

MEMBERS PRESENT

Chairman Dini
Mr. Marvel
Mr. Fitzpatrick
Mrs. Westall
Dr. Robinson
Mr. Craddock
Mr. Jeffrey
Mr. Bedrosian
Mr. Bergevin

GUESTS PRESENT

See Guest List attached

* * * *

Chairman Dini called the meeting to order at 8:00 A.M. He requested the record reflect Mr. Harmon had been excused.

AB 352 - CONSOLIDATES CERTAIN PROVISIONS OF NRS REGARDING PUBLIC SERVICE COMMISSION REGULATOR FUND

AB 353 - CONSOLIDATES VARIOUS PROVISIONS OF LAW PERTAINING TO REGULATION OF UTILITIES, RAILROADS, AND OTHER CARRIERS

AB 354 - REDEFINES DUTIES OF ATTORNEY GENERAL AND DISTRICT ATTORNEY WITH RESPECT TO LEGAL SERVICES PROVIDED TO PUBLIC SERVICE COMMISSION OF NEVADA

HEBER HARDY, Chairman, Public Service Commission

Mr. Hardy stated in a general way the three Bills were housekeeping bills and partially suggested by the Legislative Auditor to clean up and consolidate in Chapter 703, the General Divisions Chapter, some of the items which are in 704, 706, and other chapters relating to the P.S.C. Mr. Hardy stated the primary concern in AB 352 is that the Legislative Auditor felt specific language was needed in 703 to categorize the Regulatory Fund as a special revenue fund. Mr. Hardy stated on line 12 they specifically suggested an item be added in regard to consultants connected with the regulation and participation in rate cases. Mr. Hardy stated they do on a regular basis retain outside consultants to assist staff in areas where they need special expertise.

ROBERT DIMMICK, Deputy Legislative Auditor

Mr. Dimmick stated the two statutes being repealed on line 20, page 2, NRS 704.037 is basically old language and refers to the P.S.C. Regulatory Fund as a continuing fund and they want to change it to a special revenue fund as set forth on lines 3 and 4 of page 1. He stated NRS 704.039, also being repealed on line 20, page 2, sets forth uses of the P.S.C. Regulatory Fund and the language of this statute is now contained on line 7 through 15 on page 1. Mr. Dimmick stated what they were trying to do was incorporate the provisions of approximately three sections of the NRS into one section and clean up some outdated language contained in the statutes.

Chairman Dini asked Mr. Dimmick to explain the difference between a regulatory fund and a special revenue fund. Mr. Dimmick explained NRS 353 sets forth various ways of categorizing funds and there is no definition of a continuing fund set forth in the statutes. A revenue fund is basically a self-supporting fund as the regulatory fund is for the P.S.C.

Mr. Hardy stated that AB 353 is intended strictly as a housecleaning Bill. He stated the primary purpose was to take items in 704 and 706 independently, general provisions, and place them in Chapter 703 so that the general provisions apply to all areas of the P.S.C. jurisdiction. Mr. Hardy stated in section 6 there is a substantive change; when the division of consumer relations was established in 1973 or '75, at that time the Act only made reference to processing complaints from the consumers of public utilities, and on line 17 and 18 they have added, "or common or contract carrier" so that the specific authorization for the division of consumer relations to act upon and process those kinds of complaints. He stated that in section 15, line 42, they add "or motor carrier" authorizing them to investigate complaints against motor carriers as well as public utilities. He stated on line 43 and 44 they did the same thing. Mr. Hardy stated on line 27 the word should be "cooperate" (page 4).

Chairman Dini advised Mr. Hardy AB 353 was in conflict with AB 73 and Mr. Hardy advised Mr. Dini he was going to see Mr. Daykin and would return to the meeting.

Mr. Hardy explained the primary purpose of AB 354 was to bring forward into 703, the general provisions chapter, the language which is both in 704 and 703 at the present time, as it would be much better to have it in both areas to avoid

duplication and to extend duties for Attorney General and District Attorneys to all areas and persons under the Commission's jurisdiction.

Chairman Dini asked Mr. Hardy if presently under certain sections of law the District Attorney does prosecute for the Commission and Mr. Hardy responded there was no change in that except the jurisdiction is changed to encompass all of the Commission's jurisdiction. He stated the way the statute reads it is under 704 only.

SB 169 - AMENDS CHARTER OF THE CITY OF LAS VEGAS TO MAKE
THE OFFICE OF CITY ATTORNEY APPOINTIVE

Mr. Jack stated by having elective office you often get the best campaigner and not necessarily the best attorney. He said that they have found it has been a political stepping stone which has not provided for continuity in terms of legal services for the city. He stated in the charter there is a two-year residency requirement so that the attorney, as an elective officer, would have to come from within the city and would have to be there for two years. Mr. Jack pointed out most of the attorneys living in Southern Nevada do not live in the City of Las Vegas so it restricts them considerably in terms of people who would be eligible under the election criteria in that capacity. He stated there is considerable turnover every time they get a newly elected City Attorney. He stated the advantages under an appointive City Attorney would be that they would be able to obtain an attorney who is generally interested in practicing Municipal law; they would be able to provide for increased competence and specialization of the staff. He stated it would be their intention to raise the salary of the City Attorney because there are presently two Deputies who make more than the Attorney. Mr. Jack then offered into the record, with copies for each Committee member, an editorial which appeared in the Las Vegas Sun on February 22, 1979, as recognition that it is a professional position and there are definite merits in taking the position out of elective service and making it appointive.

Committee members questioned Mr. Jack as to compensation and the responsibilities of the City Attorney and Mr. Jack elaborated on both issues. Chairman Dini and the Committee members told of instances they were aware of where the office was changed to an appointive situation and it did eliminate the political stepping stone.

Chairman Dini recalled Mr. Hardy to testify on what he had determined from Mr. Daykin in regard to AB 353. Mr. Hardy stated that as to the potential problem in raised in AB 353, section 2, page 1, there is another general provision which covers penalties for the submitting of false oaths and it is N.R.S. 199.120. Mr. Hardy stated Mr. Daykin advised him that section was purposely left out because there is a general provision which covers it. Mr. Hardy stated as to the conflict with AB 73 (AB 354) appears to obtaining injunctive relief in Court and not related to the Commission prosecuting actions either civil or criminal.

Chairman Dini announced the next Bill would be SB 193 and although it was not on the Agenda it is felt that it is of sufficient magnitude to the City of Henderson that they ought to process the Bill.

SB 193 - RESOLVES CONFLICT CONCERNING AUTHORITY OF
POLITICAL SUBDIVISIONS TO REGULATE GREYHOUND
RACING

FRANK DAYKIN, Legislative Counsel

Mr. Daykin explained the origin and purpose of the Bill. Mr. Daykin stated that without the Bill there is a provision in NRS 244.347 which says that the County Licensing Board in the smaller counties may license and regulate greyhound racing in the county outside of incorporated cities or towns; you would also have the provision in 466.210 no city, county, or other political subdivision shall have the power or authority to make or enforce any local law, ordinance, or regulation upon the subject of racing. Mr. Daykin stated that what this Bill does is get rid of the conflicts. The State does all the regulating; the only thing that the counties or the City of Henderson do is choose whether to license it. He stated they can keep it out altogether, or they can permit, but, if they permit it, the State, the Racing Commission, regulates.

AB 374 - EXTENDS EXPERIMENTAL PROGRAM FOR SETTLEMENT OF
CERTAIN INTERGOVERNMENTAL PAYMENTS

JOHN CROSSLEY, Legislative Auditor

ARTHUR PALMER, Director, Legislative Counsel Bureau

Mr. Palmer stated this Bill was an extension of one that was introduced at the last session. Mr. Crossley stated the

previous Bill originated from a study of inter-governmental payments of the Legislative Commission Bulletin No. 77-20, and from that they would determine if there could be any savings, both to the State and the counties, instead of one county paying the other cash; they held the money and at the end of each quarter (when the state and the county settle up) they see what the net difference was and pay one or the other. The enactment of this Bill is to try it on an experimental basis because if they go ahead with it on a permanent basis there would have to be some Constitutional amendments. Mr. Crossley stated this will only be an extension to see if there will be any savings.

Chairman Dini advised the Committee AB 342 could not be heard because Assemblyman Chaney, the Sponsor, was not present; and AB 343 could not be heard because Clark County was not prepared to testify on it.

COMMITTEE ACTION:

AB 352 - Mr. Craddock moved DO PASS, Dr. Robinson seconded the motion, and it was unanimously carried.

AB 353 - Dr. Robinson moved AMEND and DO PASS, Mr. Getto seconded the motion, and it was unanimously carried. The amendment occurs on page 4, line 27, the word "cooperative" be replaced by the word "cooperate".

AB 354 - Mr. Bergevin moved DO PASS, Mr. Marvel seconded the motion, and it was unanimously carried.

AB 374 - Mr. Marvel moved DO PASS, Mr. Fitzpatrick seconded the motion, and it was unanimously carried.

SB 169 - Dr. Robinson moved DO PASS, Mr. Jeffrey seconded the motion, and it was unanimously carried.

SB 193 - Chairman Dini advised that while the Bill was not posted he would hope the Committee would not refuse action until it was posted but it was Mr. Dini's feeling that it was an insignificant point and non-controversial; that statutorily it was required by the Committee to clear up the conflict. A discussion ensued among Committee members, bringing up such points as violation of the open meeting law, etc. Mr. Dini stated he would entertain a motion to waive Rules of Committee be waived and the Bill be considered.

Dr. Robinson moved to waive the Rules of Committee, Mr. Marvel seconded the motion, and it was unanimously carried.

Mr. Jeffrey moved DO PASS, Mr. Craddock seconded the motion, and SB 193 was unanimously carried.

AB 350 - Mr. Bergevin moved DO PASS, Mr. Getto seconded the motion, and it was unanimously carried, and to be placed on the CONSENT CALENDAR.

AB 351 - Dr. Robinson moved AMEND and DO PASS, Mr. Jeffrey seconded and it was unanimously carried. The amendment occurs on line 3 to change "Commissioners" to "Railroad Regulators".

AB 356 - Chairman Dini called for a discussion on the Bill and same ensued between the Committee. Chairman Dini stated he would like to recall Mr. Bennett and hear his testimony to clear up many of the questions that had presented themselves during the discussion and this was unanimously agreed upon by the Committee. Chairman Dini requested Mr. Bennett be contacted to reappear tomorrow (February 27, 1979).

AB 18 - Chairman Dini delegated this Bill to a sub-committee headed by Mr. Getto.

AB 86 - Chairman Dini delegated this Bill to a sub-committee headed by Mr. Getto.

AB 85 - Dr. Robinson went over the amendments with the Committee. On page 1, line 19, "thrift company" will be inserted as one of those under the definition of financial organization; page 3, lines 1-4, changes the travelers checks from 10 years to 15 years; line 19, page 3, changed from "two weeks" to "30 days"; page 6, line 16, ties in with the 5th change on line 22, where both figures are changed from \$10.00 to \$25.00; page 7, lines 12 and 13, travelers checks rolled back to 15 years; page 12, line 13 before the word "and" inserted "Chapter 689.395" which repeals prepaid funeral plans.

Mr. Getto moved that this Bill be placed in the Treasurer's Dept., seconded by Mr. Jeffrey, and unanimously carried.

Mr. Getto moved AMEND and DO PASS and refer to Ways & Means, seconded by Mr. Marvel, and unanimously carried.

AB 171 - Mr. Marvel moved NO FURTHER CONSIDERATION, seconded by Mr. Getto. Chairman requested a call of the roll on the motion and the vote was as follows:

Mr. Marvel	-	Yes	
Mr. Fitzpatrick	-	No	
Mrs. Westall	-	Abstained	
Mr. Dini	-	Yes	
Dr. Robinson	-	Yes	
Mr. Craddock	-	Yes	
Mr. Jeffrey	-	Yes	
Mr. Getto	-	Yes	
Mr. Bedrosian	-	Yes	
Mr. Bergevin	-	Yes	(Unanimous)

ACR 8 - Mr. Bedrosian moved to AMEND and DO PASS, seconded by Mrs. Westall, and unanimously carried. The amendment concerns \$800,000 to Rancho Santa Rafael and \$200,000 to Sparks, and referred to Ways & Means.

There being no further business to come before the meeting, the same was adjourned.

Respectfully submitted,

Sandra Shatzman
Assembly Attache



SUN

Editorial

Thursday, February 22, 1979

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E X H I B I T

Time For Professionalism

The State Senate's approval of legislation changing the office of the Las Vegas City Attorney from an elected to an appointed position reflects a growing recognition by our legislators that professionalism is sometimes more important than politics.

The measure, SB 169, was introduced by the Senate Government Affairs Committee and has received the strong backing of the city of Las Vegas and former Las Vegas City Attorney Mike Sloan. It passed the Senate yesterday by a 17-2 majority.

The thrust of the argument in favor of an appointed legal advisor for the city is that the city attorney's job is to provide specialized legal advice to those elected to make policy, namely the mayor and members of the city commission. The wisdom of this procedure is apparent, for the great majority of municipal attorneys throughout the nation, and the state of Nevada for that matter, are appointed by those they represent.

Increasingly, government at every level is becoming big business — involving complicated legal decisions and litigation. As the legal problems of government have become more complicated, the need for specialization in handling those problems has grown. School districts, the convention authority and the university system have found it necessary to retain lawyers with particular knowledge of their problems.

Municipal law is a specialized area, requiring skills and experience far different than those used in the general practice of law. For much the same reason, the job of legislative counsel, the person responsible for advising the legislature, is filled by appointment rather than election.

Those who have questioned the proposal to make the office appointive rather than elective have voiced concern that the city attorney will no longer represent the public or be independent of the city commission. Yet by law the duty of the city attorney, whether elected or appointed, is to represent the city government, to advise the board of commissioners and to provide qualified legal services on behalf of the city. These duties can and are being performed by appointed legal advisors across the nation without the surrender of professional independence or the loss of consideration of the public well being.

In recent years, the city of Las Vegas has been fortunate to have had qualified individuals elected to the office of City Attorney. But in the not too distant past there were problems, including allegations of misconduct relating to the city's efforts to crack down on pornography and massage parlors.

Similarly, some years ago another elected city attorney in Nevada was so incapacitated by his drinking that the city he served had no choice but to hire outside counsel to represent the city — they had no power to remove him.

The job of the city attorney, like that of city manager, requires a professional. Land use planning, zoning, employment law, pollution control and other such matters are extremely complex and demand special knowledge. The better trained and more experienced the city attorney is, the better job he can do for the municipal government he represents. Selecting a city attorney on merit is a good idea, one which will save the taxpayers money by ensuring that their city government gets the best possible legal service.

CHAPTER 207

AN ACT relating to the settlement of intergovernmental payments; requiring the state controller and the board of county commissioners of certain counties to make an agreement for such transfers; requiring the state controller and the board of county commissioners to prepare a report for the legislative commission evaluating any savings realized by using such transfers; and providing other matters properly relating thereto.

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

SECTION 1. 1. Notwithstanding any other law, the state controller and the board of county commissioners of any county having a population of 100,000 or more but less than 200,000, shall enter into and carry out an agreement which provides for the settlement of intergovernmental payments between the state and the county.

2. Such an agreement may provide for:

(a) Transfers by book credit;

(b) Transfers by bank deposits; or

(c) Transfers of estimated payments and periodic settlements.

3. The legislative auditor shall review and verify all such accounting procedures and transfers of the state, and the board of county commissioners shall designate an appropriate county official to review and verify all such accounting procedures and transfers of the county.

4. For the purposes of this section, population is determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce.

SEC. 2. On or before October 1, 1978, the state controller and the board of county commissioners shall prepare and present to the legislative commission a report containing an evaluation of any savings effected by the method or methods of transfer used pursuant to section 1 of this act as compared to the method or methods required by other laws and including any recommendations for appropriate legislation. The report shall include a statement by the legislative auditor concerning the evaluation contained in the report.

SEC. 3. This act and any agreement entered into by a board of county commissioners and the state controller pursuant to section 1 of this act shall expire by limitation on June 30, 1979.

