

MINUTES
WAYS AND MEANS COMMITTEE
NEVADA STATE LEGISLATURE - 60th SESSION

March 28, 1979

Chairman Mello called the meeting to order at 8:05 a.m.

MEMBERS PRESENT: Chairman Mello, Vice-Chairman Bremner, Mrs. Cavnar, Mr. Glover, Mr. Hickey, Mr. Mann, Mr. Rhoads, Mrs. Wagner, Mr. Webb,

MEMBERS ABSENT: Mr. Barengo and Mr. Vergiels

ALSO PRESENT: Bill Bible, Fiscal Analyst; Judy Matteucci, Deputy Fiscal Analyst; Mike Alastuey, Deputy Budget Director; Mr. John Crosley, Legislative Auditor; Mr. Larry Struve, Chief Deputy Attorney General; Assemblyman Joe Dini; Chief William Southard, President of the Nevada Fire Chiefs Association, Mr. Lody Smith, State Division of Forestry; Mr. Jim Wadhams, Director of the Department of Commerce; Mr. Richard Hoy, President, Nevada Manufactures Housing Association; Mr. Bill Cozart, Nevada Association of Realtors; Mr. Joe Nolan, Nevada Association of Realtors; Mr. Bill Meyers, Real Estate Advisory Commission; Mr. Bob Bowers, Nevada Association of Realtors; Mr. Paul Cohen, Administrative Health Services Officer; Mr. Bill Hancock, Secretary, State Public Works Board; Mr. Merv Flander, Chief of the Bureau of Services to the Blind; Mr. Del Frost, Director of Rehabilitation; Ms. Wilma Fawcett; Parole Board Commissioner; Mrs. Barbara Dunne, Parole Board.

AB 575

Mr. John Crosley, Legislative Auditor, stated that AB 575 is an appropriation for \$95,000 from the State General Fund to the Department of Administration for bill drafts for the executive agencies and the judicial department.

Mr. Crosley pointed out that in 1975 the Legislature enacted NRS 218.248 to keep track of the hours spent on bill drafting and subsequently bill agencies for that time. He said that the 1977 session expended \$37,000 for executive and judicial bill drafting purposes; and that this session the anticipated amount to be spent will be \$95,000. He noted that approximately \$57,000 had already been expended and that at the end of the session a detailed bill be sent to the Budget Office. He said that the Legislative fund will be paid for the incurred expenses, and the non-general fund agencies will be sent a bill.

Mrs. Wagner asked for a break-down of bill drafting expenditures for both the legislative and judicial branches. Mr. Crosley said he would have that information available only through February.

Chairman Mello pointed out that previously the bill draft expenditures for the executive branch of government were reflected in the Counsel Bureau's budget and that this expenditure made the Counsel Bureau's budget look excessively large.

Mr. Webb stated his concern for the three-fold increase in bill drafting.

Mrs. Wagner asked for the specific number of bill requests from each agency and Mr. Crosley said he would provide a list of bill requests from the major agencies.

Assembly

AB 576

Mr. Larry Struve, Chief Deputy Attorney General, addressed the Committee in support of AB 576, but stated he did not have recommended amendments. He noted Section 2 in which he recommended deleting the word "shall" and inserting "may;" stating that, left the way it now reads, it would be mandatory for the Attorney General to charge any State agency who does not get money from the General Fund for all the services performed from his office. He continued that the wording may have the effect of precluding agencies from getting necessary legal assistance.

Mr. Struve offered an alternative recommendation that would change the wording in that same section to "the Attorney General shall, if funds are available, and agreement for payment of legal services is made" charge agencies, boards or commissions for legal services.

Mr. Struve noted that AB 576 compliments another bill, SB 242, which is basically a recommendation from the Legislative Auditor to set up the Attorney General's administrative account which requires the various agencies who have full and half-time deputies to pay into this account and all costs for the Attorney General's office to be accounted for from this budget. He referred to Section 3 of SB 242 which clarifies the obligation of agencies that have a Deputy Attorney General assigned on full or half-time basis to pay the salary, travel expenses and to provide the deputy with office equipment, supplies and clerical assistance.

Mr. Struve noted Section 4 of SB 242 amends NRS 228.150 which is a statute that precludes the Attorney General from charging any fees for any service that he is required to perform by law. SB 242 would allow the Attorney General to receive fees for the services performed.

Chairman Mello referred to Sub-section 2 of Section 3 of SB 242 and asked if it would allow individual attorneys to have their own law libraries.

Mr. Struve remarked that in Carson City there is a fine law library in the Supreme Court Building which is used daily by the deputies; however, in some isolated offices there may be a request for a set of Nevada Revised Statutes. He further pointed out that equipment would not be provided unless there was money in the budget but that the provision of a full law library for each Deputy was not the intent of that bill.

Mrs. Cavnar asked if there would be budget changes in the agencies requiring the services of a Deputy Attorney General to reflect additional office space and clerical support. She questioned this in view of the fact that the Attorney General's budget should already have these support costs built in. Mr. Alastuey clarified that there would be no major budget changes.

Chairman Mello stated that previously some agencies did not cooperate with the Attorney General's office. Mr. Struve cites an example wherein a Deputy Attorney General had no clerical support in an agency in Las Vegas and suggested that SB 242 would help relieve such situations.

Mr. Glover asked how much control individual agencies have over which deputy is assigned to them. Mr. Struve answered that under the law, the Attorney General has authority over assigning the deputies; however, if an agency has a particular request, it has been traditional that the agency request be honored. He said that he did not anticipate any problems in this area.

Mrs. Wagner asked for an explanation of the procedure that is followed for half-time deputies.

Mr. Struve said that at the present time a situation of half-time deputies exists in Las Vegas and office equipment and clerical support are provided out of the Attorney General's central office; however, in a situation where a deputy works half-time for two different agencies, an agreement would have to be worked out to divide the costs between those agencies.

Chairman Mello referred to SB 242, Sub-section 6 in which it says. "appropriate office equipment and supplies and clerical assistance satisfactory to the Attorney General" and suggested that "the agency administrator" be added.

Mrs. Wagner asked if SB 242 was requested by a Legislative Auditor and Mr. Struve said that was correct.

AB 16

Assemblyman Dini introduced AB 16 as a product of the small fire departments Statewide. He said that it is an appropriation for \$60,000 of State money on the biennium to be matched with equal funds from local governments to purchase equipment for rural fire departments. (EXHIBIT A) He said that Federal funds to purchase this equipment were also available to the locals through the Rural Community Fire Protection Program.

Mrs. Wagner asked if the money would be used solely for equipment purchases; if the State money would be used to match Federal funds and if the State Fire Marshal had any jurisdiction in this area. Assemblyman Dini responded that the State funds would not be used to match the Federal funds and that the funds would be used for equipment purchases only. He explained that the State Fire Marshal has jurisdiction over the rural fire departments in the capacity of fire investigator and training coordinator. He continued that the State Forester Firewarden has been administering this program on the Federal level and will continue under AB 16.

Mr. Hickey asked why Section 2 of AB 16 permitted an expenditure of \$30,000 in fiscal year 1978-79.

Chief William Southard, President of Nevada Fire Chiefs Association, said that he initiated AB 16. He pointed out that all of the State money would go for equipment. He said the Federal allocation in the amount of \$26,000 a year divided up by 140 fire departments does not go very far and that the reason the Forester Firewarden administered the program was that his office had the mechanics set up for the program.

Chief Southard remarked that an amendment was necessary to change Section 2 to read 1979-80 instead of 1978-79 noting that small departments would have a problem raising matching funds this late in the year.

Chairman Mello pointed out that one reason the Division of Forestry was used could be because the State Fire Marshal's office was to be eliminated by March 1, 1979.

Mr. Rhoads noted that no money was allocated for his district and asked who makes the decision on the distribution of these funds.

Mr. Lody Smith, State Division of Forestry, responded that a problem with this particular program was that the present CN 2 or F-5 districts, one of which is Elko, did not qualify for these materials; however, he added that now any district could qualify for the Federal funds.

Mrs. Wagner asked how the local governments raise the funds to match the State money. Mr. Smith stated that sometimes the county will contribute money and other times they raise the money through sales, dances, etc.

Mr. Hickey asked if the bill provided any assurance that only equipment would be purchased. Mr. Smith said that to build a structure would be in violation of the program.

Assemblyman Virgil Getto addressed the Committee in support of the bill stating that small districts could not raise large amounts of money to purchase equipment.

Mrs. Cavnar asked what objections there would be to making the administrative duties under the State Fire Marshal instead of the Forestry Department.

Assemblyman Getto said that he had no objections other than the fact that the State Fire Marshal's office is not in a stable position.

Mr. Smith pointed out that when the program first started in 1975, mechanics were included as part of the operation and have been instrumental in building the excess military equipment into workable fire equipment.

Mr. Rhoads expressed his concern that in giving the additional State monies, local incentive to raise funds would diminish.

Assemblyman Getto responded that he has found that rural communities really support the volunteer fire departments.

Mr. Mann commented that the tax cuts the rural counties will be getting through passage of a legislative tax bill will relieve some of the burden.

Mr. Hickey noted that fire equipment is very expensive and questioned how much equipment could be purchased with \$120,000. Mr. Smith clarified that a 6 by 6 rig for a rural operation could be built for \$16,000. He said the most urgent need is for supplies such as hoses, nozzels, and air packs; and that that is what these funds are primarily used to purchase.

Chairman Mello asked if there were any tax assessments in the rural areas for fire protection. Mr. Smith said there are some special fire assessment districts.

AB 578

Mr. Jim Wadhams, Director of the Department of Commerce, noted that in relation to AB 578 there maybe a potential problem with retroactively reappropriating funds that were acquired in the private sector for a special purpose. He further noted that the monies are revolving funds and are not otherwise General Fund monies.

Chairman Mello pointed out a reserve in the work program in 1978-79 in the amount of \$196,310 in the Mobile Home and Travel Trailer Fund; and the work program reserve of \$380,000 in the Real Estate Education Reserve Fund. He commented that \$500,000 which is the projected amount of surplus in the Real Estate Education Fund in 1979-80 is an unreasonable amount of money to be spent on real estate education and research.

Mr. Wadhams said previously in lieu of posting money for the recovery funds which spilled over into an education and reaseach fund, licensees were required to post bonds for which they would pay a premium to an insurance company, but the procedure did not work well and was not to the advantage of the people harmed by the licensees. The system was then changed, particularly in real estate, to allow a recovery fund to be established to pay claims filed against licensees.

Mr. Wadhams continued that the intent was to avoid excessive monies in that fund and allow the surplus to be used to the general benefit of the public through enhancing professional competence.

Mr. Wadhams reiterated his observation that funds collected for a particular purpose may create some legal difficulty if reallocated for another purpose. He noted that in some instances the law states that the unused balance should not revert to the General Fund.

Chairman Mello asked Mr. Wadhams if he was implying that the Legislature is not empowered to reallocate the funds. He also asked Mr. Wadhams if he knew what laws the Department of Commerce functioned under and Mr. Wadhams said solely the laws made by the Legislature.

Mr. Richard Hoy, President of the Nevada Manufactured Housing Association, stated that in 1968 the Certificates of Compliance were issued out of the Department of Motor Vehicles for a fee of \$2.00. He continued that in 1975, under the jurisdiction of the Fire Marshal's office, the industry agreed to take fees and establish an on-going fund; and in 1977 control was moved to the Department of Commerce. Mr. Hoy explained that SB 173 would establish the Department of Manufactured Housing within the Department of Commerce and make provision for an education and training program as well as transfer the now existing titling program in the Department of Motor Vehicles over to the new Manufactured Housing Section.

Mr. Hoy commented that the excess funds have been created totally by the Manufactured Housing industry.

Mrs. Wagner asked for an explanation of what types of education and research programs are envisioned for the manufactured housing industry. Mr. Hoy said they need continuing education programs and are working on an on-line computer titling system and a written licensing examination.

Mr. Hoy pointed out that when the industry agreed on the licensing fees 4 years ago, they considered what the situation would be at the end of the 4 year period which is June 1979, and stated that he felt that the \$6,000 excess is in compliance with the projected forecast. He pointed out that the industry does not want the surplus to continue and that it is projected to slow down over a period of six years.

Mr. Bill Cozart, Nevada Association of Realtors, said that he represented 5,000 members of that Association. Chairman Mello asked Mr. Cozart how many of those 5,000 members had been heard from concerning this bill and Mr. Cozart said he had heard from a few; but because of the short period of time from the bill's introduction to the scheduled hearing, it was difficult.

Mr. Cozart referred to AB 578 and stated that the Association is opposed to Section 3, commenting that the fund is working well as it presently exists.

Mr. Joe Nolan, Past President of the Nevada Association of Realtors, noted that in 1966 the Recovery Fund was established. He said that prior to that, licensees were required to carry a \$1,000 fidelity bond for the protection of the public against the mis-use by any licensee. Mr. Nolan noted that NRS 635 was amended to provide for a self-insuring program, and after a safe under-writing balance of \$20,000 was established, the surplus was put into an education and research fund which in no way affects the State licensing fund. Mr. Nolan commented that in 1978, 55 to 60 days of education were made available to 2,500 licensees free of charge.

Mr. Bill Meyers, member of the Real Estate Advisory Commission, pointed out the increased growth in the industry and the education requirements are based on response from the public. He said each individual realtor pays \$20.00 into the education fund.

Mr. Bob Bowers, Past President of the Nevada Association of Realtors, pointed out that Nevada is the only State that supplies its licensees with free education which he feels has resulted in only 11,500 claims against the fund during the last 3 years.

Chairman Mello said that the Ways and Means Committee had not received good testimony regarding the Real Estate budget and that the purpose for the large reserve was not explained properly to the Committee.

Mr. Cozart said that he agreed that some of the explanations in the budget were not thorough enough, but that the reserve shows a planned excess.

Mr. Nolan pointed out that less than a month ago 600 new licensees passed the examination and the \$40.00 each from those new licensees is now in the Recovery Fund. He said that what appears to be a surplus, will be used up in education.

Chairman Mello stated that the Committee is not trying to take any money away unnecessarily.

Mrs. Wagner asked for an outline detailing the planned education projects.

SB 210

Mr. Alastuey stated that SB 210 makes an appropriation from the State General Fund to the reserve for the statutory contingency fund in the amount of \$521,359, which is the result of combining the original recommendation of \$371,359 with an additional \$150,000 added in as the costs of the presidential primary as requested by the Secretary of State's office. He said that in 1975-76, this particular cost was approximately \$156,000 and it is anticipated that \$150,000 will be needed to absorb the cost. Mr. Alastuey continued that the cost of the presidential primary is a charge against the State; however, SB 40 would make that more particularly a charge against the statutory contingency fund.

Mr. Mann stated that he was going to vote no because he is against the presidential primary.

Chairman Mello remarked that the presidential primary bill was sent to the Elections Committee.

Mr. Hickey stated that as a member of the Elections Committee, he noted that previous testimony revealed that the Secretary of State would like to go one more election before making the determination to cancel the primary or not. Mr. Hickey said that he felt the benefits derived from that expenditure would be well worth it.

Mrs. Cavnar added that no action has been taken on the presidential primary bill in the Elections Committee.

Chairman Mello asked what percentage of eligible voters voted in the presidential primary.

Mr. Mann said only 40% voted in the presidential primary and he felt that the primary was a waste of \$150,000.

Chairman Mello asked if any money was needed in the fund at the present time. Mr. Alastuey clarified that the current status of the fund is depleting quickly. He said when the Executive Budget was finalized, there was a balance of \$128,641; since that time, however, several Board of Examiners meetings have taken place and some substantial tort claims have been paid, leaving a current unobligated balance of \$50,652. He added that another Board of Examiners meeting was scheduled for late next month.

Mr. Alastuey pointed out although the \$150,000 is the estimate for the cost of the presidential primary, should the primary not take place the balance could remain on hand to defray future appropriation requests for this fund.

Mr. Hickey said he would ask the Chairman of the Elections Committee to take action as quickly as possible on the bill.

SB 80

Mr. Paul Cohen, Administrative Health Services Officer for the State Division of Health, stated that SB 80 is a bill that will alleviate an existing budget and revenue account by moving hospital licensure funds directly into the General Fund. He said the replacement of these funds in the Bureau of Health Facilities would subsequently be appropriated from the General Fund. He continued that the bill is a result of a meeting with the Department of Administration, the Controllers Office and discussion concerning reconciliation procedures and the Health Services receipt of deposits. He said that the amount of money generated from the approximate 120 license facilities can be accounted for more precisely by following the procedure established in SB 80.

Mr. Bible asked if the \$5,000 shown in the Executive Budget on page 267 as hospital licensure funds would have to be deleted and replaced with additional General Funds. Mr. Cohen said that was correct.

SCR 11

Mr. Bill Hancock, Secretary, State Public Works Board, stated that SCR 11 is a request of the Public Works Board in compliance with NRS 341 which requires the Board to seek the approval of the Interim Finance Committee, or the Legislature when in session, to use funds that were not considered in the Capital Improvement Program. He continued that a request was received from the Rehabilitation Division to use \$35,000 of monies they have available to them through Federal allocations, to finish off a portion of the Belrose Building in Las Vegas that is now under construction.

Mr. Hancock said that it was his understanding that if the proposal is not approved, the Rehabilitation Division will have to relocate and rent other facilities for some of its program.

Mr. Merv Flanders, Chief of the Bureau of Services to the Blind, said that there is over-crowding and staff congestion in the Belrose Building. He continued that there are two options, one is to take the Federal funds available to complete the addition or divide up the division and put part of the operation out in rented quarters. Mr. Flanders commented that their choice would be to keep all of the operation together in one building.

Mr. Bremner said that he was aware of the over-crowding in the Belrose Building and asked if the building is State owned.

Mr. Hancock said that the State did own the building.

SB 138

Mr. Flanders said that SB 138 is an increase in the revolving fund for the Bureau of Vocational Rehabilitation. He noted the current fund is \$10,000 and the flow-through demand through the fund is approximately \$60,000 a year. Mr. Flanders said the fund is used to pay emergency claims of vendors to avoid problems when lengthy delays on payment of claims occur; and primarily provides for the claims of clients to enable them to undergo vocational rehabilitation training. Mr. Flanders noted that this is a one-shot appropriation in the amount of \$40,000 to allow more adequate flow-through capability in the fund.

SB 139

Mr. Del Frost, Director of Rehabilitation, stated that SB 139 is similar to SB 138 in that it increases the revolving fund for the Bureau of Blind Services. He said that the purposes and uses are identical to the Vocational Rehabilitation Fund. He continued that the only difference is that SB 138 has a greater amount needed for the revolving fund simply because it is a bigger program.

Mr. Flanders added that SB 139 also finances the purchase of inventory aids and applicances which are sold or issued to clients and that the fund is reimbursed through payments through Blind Services account.

SB 320

Ms. Wilma Fawcett, member of the Parole Board Commissioners, said SB 320 makes a supplemental appropriation to the State Board of Parole Commissioners for travel expenses within the State. (EXHIBIT B)

She commented that the other two Board members were in Las Vegas in hearings but that she was unable to attend because the travel fund was depleted.

Chairman Mello asked if there had been any problems as a result of the lack of funds. Ms. Fawcett said there is a lawsuit pending from an inmate who was denied parole last January stating it was an unfair hearing as the deciding vote was made by the Board member that was not present at the hearing.

Chairman Mello asked if the Attorney General had been contacted on the legality of only two Board members being present and Ms. Fawcett stated that NRS 213.133 Subsection 1B says that two members of the Board are sufficient.

Mr. Hickey asked what obligation the State has to provide parole for anyone.

Ms. Fawcett responded that parole is a privilege, not a right, but every prisoner has the right to be heard before the parole board when he has served a minimum amount of time.

Mr. Mann commented that the pending lawsuit is a result of a 1 to 1 decision by attending Parole Board members and the deciding vote was made by a member not present at the hearing.

Chairman Mello asked if there were any transcripts from the hearing. Ms. Fawcett said that the Parole Board hearings are not recorded, but that she had been the member not in attendance and that she had reviewed all the files before reaching a decision.

Mr. Mann stated that the lawsuit does not challenge the two-board hearings, only that the deciding vote was cast by the member not present.

Mr. Bremner asked if the statute should be changed to require all three members be present at the hearings. Ms. Fawcett responded that there are times when all of the members could not be there.

Chairman Mello then asked why the hearings are not recorded, especially when only two are in attendance. Ms. Fawcett noted that the revocation hearings are recorded but that the parole hearings are not required to be taped.

Mrs. Wagner pointed out that NRS 213.133 does not preclude the Board from taping the hearings.

Chairman Mello asked how much money would be needed to tape the hearings. Mrs. Barbara Dunne, Parole Board, said that \$500.00 in next year's budget would be needed to tape the hearings. Chairman Mello suggested that the tapes be re-used after the hearing and a decision had been made, thereby reducing the costs to the Parole Board.

Mr. Mann said that he received testimony through sub-committee hearings that some of the Parole Board hearings are being taped.

Ms. Fawcett concluded that Chairman Mello's suggestion to tape the hearings, especially when only two members are present, will be taken before the Board and given consideration.

AB 575

A DO PASS MOTION made by Mr. Rhoads; seconded by Mr. Bremner.
Motion approved.

Mrs. Wagner commented that a limit should be set on the number of bills being drafted. Chairman Mello stated that it would be difficult to set guidelines for limiting the bills. He noted that previously unsuccessful efforts had been made to limit the introduction of bills by the Legislators.

AB 16

Motion to amend Section 1, subsection 2 to fiscal years 1979-80 and 1980-81 instead of 1978-79 and 1979-80 made by Mr. Hickey; seconded by Mr. Bremner. Motion approved.

DO PASS as amended made by Mr. Hickey; seconded by Mr. Bremner.
Motion approved.

AB 576

Motion to amend Section 2 line 3 by deleting the word "shall" and inserting the word "may" made by Mr. Bremner; seconded by Mr. Hickey.
Motion approved.

Motion to adopt amendment number 395 to AB 576 made by Mr. Bremner; seconded by Mr. Hickey. Motion approved.

DO PASS as amended made by Mr. Bremner; seconded by Mr. Hickey.
Motion approved.

AB 578

Motion of INDEFINITE POSTPONEMENT made by Mr. Mann; seconded by Mr. Webb. Motion approved.

Motion for LETTER OF INTENT to the Real Estate Commissioner outlining the educational programs provided to and anticipated for use by the industry made by Mrs. Wagner; seconded by Mr. Webb. Motion approved.

SB 242

Motion to draft an amendment to add "and agency administrator" to line 13 made by Mrs. Wagner; seconded by Mr. Hickey. Motion approved.

DO PASS as amended, including the Conflict Notice, made by Mrs. Wagner; seconded by Mr. Hickey. Motion approved.

SB 80

DO PASS motion made by Mr. Bremner; seconded by Mrs. Wagner. Motion approved.

SCR 11

DO PASS motion made by Mr. Glover; seconded by Mr. Rhoads. Motion approved.

SB 138

DO PASS motion made by Mr. Bremner; seconded by Mr. Hickey. Motion approved.

SB 139

DO PASS motion made by Mr. Bremner; seconded by Mrs. Wagner. Motion approved.

SB 320

Motion to amend the figure \$3,170 to \$2,536 as indicated in EXHIBIT B made by Mr. Mann; seconded by Mr. Hickey. Motion approved.

DO PASS as amended made by Mr. Mann; seconded by Mr. Hickey. Motion approved.

The meeting was adjourned at 10:40 a.m.

DATE: 3/28/79

WAYS AND MEANS COMMITTEE

GUEST LIST

NAME (PLEASE PRINT)

REPRESENTING:

W E HANCOCK

SPRING WIRE BANK

Larry Struve

Atty Gen'l.

JIM JONES

REAL ESTATE

JESSE J SWATSENBARG

SILVER SPRING FIRE DEPT

William Southard Fire Chief

Lyon County - Nev. Fire Chiefs

Don Amodee

NDF

...

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Phil Frank

Rehab

Merv Flander

Rehab

Ray Tomoweth

Forestry

Lodie Smith

Forestry

Wayne Tetrauet

Commerce

John Crossley

LCD. audit AB 575

Richard Hoy

new manufac Housing

Linda Terry

new. Manufac Housing

Bob Bowdars

NAV ASSN Reactors AB 575

Dee Milligan

" " " " "

Bill Cozart

" " " " "

Bill MYERS

" " " " "

Joe Nolan

" " " " "

PAUL COHEN

Health Division

Barbara Dunne

Parole Board

Wilma Fawcett

Parole Board

Rural Community Fire Protection Federal Grants
1975-1976-1977-1978

	1975	1976	1977	1978	TOTAL
Federal Funds Appropriated	\$27,820.00	\$32,870.00	\$26,300.00	\$26,300.00	\$113,290.00
+ Carryover from Prev. Year	-0-	167.14	1,831.57	-0-	
SUB TOTAL	\$27,820.00	\$33,037.14	\$28,131.57	\$26,300.00	
Less NDF Admin. Charges	-0-	-0-	1,006.10	1,060.69	2,066.79
TOTAL Fed. Funds Available	\$27,820.00	\$33,037.14	\$27,125.47	\$25,239.31	
TOTAL Fed. Funds Spent	\$27,652.86	\$31,205.57	\$27,125.47	\$25,239.31	\$111,223.21
BALANCE	167.14	1,831.57	-0-	-0-	-0-
TOTAL Local Funds Spent	\$27,652.86	\$31,205.57	\$27,125.47	\$25,239.31	\$111,223.21
GRAND TOTAL Local & Federal Funds Spent	\$55,305.72	\$62,411.14	\$54,250.94	\$50,478.62	\$222,446.42
Number of Communities Participating	24	12	16	13	65

65 Department or Communities matched \$111,223.24 to purchase \$222,446.42 worth of fire or fire related equipment during the period 1975-1978.

1029

Rural Community Fire Protection Federal Grants
Total Federal Money Available - \$27,820.00*

	<u>FED. SHARE</u>	<u>LOCAL SHARE</u>
1. <u>Kingston VFD</u> (truck, 6x6 pumper)	2,600.00	2,600.00
2. <u>Diamond Valley VFD</u> (truck, 6x6 pumper)	2,700.00	2,700.00
3. <u>Gerlach VFD</u> (radio)	602.96	602.96
4. <u>Sutcliff VFD</u> (radio)	602.95	602.95
5. <u>Genoa VFD</u> (air pack, turnouts, plectrons)	592.30	592.30
6. <u>Topaz Ranches</u> (air pack, turnouts, hose)	385.53	385.53
7. <u>Gardnerville Ranchos VFD</u> (turnouts, hose)	449.87	449.87
8. <u>Douglas Co. VFD</u> (truck, 4200 gal. tanker)	3,903.50	3,903.50
9. <u>Lovelock</u> (radios)	2,326.64	2,326.64
10. <u>Gabbs VFD</u> (air packs, turnouts).....	803.47	803.47
11. <u>McDermitt VFD</u> (air packs, hose, extinguishers)	1,657.65	1,657.65
12. <u>Schurz VFD</u> (hose, nozzle)	416.00	416.00
13. <u>Luning VFD</u> (hose)	261.50	261.50
14. <u>Mina VFD</u> (hose)	261.50	261.50
15. <u>Walker Lake VFD</u> (hose, nozzle)	461.00	461.00
16. <u>Hawthorne VFD</u> (hose, turnouts)	1,167.70	1,167.70
17. <u>Fernley VFD</u> (air packs, radio)	835.20	835.20
18. <u>Smith Valley VFD</u> (turnouts, hose, radio)	1,342.45	1,342.45
19. <u>Dayton VFD</u> (air pack, turnouts)	703.75	703.75
20. <u>Silver Springs VFD</u> (turnouts, air pack, radio,	1,338.32	1,338.32
plectrons)		
21. <u>Silver City VFD</u> (turnouts, air pack)	700.25	700.25
22. <u>Gardnerville VFD</u> (hose)	630.00	630.00
23. <u>Carlin VFD</u>	2,810.32	2,810.32
24. <u>State Fire Training</u>	100.00	100.00
TOTAL	\$27,652.86	\$27,652.86

(\$ 167.14 carry over)

24 Departments or communities matched above \$27,652.86 thus purchasing \$55,305.72 of fire or fire related equipment.
(2-6x6 750 gallon pumps, 1-4200 gallon tanker/pumper)

* 1975 Nevada share was \$26,300, Department of Agriculture did not take out their Admin. charges so Nevada received an additional \$1,520.00 making \$27,820 total.

1000

Rural Community Fire Protection Federal Grants
 Total Federal Money Available \$32,870.00 + 167.14 = \$33,037.14*

	<u>FED. SHARE</u>	<u>LOCAL SHARE</u>
1. <u>Douglas County VFD</u> (training equipment)	590.76	590.76
2. <u>Stagecoach VFD</u> (truck, 6x6 pumper, turnouts, radio)	4,875.00	4,875.00
3. <u>Red Rock VFD</u> (truck, 6x6 pumper)	3,500.00	3,500.00
4. <u>Tonopah VFD</u> (hose, nozzles, air packs, ladders,	3,529.07	3,529.07
fittings, etc.)		
5. <u>Lathrop Wells VFD</u> (hose, nozzles, pump, ladders,	2,339.43	2,339.43
turnouts)		
6. <u>Round Mountain VFD</u> (hose, nozzles, extinguishers,	1,161.31	1,161.31
tools)		
7. <u>Beatty VFD</u> (hose, fittings)	333.92	333.92
8. <u>Manhattan</u> (truck, 4x4 200 gal. pumper)	1,373.54	1,373.54
9. <u>Pioche VFD</u> (turnouts, hose, airpacks, radios,	2,088.12	2,088.12
tools)		
10. <u>Yerington VFD</u> (turnouts, hose, training equip)	1,472.22	1,472.22
11. <u>Pahrump VFD</u> (radio system)	5,782.44	5,782.44
12. <u>Winnemucca VFD</u> (radio system)	4,159.75	4,159.75
TOTAL	\$31,205.57	\$31,205.57
	(\$1,831.57 carry over)	

12 Department or communities matched above 31,205.57 thus purchasing \$62,411.14 of fire or fire related equipment.
 (2-6x6 750 gallon pumpers, 1-4x4 200 gallon pumper)

* 1976 Nevada share was \$26,300.00. Federal Govt. changed fiscal year, as a result they had a "transition quarter". We received an additional \$6,570.00 for the T.Q. plus a carry over from FY 75 of \$167.13 gave us a total of \$33,037.15.

1981

Rural Community Fire Protection Federal Grants

Total Federal Money Available $\$26,300.00 + 1,831.57 = 28,131.57 - 1,006.10 = 27,125.47^*$

	<u>FED. SHARE</u>	<u>LOCAL SHARE</u>
1. <u>Central Lyon County Fire District</u> (Silver Springs, Stagecoach, Dayton, Silver City, Marktwain) (turnouts, plectrons, air packs, radio)	3,312.15	3,312.15
2. <u>Yerington VFD</u> (hose, radio)	1,058.00	1,058.00
3. <u>Smith Valley VFD</u> (radio, pagers, hose, air bottles)	1,714.25	1,714.25
4. <u>Esmeralda County</u> (Fish Lake Valley VFD, Silver Peak VFD, Goldfield VFD) (fire extinguishers, turnouts, hose)	708.06	708.06
5. <u>Truckee Meadows Fire Protection District</u> (Sutcliff, Gerlach, Redrock VFD's) (plectrons, turnouts, airpacks)	2,500.88	2,500.88
6. <u>Churchill County VFD</u> (radio, airpacks)	2,308.75	2,308.75
7. <u>Douglas County VFD</u> (airpacks, turnouts, training equipment)	2,073.78	2,073.78
8. <u>Ely VFD</u> (radio system)	9,649.59	9,649.59
9. <u>State Fire Training Coordinator</u> (statewide training program)	<u>3,800.00</u>	<u>3,800.00</u>
TOTAL	\$27,125.47	\$27,125.47
10. NDF Admin (travel for fed. excess prop. & inventory control) **	1,006.10	

16 Department or communities directly matched \$23,325.46 thus purchasing \$46,650.92 of fire or fire related equipment. The remaining \$3,800.00 will be matched by man hours (@3.50/hr) spent by trainees of departments statewide attending training conducted by State Fire Service Training Coordinator (UNR Extended Programs and Continuing Education), for a total of \$54,250.92.

* 1977 Nevada share was \$26,300, plus \$1,831.56 carry over from FY76 gave us a total of 28,131.56 less 1,006.10 NDF Admin.

** NDF is entitled to 10% of total allocation (2,630.00) for administration of program.

Rural Community Fire Protection Federal Grants
Total Federal Money Available - \$26,300.00*

	<u>FED. SHARE</u>	<u>LOCAL SHARE</u>
1. Panaca VFD (turnouts, air packs)	1,012.30	1,012.30
2. Yerington VFD (hose, radio, red light & siren).....	917.95	917.95
3. Fernley VFD (pump & hardware to build 4,000 gal. tanker)	2,250.00	2,250.00
4. Smith Valley VFD (pump, tires, hose, radio, ladder, tools)	5,399.41	5,399.41
5. Douglas County (Topaz Ranch Ests. VFD, Topaz Lake VFD, Johnson Lane VFD, Gardnerville Ranchos VFD, Sheridan Acres VFD, Fish Springs Flat VFD) (hose, nozzles, turnouts, extinguishers, 700 gal. tank, lite bar & siren, hard suction, 4 siren alerting systems, portable pump)	11,035.00	11,035.00
6. Pioche VFD (airpacks, spare bottles)	1,340.00	1,340.00
7. Churchill County VFD (portable generator, turnouts)	2,752.15	2,752.15
8. Caliente VFD (hose, extinguishers, tools)	532.50	532.50
TOTAL	\$25,239.31	\$25,239.31
9. NDF Admin. (travel for fed. excess prop. & inventory control)**	1,060.69	

13 Department or communities matched \$25,239.31 thus purchasing \$50,478.62 of fire or fire related equipment, (1-700 gallon pumper, 1-4000 gallon tanker/pumper).

* 1978 Nevada share was \$26,300, no carry over and no additional funds for total of \$26,300.

** NDF is entitled to 10% of total allocation (\$2,630.00) for administration of program.

Rural Community Fire Protection Federal Grants
1975-1978, & 1979

	1975-1978	1979	TOTAL
Federal Funds Appropriated	\$ 113,290.00	\$ 26,300.00	\$ 139,590.00
+ Carryover from Previous Years	-0-	-0-	-0-
SUB TOTAL	-0-	26,300.00	-0-
Less N.D.F. Admin Charges	\$ - 2,066.79	\$ 1,003.30	\$ - 3,070.09
Total Federal Funds Available	-0-	\$ 25,296.70	-0-
Total Federal Funds Spent	\$ 111,223.21	\$ 25,296.70	\$ 136,519.91
BALANCE	-0-	-0-	-0-
Total Local Funds Spent	\$ 111,223.21	\$ 25,296.70	\$ 136,519.91
GRAND TOTAL	\$ 222,446.42	\$ 50,593.40	\$ 273,039.82
Local & Federal Funds Spent			
Number of Communities Participating	65	9	74

Rural Community Fire Protection Federal Grants
 Total Federal Money Available - \$26,300.00*

	<u>FEDERAL SHARE</u>	<u>LOCAL SHARE</u>
1. LOVELOCK V.F.D. (radio base station & pagers)	\$ 2,500.00	\$ 2,500.00
2. BEATTY V.F.D. (air compressor to recharge air packs)	\$ 1,105.00	\$ 1,105.00
3. WELLS V.F.D. (12 radio monitors)	\$ 1,440.00	\$ 1,440.00
4. CALIENTE V.F.D. (air packs, spare cylinders & hyd. wrenches)	\$ 762.00	\$ 762.00
5. GABBS V.F.D. (air packs, smoke ejector & turnouts)	\$ 1,019.50	\$ 1,019.50
6. STOREY CO. V.F.D. (radio system, air packs & spare cylinders, turnouts)	\$ 9,343.76	\$ 9,343.76
7. KINGSTON V.F.D. (air packs, turnouts, ladder, pike pole, first-aid kit, fire extinguishers)	\$ 1,001.44	\$ 1,001.44
8. ELY V.F.D. (1,250 ft. 2½' hose)	\$ 1,125.00	\$ 1,125.00
9. VALMY V.F.D. (1 ton, 350 gal. fire truck)	<u>\$ 7,000.00</u>	<u>\$ 7,000.00</u>
TOTAL	\$ 25,296.70	\$ 25,296.70
10. NDF ADMIN (travel for federal excess property and inventory control) **.....	\$ 1,003.30	

Nine departments or communities matched \$25,296.70 thus purchasing \$50,593.40 of fire or fire related equipment.

* 1979 Nevada share was \$26,300.00. No carryover and no additional funds for a total of \$26,300.00 federal funds.

** Nevada is entitled to 10% of total allocation (\$2,630.00) for administration of program.

1235

TO Mr. Don Mello, Chairman
Way and Means Committee

Memo

FROM Parole Board

DATE 3-27-79

SUBJECT Example of Legal action against Parole Board Members

The following is an example of what happened after the January 1979 Parole Board Hearings at Jean, Nv. Only 2 Parole Board members were present for the hearings.

Attached are copies of the Parole Board results for the January 1979 Hearings at Jean, Nv. of John Stalnaker #12910 and subsequent correspondence with Governor List and a pending Civil Rights Class Action Suit against the Parole Board Members. The inmate wanted to know why he did not receive a parole and why he did not have a full (3 member) personal Parole Board Hearing.

The attached are copies of papers from John Stalnaker's file. They are numbered in the lower right hand corner.

- Jan. 22, 1979 Page 1: Official Parole Board results of Inmate Stalnaker's Jan. 1979 Parole Hearing at which time no action was taken pending decision by the third Board Member. The inmate received a copy of this order.
- Jan. 30, 1979 Page 2: Supplemental Report filled out this date after evaluation by third Board Member. The inmate was denied parole due to previous criminal history and poor adjustment while under previous parole supervision. The inmate received a copy of this order.
- Feb. 2, 1979 Page 3: Letter from inmate Stalnaker to Governor List asking him to explain why he was denied parole and why he did not receive a full 3 member board hearing.
- Feb. 8, 1979 Page 4: Memo from Bruce Greenhalgh asking the Parole Board to draft a reply to the inmate.
- Feb. 13, 1979 Page 5: Parole Board sends Governor-suggested reply to inmate.
- Feb. 16, 1979 Page 6: Copy of Bruce Greenhalgh's letter to inmate Stalnaker explaining why he was denied parole.
- Page 7: First page of class action suit against the Chairman and the 2 Board Members by "THE INMATES OF THE SOUTHERN NEVADA CORRECT-
IONAL CENTER AND JOHN E. STALNAKER AND KENNETH W. WILLIAMS". This complaint claims that John E. Stalnaker was not given a fair Parole hearing when only 2 Board Members were present at his January 1979 Parole Board Hearing.

1036

STATE OF NEVADA
DEPARTMENT OF PAROLE AND PROBATION

CERTIFICATION OF BOARD OF PAROLE COMMISSIONERS ACTION

TO THE WARDEN, NEVADA STATE PRISON

The Nevada Board of Parole Commissioners took the following action:

AT So. Nevada Correctional Center ON July 27, 1979
RE John Stalmaker #410 Personal Hearing

NO ACTION TAKEN pending decision by Fed. Circuit

PAROLE DENIED, PLACE ON _____ DOCKET

GRANTED PAROLE
Effective _____
Term of parole _____
Special condition _____

STATUTORY HEARING
Loss of _____
Reinstated _____

SPECIAL HEARING
Action taken _____

This is to certify that the above order is a true and correct copy of the action of the Nevada Board of Parole Commissioners.

Bill Courtney
Chairman
Nevada Board of Parole Commissioners

[Signature]
Prison Staff Representative

Supplemental Report / Parole Board Hearing

Stelmaker, John
Name13910
NumberSNCC
Institution1-30-79
DateI. The Parole Board decision in your case is:

- A. Parole is not being granted at this time.
- B. No action. A decision on your application cannot be finalized at this time because:
1. Pending disciplinary matters are unresolved
2. Other

II. The reasons for not approving parole are as follows:

A. In the opinion of the Parole Board, parole at this time would depreciate the seriousness of your criminal behavior because of:

1. Its nature and severity
2. Previous criminal history
3. Multiple offenses involving aggression and/or violence
4. Factors involved in the crime, i.e., injury to victim, use of a weapon, behavior endangering others
5. The board finds that you have not reformed to the extent that you can be released without threat to society
6. The board finds that further evaluation of your progress is necessary
7. The board finds that release at this time would depreciate the seriousness of the crime
8. Other

B. In the opinion of the Parole Board, there is a reasonable probability that you will not comply with the requirements of parole because of:

1. Your unsatisfactory institution adjustment
2. The inadequacy of your progress in the institution program
3. Your generally poor attitude
4. Your record of poor adjustment while under previous supervision
5. Inadequate parole plan
6. Other

 C. In the opinion of the Parole Board, continued confinement is necessary to protect the public from further criminal activity. D. In the opinion of the Parole Board, your particular needs require treatment that cannot be provided adequately or safely outside the setting of the correctional institution.III. The board will give further consideration in Expiration

IV. REMARKS: _____

Julius J. Jensen
Executive Secretary, Parole Board

STATE OF NEVADA
EXECUTIVE CHAMBER

John Stalnaker
P.O. Box 100
Jean, Nevada 89019

1979 FEB 8 AM 8 50

February 2, 1979

ROBERT LIST
GOVERNOR

Honorable Robert List
Governor State of Nevada
Carson City, Nevada 89710

Dear Sir:

I realize that you are busy with the duties of your new office, and I apologize, for bothering you with a personal matter. However I feel that you, as the highest official in the State, can answer my questions.

I am an inmate here at the Southern Nevada Correctional Center in Jean. I am doing a four year sentence for embezzlement out of Carson City. My crime consisted of driving off with my employers automobile, which was returned. Since my record is not clean, I have been afoul of the law twice before. Once a Burglary charge and a Dyer Act charge. As of February 4, 1979, I will have two flat years on the four year sentence.

I appeared before the Parole Board, the 22nd of January 1979, there was two members present at the hearing. The hearing resulted in one member voting for Parole and one member against. I was told that another hearing would be held in Carson City, and I would be notified as to the results of that hearing. I have just received that results and was denied parole.

Sir, I am having trouble telling you this, because, I don't want it to seem like I am sniveling, which I'm not. I am just totally confused. You see I have always had the impression that prison was to prepare a man to return to society as a productive member. When I was arrested in February of 1977, I took a long look at myself, and frankly I didn't like what I saw. So I started changing myself, which I think I have done, and quite a few other people including Staff members agree with me. Since I have been in this prison system I have done everything I could to better myself. I have had no disciplinary actions or negative informatives which can be verified.

My program for release was as good as anyone I have seen. Since being here I have received a Vocational Teachers Certificate from the Department of Education. My job was to be with Education Dynamics Institute in Las Vegas, Nevada. This school

RECEIVED
FEB 9 1979
PAROLE BOARD

Honorable Robert List Cont.

was also going to provide an apartment. What this all means is that my program was good.


What has me in a state of confusion is that I fail to see the consistency used by the Parole Board in making my parole Board decision. More so after talking with some of the men who went to the board the same time as I did. Their past history and adjustment to the prison has been far worse than mine. Coming into the prison system you hear that you must program while here to prepare for you release. The way it looks this doesn't mean anything at all. So Sir, my one question concerning this is; If this mean nothing, then what have the men to look forward to, that are tired of the past life styles they have lead?

Mr. List I am sending you a copy of everything I presented to the Parole Board. Everything is there except the Parole Board report from the Institution which I do not have a copy of.

Sir, in my case I only have five more months left to expire my sentence, and my plans are to continue as I have before the Board reached their decision. My plans for the future concerning my life and my family will have to wait five more months. But sir, what about that small number of men in prison who sincerely want to change and do everything possible to better themselves and for some unknown reason are denied that opportunity.

Thank you for your time.

Sincerely;


John Stalnaker

GOVERNOR'S OFFICE

Executive Chamber

State of Nevada

MEMORANDUM

Date: February 8, 1979

For: Bryn Armstrong

From: Bruce Greenhalgh

-
- Immediate action.
 - Review and return with comments.
 - Draft reply for Governor's signature and return original material by 2/15.
Please double space draft.
 - Reply directly with copy to Governor's office.
 - For your information.
 - Circulate.
 - File.

COMMENTS:

T 2/15/79

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FEB 9 1979

PAROLE BOARD

6517

1001

TO: Bruce Greenhalgh
Governor's Office

Memo

FROM: Bryn Armstrong
Chairman, Parole Board

DATE February 13, 1979

SUBJECT: Suggested reply to John Stalnaker

I have your letter of February 8, 1979 in which you raised the question of why you were denied parole in lieu of what you considered to be a sound release plan.

Members of the Parole Commission inform me that even though you have programmed well, and did present a release plan, there were other important factors to be considered, including prior performance while on parole and criminal history.

These factors led the Parole Board to believe there was a probability you would not meet the requirements for a successful parole. Specifically, your file discloses that you were paroled from Oklahoma State Prison on June 7, 1972 and were arrested in Arkansas four months later on a charge that eventually led to a Federal Dyer Act conviction.

While Oklahoma never revoked your parole, it certainly was violated in spirit. Also noted is an arrest for escape from the Federal system. Under the laws of our state, the Parole Board is authorized to grant parole only if it is felt the parolee has a reasonable chance to make a successful parole and if the release would not constitute a threat to society.

I am informed the Parole Board felt that you probably would be a poor parole risk because of the pattern set in your earlier encounters with the law and because it was felt that continued incarceration was necessary to protect the public from further criminal activity.

1242



The State of Nebraska
 Executive Chamber
 Carson City, Nebraska 89710

Robert List
 Governor

February 16, 1979

Mr. Jonn Stalnaker
 P. O. Box 100
 Jean, Nevada 89019

Handwritten initials: JCS, PM, SB

Dear Mr. Stalnaker:

I have received your letter of February 8, 1979, to Governor Robert List which raised the question of why you were denied parole in lieu of what you considered to be a sound release plan.

Members of the Parole Commission inform me that even though you have programmed well, and did present a release plan, there were other important factors to be considered, including prior performance while on parole and criminal history.

These factors led the Parole Board to believe there was a probability you would not meet the requirements for a successful parole. Specifically, your file discloses that you were paroled from Oklahoma State Prison on June 7, 1972, and were arrested in Arkansas four months later on a charge that eventually led to a Federal Dyer Act conviction. While Oklahoma never revoked your parole, it certainly was violated in spirit. Also noted is an arrest for escape from the Federal system. Under the laws of our state, the Parole Board is authorized to grant parole only if it is felt that the parolee has a reasonable chance to make a successful parole and if the release would not constitute a threat to society.

I am informed the Parole Board felt that you probably would be a poor parole risk because of the pattern set in your earlier encounters with the law and because it was felt that continued incarceration was necessary to protect the public from further criminal activity.

I hope that we have been of some assistance in this matter.

Sincerely,

BRUCE GREENHALGH
 Executive Assistant

RECEIVED
 FEB 21 1979
 PAROLE BOARD

cc: Bryn Armstrong

1243

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE INMATES OF THE SOUTHERN NEVADA CORRECTIONAL CENTER

AND

JOHN E. STALNAKER

~~KENNETH W. WILLIAMS~~

[Enter above the full name of the
plaintiff or plaintiffs in this
action.]

v

CIVIL NO. _____

NEVADA STATE BOARD OF PAROLE COMMISSIONERS

BRYN ARMSTRONG, CHAIRMAN

EOLES BURIST, MEMBER

WILMA FAWCETT, MEMBER

IN THEIR INDIVIDUAL AND OFFICAL
CAPACITY.

[Enter above the full name of the
defendant or defendants in this
action.]

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes [] No [X]

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs: _____ NONE _____

Defendants: _____ NONE _____

2. Court (if federal court, name the district; if state court, name the court):

_____ NONE _____

3. Docket number: _____ NONE _____