

SENATE FINANCE COMMITTEE
MINUTES OF MEETING
APRIL 26, 1977

The meeting was called to order at 8:30 A. M.

Senator Floyd R. Lamb was in the chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice-Chairman
Senator Eugene V. Echols
Senator Norman D. Glaser
Senator Norman Ty Hilbrecht
Senator Thomas R. C. Wilson
Senator C. Clifton Young

OTHERS: Ronald W. Sparks, Chief Deputy, Fiscal Analysis
Howard Barrett, Budget Director
Cy Ryan, UPI
Norman Hall, Director, Conservation & Natural Resources
Bob Warren, President, Nevada League of Cities
Senator Carl F. Dodge
Addison Millard, Administrator, State Lands & Land Use
Planning
Assemblywoman Nancy Gomes
Del Frost, Administrator, Rehabilitation Division
John Reiser, Nevada Industrial Commission
Senator Jack L. Schofield
Ann Hibbs, Nevada Nursing Association

Senator Lamb asked Mr. Hall to speak on S. B. 212.

S. B. 212: Provides for local control of land use planning functions. Mr. Hall read from a prepared statement, copy attached. Senator Young said he had questions about the bill and asked what was meant by "lands under federal management". Mr. Hall said that would be the 87% of land in Nevada; BLM, Forestry Service, any federal lands under federal management.

Senator Young asked what was meant by local government entities. This would presumably be cities and counties or is it broader - does it include improvement districts, sewer districts, Nevada Tahoe Regional Planning Agency. Mr. Hall said he supposed it could; to him local government meant anything lower than state; there are all sorts of irrigation districts, sewer districts, counties, cities.

Senator Young referred to the term "inconsistency" in land use and planning and this "inconsistency" being resolved by the Executive Council. He asked if there was any criteria for resolution of those inconsistencies? Mr. Hall said there were none in this bill. Senator Young referred to the state land use planning agency representing the interests of the citizens. He asked what was meant by "representing the interests of the citizens" - filing law suits, attending hearings?

Mr. Hall said these citizens could be miners, agricultural interests or anybody having a problem with the federal land managing agency. They would come to the committee and the determination would have to be made as to whether there was staff and time to represent them. Senator Young asked if "representing" them meant going to Washington and filing a law suit; attending hearings - what? Mr. Hall said it could be anything from writing a letter supporting the citizen's interest to contacting Washington or asking for a legal opinion. It would cover a broad spectrul.

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Senator Dodge asked Mr. Warren to speak. Mr. Warren said there may have been some concern in analyzing the possible fiscal impact of the legislation as it related to the costs of local government in participating in the Executive Council meetings to take care of the differences that may occur. The local governments have been paying their own expenses to participate in the Advisory Committee that now advises the state land agencies and would expect to continue to do so. Those four or five members that participate as part of the Executive Council would likewise pay their own expenses. They viewed this as an equitable trade-off for the opportunity to have a greater local input into land use planning in the state.

Senator Young said that there were 117 entities participating in the Retirement System; if sewer districts and others participated that would make a considerable number of entities that could be involved in disputes. Mr. Warren said he did not know what scope was intended; he felt that question should be directed to the author of the bill. Senator Young said that the bill would strip the state of all land planning capability whatsoever. Mr. Warren disagreed with that interpretation and said that to provide planning information would be of value and use in the planning process throughout the state. That is an important role.

They discussed their differences in the interpretation of the bill without reaching a definite determination as to the scope or restrictions imposed. Senator Dodge asked if the Committee wanted to limit the discussion of the bill to strictly fiscal impact or did they want to discuss the entire bill. Senator Lamb said at this late hour or late day in the session, any time a bill is in the Finance Committee, they talk about everything because it all affects fiscal impact.

Senator Dodge asked Senator Young to address his questions to him because he had authored the bill and would try to answer.

Senator Young expressed his concern about the fiscal impact, the size of the undertaking, as this was directly related to the expense involved. He asked the same questions of Senator Dodge that he had asked of Mr. Hall and Mr. Warren. They discussed the intent of the bill, the interpretations to be applied and implied; the fiscal impact anticipated and possible; the possibility of the Advisory Council's land use plans superseding an ordinance as adopted by the local government and the situations in which this would apply. They talked of the interface of the judicial system - what would take precedence? Was this covered adequately in the bill.

Senator Young said that in the ordinary zoning dispute, if there is going to be a judicial review the complaint has to be filed in 25 days. The present bill leaves this open ended. He disagreed with this; Senator Dodge felt there would be no problem. Senator Lamb asked them to get into the fiscal impact. Senator Dodge said the division had said if they didn't have additional staff, it might slow down their general work load. He said he did not think the bill warranted putting on any additional people, this division will have a director, two planners and an engineer besides a division of lands man and some staff and this function will be the best thing they have to do. This would be the most important thing they would have to do, he felt, and he would not recommend additional funding until they had a better idea of what kind of a track record was involved. He recommended going with the existing staff pattern.

Senator Lamb asked Mr. Hall if he thought this would work for him. Mr. Hall said they did not know what the workload was going to be, but if they could back up the requests from the track record and go to the Interim Finance Committee if they needed money, there would be no problem. Senator Lamb said if there is no money involved, the Committee will send the bill back and argue it on the floor. Mr. Elkire from Kennicott Copper Corporation said he wanted to register the company's support of the bill and the secretary of the Nevada Mining Association asked him to also indicate their support of the bill.

Senator Young said that Senator Dodge said apparently the Department of Conservation favored this concept of deciding questions; he asked Mr. Hall if this was true, that he favored fully and supported an executive agency, a council composed of four members rendering decisions in these matters? Mr. Hall said it was proposed out of his division but he did have some reluctance getting a bureaucrat between locally elected officials.

Senator Young asked if it had his full support, or was it a suggestion that came out. Mr. Hall said it was a suggestion that came out. Senator Young said he gathered that it did not have his enthusiastic support.

Mr. Millard said he was the author of the Executive Council primarily because the second print of the bill gave him full responsibility for making the decisions of the Executive Council. He said he did not want this tremendous opportunity to get between two governments by himself.

Senator Lamb asked Mrs. Gomes to speak on A. B. 334.

A. B. 334: Requires use of 10 percent of liquor tax proceeds for alcoholism and drug abuse treatment. Mrs. Gomes said they were having a problem with funding and the \$350,000 in the bill was the amount agreed upon with Assembly Ways and Means. She said this was a statewide program and they needed a fund to which they could go, at the local level, without asking for refunding.

Del Frost said that they supported the bill but they had concern about two sections. He distributed information on the bill, copy attached. He said the money requested in the bill would give it a good start. It was a conservative figure.

They recommended the removal of lines 16 through 23 in Sections 2 and 3. He explained that there was some conflict of interest in these areas and there was already statutory authority for the bureau to report. They recommended that the bill be passed with those 2 Sections amended out.

Joe Braswell spoke in favor of the bill and recommended that the Committee approve. Senator Echols asked him if he was speaking for the Board. Mr. Braswell said he was. They had discussed this for two years, but had no way of funding this.

Mr. Mayer said the bill really does not have much opposition. He had testified before 4 or 5 committees, there has only been one person in the brewery industry who testified against the bill. The representatives and the liquor lobbyists have been supportive of the contents of the bill. They compromised on the bill on the Assembly side. There is a federal grant for a detoxification center back in Washington and perhaps this Committee could see its way clear to send a letter back to the representatives in Washington in support of that grant and see if they can't do something to move it out. He felt that at the local level they were doing their share and they would like to have this money in order to prove to the

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Legislature and the state what can be done.

Senator Gibson asked Mr. Frost about a local match with the money. Mr. Frost said he did not feel it was a bad idea because it was the same approach that the federal government uses with the state. He said they had taken the position that the local committees should pick up this share because it is a local problem.

Senator Lamb asked Mr. Reiser to speak on A. B. 116.

A. B. 116: Provides for increase in industrial insurance benefits previously awarded persons permanently and totally disabled. Mr. Reiser gave the committee a memorandum on this bill, copy attached. His remarks followed the same trend as the comments in the memo. Senator Wilson said that in this bill, as amended, there is an increase from 20% to 30% and he thought earlier testimony before his committee had said that based upon the actuarial judgment, the fund could sustain, without difficulty, the increase from 20 to 30% for about 10 years, but that after 10 years, to the extent that there were still beneficiaries alive, it would require a general fund appropriation to carry this. He asked to what extent, based upon the acutarial tables, would there be surviving beneficiaries who will then qualify for a benefit which has to be funded out of the general fund. Mr. Reiser said that based upon his tables there could be a liability remaining of \$2.4 million at that time.

The committee discussed the memo and Mr. Reiser's comments.

Mr. Barrett said if the Committee did not fund this bill now, every time they sell bonds they are going to have to put in the statement that they have an unfunded account and there is a liability against a future Legislature. He said in future bond issues they have to have a full disclosure of all potential debts, potential liabilities, potential losses, etc. It doesn't have to be funded now, but instead of putting it off down the road if the Committee was going to do it, pay it now was his advice.

A. B. 171: Revises composition of state board of health. Mr. Wahrenbrock said the Department of Human Resources were not the proponents of this bill but they did have a fiscal note on the bill. The addition of one member to the State Board of Health makes an additional cost of \$1,100 a year. The Board has about 10 meetings a year at a cost of approximately \$100 per member. This amount would take care of the added costs of the additional member.

Senator Schofield said they felt there was a need for a nurse on the board and their expertise many times has been neglected and they have felt when they went in to speak to the Board they were listened to but not too much. They really wanted to have a voice and a vote. He hoped the Committee would go along with this recommendation. He also wanted to speak favorably for the appointment of a general engineering contractor or general building contractor, as they are presently so involved in the buildings, the hospitals, the homes; this should make an excellent appointment on the Board.

Senator Wilson asked if there was an amendment pending to name someone from industry generally, rather than a contractor specifically, on the Board. Senator Schofield said he understood someone on Finance was going to do that, just ask for someone generally from industry. Ann Hibbs from Nevada Nursing said if they were going to take someone off the Board to please not take the nurse off as she had been fighting for this all session.

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S. B. 212: Provides for local control of land use planning functions. Senator Glaser said he bought Senator Dodge's concept that if this concept flies that they can go without money for the next two years. If they do need money in the interim, they can come before the Interim Finance Committee. Therefore he moved that the bill do pass; without any additional money; Senator Gibson seconded and the motion carried. With Senators Glaser, Lamb, Gibson and Echols for it and Senators Young, Wilson, Hilbrecht dissenting.

Senator Young said he would oppose it on the floor; Senator Wilson said he did not know whether he would oppose it on the floor or not, but he reserved the right to do so.

A. B. 171: Revises composition of state board of health. Senator Glaser moved the bill do pass with the attached fiscal note of \$1,100; Senator Gibson seconded and the motion carried 6 - 1, with Senator Hilbrecht not voting.

A. B. 116: Provides for increase in industrial insurance benefits previously awarded persons permanently and totally disabled. The Committee discussed the people who were covered in the bill and Senator Wilson said the reason the bill was amended was to make this substantially a welfare benefit and not an approved right under a disability award, for which out-of-state residents would qualify for payment and could sue to enforce collection. There was further discussion on the bill and Senator Glaser moved that the bill be indefinitely postponed; Senator Gibson seconded and the motion was defeated 5 - 2 with only Senators Glaser and Gibson voting for the motion.

Senator Gibson said he felt the fiscal note was conservative, he would wager that the \$1.4 would be three times or four times that before it is finished. He felt there was need for great caution. Senator Wilson reminded them that the fiscal impact was not a part of the bill as amended.

Senator Gibson said they must recognize they are imposing a fiscal impact some time whether it is now or 1980. Discussion continued on the bill and the Committee considered cutting the 30% in the bill to 25%, making the fiscal note for \$700,000. Senator Young moved to amend the bill changing the 30% to 25%, funding the bill from general funds; Senator Hilbrecht seconded and the motion was defeated with Senators Young, Wilson and Hilbrecht voting for it and Senators Glaser, Lamb, Gibson and Echols dissenting.

Senator Echols moved that the bill be indefinitely postponed; Senator Gibson seconded and the motion carried, 4- 3, with Senators Young Hilbrecht and Wilson dissenting. ~~Mr.~~ Mr. Sparks said the Committee had requested some time ago that a bill be drafted indicating that any money received by the state from the federal government for anti-recession be deposited to the Title XIX budget. This bill draft does this. It also indicates that any money not expended in the Title XIX budget from federal funds received from the anti-recession funds may be expended by the Governor through the Department of Administration for those purposes which are not contrary to law of federal guidelines. The Department of Administration shall report quarterly to the Interim Finance Committee the amount of such money expended for purposes other than those prescribed in Section I.

Senator Gibson moved the bill be introduced; Senator Young seconded and the motion carried.

Mr. Gibson said there would be no session tomorrow.

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A. B. 334: Requires use of 10 percent of liquor tax proceeds for alcoholism and drug abuse treatment. Senator Gibson said he had two or three problems with the bill, but he felt there was a justification for some effort and he suggested that whatever amount they considered be appropriated and require a local match of the funds appropriated.


They discussed the amount that was originally requested in the bill and determined that with matching funds, \$150,000 would be a fair figure. Senator Young moved the committee reconsider the bill; Senator Gibson seconded and the motion passed.

Senator Hilbrecht moved that the bill be amended to have \$150,000 on a matching basis and delete the last two sections and do pass; Senator Gibson seconded and the motion carried.

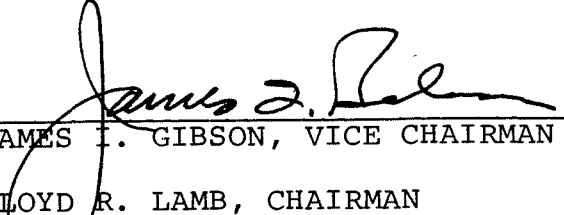
It was agreed that the bill had to be rewritten and the money that was matched should be hard money. Mr. Sparks was instructed to have the bill rewritten.

The meeting adjourned at 10:25 A. M.

RESPECTFULLY SUBMITTED:


MURIEL P. MOONEY, SECRETARY

APPROVED:


JAMES I. GIBSON, VICE CHAIRMAN FOR
FLOYD R. LAMB, CHAIRMAN

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 116

ASSEMBLY BILL NO. 116—ASSEMBLYMEN BANNER
GOMES, GOODMAN AND MAY

JANUARY 20, 1977

Referred to Committee on Labor and Management

SUMMARY—Provides for increase in industrial insurance benefits previously awarded persons permanently and totally disabled. (BDR 53-494)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Yes.

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

AN ACT relating to industrial insurance; providing for an increase in benefits previously awarded certain persons; 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 616.626 is hereby amended to read as follows:
2 616.626 Any claimant or his dependents, residing in this state, who
3 receive compensation for permanent total disability on account of an
4 industrial injury or disablement due to occupational disease occurring
5 prior to April 9, 1971, is entitled to a [20] 30 percent increase in such
6 compensation, without regard to any wage limitation imposed by this
7 chapter on the amount of such compensation. The increase shall be paid
8 from the silicosis and disabled pension fund in the state treasury.
9 SEC. 2. NRS 616.628 is hereby amended to read as follows:
10 616.628 Any widow, widower, surviving [children] *child* or sur-
11 viving dependent parent, [or parents,] residing in this state, who
12 [receive] *receives* death benefits on account of an industrial injury or
13 disablement due to occupational disease occurring prior to July 1, 1973,
14 is entitled to a [20] 30 percent increase in such benefits without regard
15 to any wage limitation imposed by this chapter on the amount of such
16 benefits. The increase shall be paid from the silicosis and disabled pen-
17 sion fund.

Original bill is on file at
the Research Library.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 171

ASSEMBLY BILL NO. 171—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 27, 1977

Referred to Committee on Government Affairs

SUMMARY—Revises composition of state board of health. (BDR 40-685)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to the state board of health; revising the composition thereof;
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 439.030 is hereby amended to read as follows:
2 439.030 1. The state board of health, *consisting of seven members*
3 *appointed by the governor*, is hereby created.
4 2. [The state board of health shall consist of six members to be
5 appointed by the governor, two of whom shall be] *The governor shall*
6 *appoint:*
7 (a) *Two members who are doctors of medicine who have been licensed*
8 *to practice in this state and [who] have [been] engaged in the practice of*
9 *medicine in this state for not less than 5 years immediately prior to their*
10 *appointment. [, one of whom shall be]*
11 (b) *One member who is a doctor of dental surgery who has been*
12 *licensed to practice in this state and [who] has [been] engaged in the*
13 *practice of dentistry in this state for not less than 5 years immediately*
14 *prior to his appointment. [, and one of whom shall be]*
15 (c) *One member who is a doctor of veterinary medicine who has been*
16 *licensed to practice in this state and [who] has [been] engaged in the*
17 *practice of veterinary medicine in this state for not less than 5 years imme-*
18 *diately preceding his appointment.*
19 (d) *One member who is a registered nurse who has been licensed by this*
20 *state and has engaged in nursing for at least 5 years immediately prior to*
21 *his appointment.*
22 (e) *One member who is a general engineering contractor or general*
23 *building contractor who is licensed by this state.*
24 (f) *One member who is a representative of the general public.*

1 SEC. 2. NRS 439.040 is hereby amended to read as follows:
2 439.040 ~~["The terms of office of the members"]~~ *After the initial*
3 *terms, the term of office of each member of the state board of health*
4 ~~["shall be"]~~ *is 4 years.*

5 SEC. 3. NRS 439.060 is hereby amended to read as follows:
6 439.060 1. The state board of health shall meet in January and in
7 July in each year.

8 2. The state board of health shall hold such special meetings as may
9 be called by the chairman. A special meeting shall be called whenever
10 requested by the state health officer or by two members of the board.

11 3. ~~["Three"]~~ *Four* members ~~["shall"]~~ constitute a quorum, but a con-
12 currence of at least a majority of the members of the board ~~["shall be"]~~ *is*
13 *required on all questions.*

14 SEC. 4. The terms of all members of the state board of health incum-
15 bent on July 1, 1977, expire on that date. On July 1, 1977, the governor
16 shall appoint, in accordance with NRS 439.030:

17 1. Three members whose terms expire on July 1, 1979; and

18 2. Four members whose terms expire on July 1, 1981.

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Original bill is on file at
the Research Library.