at the present time and for at least the last two years, they have had an application in on that situation. One of the groups being investigated is still under investigation by the State Gaming Control Board. One reason for the delay in that program ever getting off the ground was the fact the financing has gone out. The first financing was thrown out by the Gaming Control Board and the second financing was not satisfactory, so at the present time they have a new source of financing. That is being worked on with another

investigation going on. It could be that if the investigations turn out all right by the Gaming Control Board, this report might go to the State Racing Commission within 60 to 90 days. At that time they could issue the license to race. It would be a multiple license for both dog and horse racing.

Mr. Bremner asked what happened to the proposed legislation to allow dog and pony racing in Carson City. Mr. Frost replied that the last action he saw on it was a piece in the newspaper where the City Council refused to go ahead and change it.

Action was taken on the following budgets:

RACING COMMISSION (Page 618). Mr. Bremner made a motion for a "Do Pass-Governor's Recommendation"; seconded by Mrs. Brookman. Motion approved.

ATHLETIC COMMISSION (Page 611). A motion was made by Mrs. Brookman for a "Do Pass-Governor's Recommendation"; seconded by Mr. Vergiels. Motion approved.

FULL TIME PAROLE BOARD (Page 534). A motion was made by Mr. Bremner for a "Do Pass-Governor's Recommendation"; seconded by Mrs. Brookman. Motion approved.

As to the Lost City Museum, Mr. Bremner stated that the sub-committee met with Mr. Porter, Mr. Perkins, Mr. Glover and Mr. Meizel and the general feeling was there was no objection to moving the Lost City Museum budget into the Nevada State Museum Budget by taking it from Buildings and Grounds. There would be no increased costs. The only question that came up was the unclassified positions as far as the Curator and the Attendant at the Lost City Museum, and Mr. Bremner stated that Mr. Kosinski and himself felt that they could leave it just the way it was and move it under the Nevada State Museum without running them under the classified salaries.

Mr. Bremner stated that one portion of the Statute for the Lost City Museum says that all the employees should be unclassified. Two are now classified and two are unclassified. It also said that they were able to accept gifts under one portion of the statute and the second part said that they could not accept gifts. There is a lot of confusion over the Statutes governing Lost City Museum. Mr. Bremner stated he personally felt that they would be better served under the Nevada State Museum than they would be under Buildings and Grounds.

So in essence, Mr. Bremner would like to move that the Lost City Museum under the Nevada State Museum and leave the positions just the way they are and the budget just the way it is. The Committee will ask for legislation and then the Committee will take action.

MANSION MAINTENANCE (Page 4). Mr. Bremner made a motion to open the budget; seconded by Mrs. Brookman. Motion approved.

Chairman Mello stated that to his knowledge, Nevada is the only state that does not send the Governor's wife to the National Conference of Governors. The intentions to open this budget would be to place \$500.00 for out-of-state travel each year so the wife of the Governor can attend these conferences. He feels it is only right that this be done, because, again, Nevada is the only state that does not do it and the Governor is not requesting this. Mrs. Brookman added that this \$500.00 is just for the plane ticket.

Mrs. Brookman made a motion that \$500.00 be placed in the new category of out-of-state travel in each year of the biennium; seconded by Mr. Vergiels. Motion approved.

Mrs. Brookman made a motion to close the budget, as amended; seconded by Mr. Rhoads. Motion approved.

The meeting adjourned at 10:45 a.m.