

MINUTES

WAYS AND MEANS COMMITTEE

NEVADA STATE LEGISLATURE - 60th SESSION

April 27, 1979

Chairman Mello called the meeting to order at 8:10 a.m.

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

ALSO PRESENT: Bill Bible, Fiscal Analyst; Judy Matteucci, Deputy Fiscal Analyst; Mike Alastuey, Budget Office; Mr. Ron Jack, Deputy City Manager of Las Vegas; Mr. Roy Nickson, Director, Department of Taxation; Dr. Ralph DiSibio, Director, Department of Human Resources; Assemblyman Bedrosian, Ms. Joyce Woodhouse, Nevada State Education Association; Mr. Ted Sanders, Superintendent of Public Instruction; Mr. Kenneth Johns, Colleges of Education, UNR; Mr. Russ McDonald, representing Washoe County; Ms. Jean Stoess, Vice-Chairman of the Washoe County Commission; Mr. Steve Brown, Washoe County Commissioner; Mr. Gene Sullivan, Mr. John Medor, Director of the State Parks; Ms. Virginia Kersey, Co-Chairman of the Citizens Committee; Mr. John Richardson, Nevada State Park System.

AB 786

Mr. Ron Jack, Deputy City Manager of Las Vegas, presented the Committee with proposed amendments to AB 786. He indicated that AB 786 is an attempt to provide the power to issue a misdemeanor citation to certain designated officials. The proposed amendments would delete from Page 2, Line 17 the words: "any local government including," and on Lines 32 through 35 the complete deletion of the language and substitute: "building, licensing and housing inspectors, animal control officers, and traffic engineers of cities and counties when exercising police powers" specified in NRS 171.177 to 171.1779, inclusive. (Exhibit A)

Mr. Barengo referred to NRS 171.178 and proposed that it be changed to read: "whenever a person is detained by a peace officer, building, licensing and housing inspectors, animal control officers and traffic engineers for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor"....which would allow those particular officials to issue a misdemeanor citation. Mr. Jack said that he would concur with Mr. Barengo's proposal. Mr. Mann said that he could support the proposal.

Mrs. Wagner asked for an explanation of the purpose behind granting these officials an extension of rights. Mr. Jack responded that at the present time, for example, when a building inspector encounters a violation to get compliance with the code a complaint must be issued from the City Attorney's office which is a lengthy, time consuming and expensive process.

Mrs. Wagner asked that now as the situation exists, the officer would have to go back to the City Attorney, or someone else depending on the jurisdiction, to obtain a misdemeanor citation. Mr. Jack said that was correct.

Mr. Barengo said that that problem is solved in Reno and Sparks because the animal control officers are members of the police department.

Motion to amend NRS 171.178 to include peace officers, building, licensing and housing inspectors, animal control officers and traffic engineers of city and counties, made by Mr. Barengo; seconded by Mr. Hickey. Motion approved.

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

DEPARTMENT OF TAXATION

Mr. Barengo asked if fewer audits of the out-of-state offices are anticipated. Mr. Roy Nickson, Director, Department of Taxation, said that future plans are intended to maximize the out-of-state audits. In fact, he said that the budget calls for not only the Taxation Department to conduct out-of-state audits, but to provide \$35,000 to the Multi-state Tax Compact to conduct audits on behalf of the State of Nevada in the sales and use tax area.

Mr. Nickson noted that Senator Don Ashworth is proposing legislation that should the out-of-state audits from the Multi-state Tax Compact not produce the revenue, the Legislative Commission be authorized to withdraw Nevada from the compact prior to the next session. He added that at the present time, the State is losing money by the membership in the compact.

Mr. Bremner asked why the State does not withdraw its membership at the present time. Mr. Nickson said that under the compact, the State is required to give credit to "sister" states who are also members. As an example, Boise-Cascade has large manufacturing plants in Idaho and Utah and the laws from those states permit Boise-Cascade to pay a 3% use tax. He added that the manufactured homes are brought into Nevada and they pay only 1/2 of 1% county-city relief tax. Since Nevada is not the manufacturing state, we do not obtain any benefits by export of similar items.

Mr. Bremner asked if the increased auditing staff will be necessary in the Department of Taxation if Nevada withdraws from the Compact. Mr. Nickson said that he did not think so because, as it is now, the Multi-state Tax compact auditors spend most of their time on income tax audits, which Nevada has no interest in anyway.

Mr. Webb asked Mr. Nickson if he was indicating that Nevada does not get any sales tax on mobile home sales. Mr. Nickson said that Boise-Cascade is considered a construction contractor under Nevada law and as such, they are authorized to pay use tax, which they choose to pay to the state of Idaho.

AB 508

Dr. Ralph DiSibio, Director, Department of Human Resources, said that AB 508 essentially directs the Division of Mental Health/Mental Retardation to prepare a study for the inservice and education training of mental health technicians. He said that such a study would be conducted during the biennium and a report would be made to the next session of the Legislature.

Dr. DiSibio pointed out that the study can be conducted without appropriation if the training budgets remain intact.

Chairman Mello asked what procedure would be followed if the training budgets are cut. Dr. DiSibio said that the training of the mental health technicians is the top priority.

Chairman Mello asked if AB 508 is enacted what would be the cost to the State next session. Dr. DiSibio said that the cost of training 400 mental health technicians would be approximately \$300,000 over the biennium.

Mr. Mann indicated that there was "fat" in the training budget if it currently contained the money to conduct the training of the mental health technicians. Dr. DiSibio noted that there were dollars put aside to conduct the training.

Mr. Mann asked what category the money would come from to conduct the study. Dr. DiSibio said that there is enough money because the personnel are available and their hours would be reprioritized to conduct the study.

Mr. Vergiels proposed that the bill be amended by deleting the wording: "prepare a budget," on Line 6; and at the end of Line 8 add: "within present division funding" and Line 4 add: "within present year allocations."

Mr. Glover noted that preparing a budget would assist the next session of the Legislature in making a decision as to whether to fund the program again. Mr. Vergiels said that the intent is to have the budget prepared within the allocations and not be an "add on." He added that there is no central control over the training funds.

Assemblyman Bedrosian stated that he concurred with Dr. DiSibio's statements. He noted that the mental health technicians spend 90% of the time with the clients and yet they receive the smallest amount of training within the mental health system.

Mrs. Wagner asked what priority would be placed on the training of the mental health technicians. Dr. DiSibio said it was the number one priority.

Mr. Vergiels asked Mr. Bedrosian if he concurred with the proposed amendments. Assemblyman Bedrosian said that the preparation of a budget would not require a commitment to implement that budget but may assist the 61st Legislature in assessing the program.

Chairman Mello commented that if the Committee so chooses a letter of intent will be sent to the Department concerning the reprioritization.

Dr. DiSibio and Assemblyman Bedrosian concurred with the letter of intent.

AB 388

Assemblyman Glover said that AB 388 is a result of an interim study that was funded two years ago. The members who conducted the study concluded that the Commission on Professional Standard in Education is quite vital to the State of Nevada. (EXHIBIT B)

Ms. Joyce Woodhouse, representing the Nevada State Education Association, said that over the past few years the Department of Education has attempted to involve various members of the education community in revising certification requirement through ad hoc committees to the Board of Education. She indicated that the total cost for the Commission would be \$16,320 for the biennium; the travel expenses would be \$4,200 and per diem would be \$3,960 with a total per year of \$8,160.

Mrs. Wagner indicated that the Nevada Personnel Guidance Association should be allowed to choose their own member for the Commission. Secondly, Mrs. Wagner asked what precipitated the bill. Mr. Glover responded that during last session there was much discussion regarding the discrepancies in the recertification of teachers. Ms. Woodhouse said that the study committee indicated that the establishment of the Commission would be the first step in improving the recertification requirements. She said that as was indicated to the Education Committee it is not the intent of the NSEA to take over the NPGA person. That person could be recommended by NPGA as long as that person is a classroom member.

Mr. Hickey asked how this proposed Commission differs from the State Board of Education. Ms. Woodhouse said that the Commission on Professional Standard in Education would provide greater consistency to what is being done.

Mr. Ted Sanders, Superintendent of Public Instruction, said that the State Board of Education recognized the need for greater coordination and greater consistency in the development of teacher certification requirements. He noted that other states have utilized this means to assure the applicability of teacher certification requirements.

Mrs. Wagner asked if the proposed Commission could set standards for the competency testing of teachers. Ms. Woodhouse said that the

competency testing of teachers was discussed last session of the Legislature and the bill did not pass.

Mrs. Cavnar asked how the rates for the travel and per diem were established. Ms. Woodhouse indicated that the figures for travel and per diem were obtained from both the Department of Education and from Mr. Don Rhodes, Research Analyst, Legislative Counsel Bureau.

Mr. Kenneth Johns, representing the Colleges of Education with the University of Nevada System, said that both Dean Edmund Cain, UNR and Dean Richard Kunkel, UNLV support the intent of AB 388.

Assemblyman Mann, representing Sunset High School, said that a problem with the bill is that any recommendations made by the Commission are not binding. He said that the Commission will be just a study committee, not an advisory board, with two levels of government able to refuse any of their recommendations. If it is determined that this Commission is viable then it should be stated that their recommendations have to be adopted.

Mr. Glover said that this proposed Commission would be a tool used by the Board of Education to establish a consistent on-going policy regarding teacher certification. It is not possible for an advisory board to tell elected officials what to do.

Mr. Mann pointed out that many teachers indicated they did not have enough input into the development of the new teacher certification requirements. He added that out-of-state institutions that issue credits should be charged a fee service and make them pay for the right to recertify within the State.

AB 417

Mr. Bible referred to Page 3, Section 4 which reads: "If the guidelines or regulations of the Federal Council on Wage and Price Stability are completely removed before the calendar year 1980....." and indicated there was some question regarding "are completely removed" as it appeared some of the recent settlements may have been in excess of the wage and price stability guidelines - yet the guidelines are still in effect. He added that perhaps either Interim Finance or the Board of Examiners review and make a determination as to applicability of the wage and stability guidelines.

Chairman Mello asked Mr. Bob Gagnier, Executive Director of the State of Nevada Employees Association, which body he would prefer make the determination. Mr. Gagnier said he had no preference.

Motion to adopt the amendment making the Board of Examiners the determining body made by Mr. Barengo; seconded by Mr. Bremner. Motion approved.

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

ACR 8

Assemblyman Bedrosian, District 24, Reno, presented the Committee with information regarding Rancho San Rafael. He said that SCR 8 appropriated \$1 million for the issuance of State general obligation bonds for parks. These bonds were originally authorized by the 1975 Nevada Legislature and approved by popular vote in 1976. The State wide referendum allowed the issuance of \$10 million in bonds for various recreation purposes. In 1977, \$5 million of the total bonds were allocated on a population and need basis. He added that ACR 8 asks for a portion of the remaining bonds for a recreation complex in Sparks, and to supplement local funds for the acquisition of Rancho San Rafael. He said that during the last election when Reno, Sparks, and Washoe County were unable to buy the park, Mr. Mello formulated and implemented a plan whereby the Public Employees Retirement Board would buy Rancho San Rafael for \$7.5 million and hold it to give local governments time to bond for the park. The voters of Washoe County will be voting on June 5, 1979 on a \$9 million bond issue to buy Rancho San Rafael. He explained that the appropriation in ACR 8 is contingent upon successful passage of that local bond issue.

Assemblyman Bedrosian proposed an amendment to ACR 8 to change the figure allocated for Rancho San Rafael from \$840,000 to \$640,000 which would leave the remaining \$200,000 for parks purposes in Sparks to remain the same.

Mr. Glover asked what effect the amendment to ACR 8 would have on Carson City. Mr. John Meder, State Parks Director, said that a total of \$325,000 remains in the fund for Recreation District I, in which Carson City is located. If the local bond issue does not pass in Washoe County, the \$640,000 would revert to fund and be available to all the counties in Recreation District One.

Mr. Glover asked what the Retirement Board will be selling the land for. Mr. Bennett, PERS, said that the Retirement System purchased Rancho San Rafael for \$7,500,000 and entered into an agreement with the county that they could purchase it within the next 5 years at the purchase price, plus 15% per annum plus taxes. If they buy it within the first year the price would be \$8,625,000.

Mr. Glover asked what the difference between the purchase price and the \$9 million bond issue will be used for. Assemblyman Bedrosian stated that they don't have to issue the total amount of \$9 million in bonds, only enough to buy the park.

Mr. Russ McDonald, representing Washoe County, said that the bond issue is not to exceed \$9 million for the acquisition of the land. He noted that in fact the purchase price will be less than that and with Assemblyman Bedrosian's amendment it will be even less.

Chairman Mello asked what it would cost to retire \$3.5 million in bonds each year. Mr. McDonald said that the going rate is less than 6% which would be about \$180,000 on principal. He said that it does impact the debt service requirement on the State level.

Chairman Mello asked if Reno had previously refused involvement in Rancho San Rafael. Mr. McDonald responded that the City of Reno did not want to "get into the act" on a dual situation with the City of Sparks and the county which is a difficult legal problem. He explained that consequently, using the county base provides a broader tax base and a combined tax rate, therefore, the people of Reno and Sparks are going to pay their fair share of debt service.

Assemblyman Bedrosian presented the Committee with a letter from James T. Richardson, President Washoe County Democratic Party which endorses the passage of ACR 8. (EXHIBIT C)

Ms. Jean Stoess, Vice-Chairman of the Washoe County Commission, expressed her support of ACR 8 and concurred with the amendment proposed by Assemblyman Bedrosian. She said that it was imperative that the land be acquired and developed into park land for the present and for the future.

Steve Brown, Washoe County Commissioner, District 5, concurred with Ms. Stoess and thanked Chairman Mello for his part in initiating the acquisition of the land by the Public Employees Retirement System.

Mr. Gene Sullivan said that Rancho San Rafael would be an area for the people of Truckee Meadows to enjoy. He noted that an appropriation by the State would be eligible for matching Federal funds.

Mr. John Meder said that of the \$10 million bond issue that was approved in 1976 by the voters, \$5 million of that was ear-marked for local government projects. The last session of the Legislature through ACR 26 authorized that \$5 million of those bonds be sold - \$1.5 million to go for local projects. He added that remaining in that original bond fund there are \$3.5 million for local governments.

Chairman Mello asked if \$200,000 of that was already earmarked for Sparks. Mr. Meder said it was not, that was from the \$1.5 million that has already been sold.

Chairman Mello asked what amount of the money was appropriated to Sparks. Mr. Meder said he did not have the exact figure, but Sparks has received several hundred thousand dollars. During the last Park Advisory Commission meeting it was agreed to give Sparks \$147,000 of additional money to acquire some land.

Chairman Mello said that he was informed that Sparks had been promised \$200,000. Mr. Meder said that perhaps they were referring to a project which was approved for funding; and was later dropped due to a decision to change priorities. It was misunderstood that the money was made available for any purpose.

Mr. Meder suggested that a similar procedure that was used in ACR 26 be followed which identified or earmarked portions of those funds for the six recreation districts throughout the State. It would assure each district in the State the opportunity to acquire some funds. Secondly, he said that there was a provision which limited the amount of money that could be used for development to 25%.

He added that both the County Commissioners Association and the Nevada League of Cities have adopted resolutions asking that that type of limitation not be carried forward; there was land available for parks but the 25% limitation prohibits the full advantage of the money for development.

Mr. Meder commented that in order to accomplish the spirit of ACR 26 it would not be necessary to sell the total \$3.5 million worth of bonds. In fact, he suggested that only half be sold since the arbitrage conditions put on the bonds state they are to be used within a limited period of time after they are sold.

Ms. Virginia Kersey, Co-Chairman of the Citizens Committee that is supporting Rancho San Rafael, said that there is considerable citizen support for the ranch to become a park. She said that the park would be to the advantage of not only the people of Reno but the entire Washoe County area.

Mrs. Wagner asked what measures will be taken in order to secure voter approval of the bond issue. Ms. Kersey said that her organization is generating a campaign.

Mrs. Wagner asked if local governing bodies would be involved in that campaign. Ms. Stoess responded that the Washoe County Commission will not be able to take an advocate position, but will provide a fact sheet for the voters.

ACR 13

Assemblyman Dean Rhoads, District 33, introduced Mr. Chris Sharon, member of the State Parks Board, and said that the Wildhorse Reservoir was originally built as a water storage area and for irrigation purposes on the Duck Valley Indian Reservation. Since that time it has been used for recreation purposes and has become a very important economic asset to Elko County.

Assemblyman Rhoads noted that the majority of the land bordering the Wildhorse Reservoir belongs to the Bureau of Indian Affairs. Currently there is an environmental impact statement being conducted by the Secretary of the Interior with consideration given to include all the area in the Duck Valley Indian Reservation.

He pointed out that there are two parcels of land available for private ownership; on the west side of the lake there are 40 acres and along the highway on the east side there are 80 acres.

Assemblyman Rhoads said that last summer there was authorization given by the Interim Finance Committee to negotiate on the purchase of the 40 acre parcel. After that meeting, the 80 acres along the highway became available and the next meeting of the Interim Finance Committee rescinded the action on the 40 acres and decided to negotiate for the purchase of the 80 acres.

He noted that the money will come from the sale of the bond issue that was passed 4 years ago and is presently available. It is hoped that with Committee approval of the proposed acquisition that the land will be developed into a State park.

Mr. Sharon pointed out that Northeastern Nevada does not have a State park. He said that the Nevada State Park Advisory Commission urges the purchase of the land for permanent access to the reservoir.

Mr. John Richardson, Nevada State Park System, detailed for the Committee the exact location of the Wildhorse Reservoir and the property to be purchased.

Mrs. Wagner asked what would be the bond allocation for northeastern Nevada based on the formula of population. Mr. Meder said that of the \$10 million in bonds, \$5 million was made available for local governments. There was another \$3 million for acquisition and development of State parks; \$500,000 for bicycle paths, \$500,000 for historic preservation and \$1 million for fish and game of which a portion would be used for the acquisition of the property proposed in ACR 13.

Mr. Jack Derringer, Nevada Fish and Game Division, said that the Wildhorse Reservoir is the 5th most heavily fished body of water in the State. He noted that at one time a State fishing license was required to fish the reservoir; however, at the present time no license is required. This poses a large economic loss to the Department of Fish and Game.

Assemblyman Rhoads presented the Committee with a resolution from D. George Corner, Mayor of Elko, Nevada. (EXHIBIT D)

Mr. Benson Gibson, Chairman of the Duck Valley Water Resources Committee, explained that the tribe has requested that the withdrawn land around Wildhorse Reservoir be put in trust status. He said that this would mean that the land would be annexed to the reservation so that the headwaters on Indian lands would be protected for agricultural purposes. Mr. Gibson stated that the tribal members are concerned about their needs for farming downstream. He added that the tribe is opposed to giving the lands to the State because of the anticipated annexing of the lands to the reservation. He said that the tribe is also considering the purchasing of private lands around the reservoir. Mr. Gibson indicated that he wanted to stress that Wildhorse Reservoir has approximately 72,000 acre feet of storage capability and that the tribe is contemplating placing 61,000 acres of Indian lands into agricultural production in the near future. For this reason, he said that in dry years, the reservoir would be a muddy pool and inadequate for the planned recreational purposes. Mr. Gibson further stated that in the tribe's request to place the lands in trust status, a stipulation would be included that the lands would never be closed to the public, and that it will remain open for legal recreational activities. He continued that in the 1863 Peace and Friendship Treaty signed by the Shoshone nation and the United States Government, Article 6 stipulated that whenever the Shoshone people became herdsmen and agriculturalists, the President of the United States would have the power to create an Indian reservation so the Indian people could pursue farming. Mr. Gibson added that the Indian people have already relinquished over 21 million acres of their lands to the State of Nevada, so the amount of land involved in the Wildhorse Reservoir acquisition is minimal in comparison. He said that the Indian nation would like to request an arrangement to work out a plan between the State Department of Parks, the sponsors of the recreational program, and the Indian people to establish a mutually agreeable recreational plan and designated areas for recreational purposes.

Mr. Mann asked for clarification on Mr. Gibson's apparently contradictory statements that on one hand the Indians are intending to guarantee a public recreational area and that the Indians should purchase the land; while on the other hand, the acreage in question will be a "mud-hole" and presumably unsuitable for recreational activities. He stated that he did not believe the intent of the Parks Department was to purchase

the Wildhorse Reservoir lands then attempt to lay claim to other Indian lands, and that his main concern was whether or not it was the intention of the Indian people under the auspices of the Federal government to allow agricultural interests to preempt the recreational use of this area. Mr. Gibson answered that the Indian nation did not intend to eliminate recreational activities in the area, and in fact, they have developed two fisheries on the reservation which remain open to the public.

Mr. Mann said that he did not understand the Indians objecting to the 80 acres that currently is in private hands since that land in no way interferes with the trust status of surrounding Indian lands. Mr. Gibson responded that the land was originally all Indian owned when the treaty was signed, but through an oversight headwaters for irrigation were not included in the Duck Valley Indian Reservation designated lands. He continued that in 1934, President Roosevelt withdrew from public domain the specific lands necessary for the Duck Valley Indian Irrigation Project.

Mr. Glover asked how did two sections of the land enter private ownership. Mr. Gibson answered that he did not have the particulars, but apparently the lands entered private ownership in 1934 when President Roosevelt withdrew the lands necessary for irrigation purposes.

Mr. Glover asked who owned the land underneath the reservoir and is that reservoir a natural body of water. Mr. Gibson said that the Humboldt National Forest owns the land.

Mr. Glover questioned if the Indian reservation totally controls all the water in the reservoir. Mr. Gibson responded that the tribe has an arrangement with the Department of Fish and Game to maintain the water level in the reservoir at approximately 70,000 acre feet.

Mr. Hickey asked how much acreage on Indian lands is currently in agricultural production. Mr. Gibson said that about 12,000 acres are now farmed. Mr. Hickey asked what kind of crops are grown. Mr. Gibson answered that their chief crops were alfalfa and hay. He continued that this year the Indian nation will be putting an additional 2,800 acres into crops.

SB 224

Mr. Bud Campos, Chief Parole and Probation Officer, explained that SB 224 is a one-shot supplemental appropriation in the amount of \$63,424 to provide for the early hire of additional personnel. He stated that if approved the legislation would become effective on May 1, 1979 and would permit 19 parole and probation officers to be hired. Of those nineteen, he said that fifteen positions would be assigned to the Las Vegas area; three for Reno and one for Carson City plus some clerical support positions. Mr. Campos stated that this request is based on a continuing situation in that the type of case loads currently being carried on a statewide basis do not allow the officers of the Parole and Probation Department to meet the required standards of supervision. Mr. Campos indicated that the department operates on a work-unit system--65 units per officer--with an overall average of 174 working hours per month. He continued that he would like to briefly comment on what types of functions these officers would perform and in terms of supervision, the department must know what its clients are doing in the community.

Chairman Mello interjected that this bill has already been approved by the Subcommittee, and that the majority of this testimony was presented earlier. Chairman Mello asked for a report from the Subcommittee. Ms. Matteucci answered that the Subcommittee recommends DO PASS AS AMENDED.

Motion made by Mr. Bremner DO PASS AS AMENDED; seconded by Mr. Hickey. Motion carried unanimously.

AB 508

Motion made by Mr. Mann; seconded by Mr. Hickey to send a letter of intent indicating that the legislation is not required. Motion carried. Mr. Glover voted NO.

Motion made by Mr. Mann to indefinitely postpone AB 508; seconded by Mr. Webb. Motion carried unanimously.

AB 198 and AB 199

Mr. Bible explained that at the previous hearing for the two bills it was requested that the Committee consider the effect of changing the provision in the bill that provides that sentence time be increased from one-quarter to one-third time served before eligibility for parole. Mr. Bible illustrated the information on a chart which showed data on releases for 1978, and that of the 23 inmates released an average time of 6.56 months was spent in prison and 1.9 months in the county jail for a combined total sentence served of 8.46 months. Mr. Bible continued that to spend one-third time of a sentence the amount would be 3.9 months and to spend one-fourth time of a sentence the amount would be 3.0 months which in effect means inmates are serving 5.46 months over the requirements of either the one-third or the one-fourth time as specified in the legislation. Mr. Bible added that for those prisoners sentenced between 13 and 23 months the average time served is 7.95 months over the one-third requirement. Mr. Bible stated that if the one-fourth time figure is added to the one-third term sentence then it could be assumed that the Parole Board would make an adjustment and consider a new norm. He said that other comparisons can be made showing further differences and that what the chart actually indicates is that in reality there is very little fiscal impact in changing the requirement from one-third to one-quarter time served. However, if the normal time served would happen to change, then the Parole Board would probably re-adjust its standards and not release inmates past their sentence term, and an additional 174 beds could be generated.

Mr. Bible indicated that the figure is conjectural, and that he did not feel particularly comfortable with the data and that he had not discussed the information with Warden Wolff as the material used for the chart's statistical information was just received.

Mr. Mann asked if consideration was given to the impact of buying new beds because of inmate increases at the honor camps or at the restitution centers. Mr. Bible responded that the information was considered from the opposite viewpoint, in that, the chart data was based on changing the sentence structure and not what the impact would be because new beds were being added. Mr. Bible reiterated that the data in the charts indicates that there would be little fiscal impact in making the change from one-quarter to one-third time because most of the inmates currently appear to be already serving a minimum of one-third time. Mr. Bible added that the information requested on recidivism is not yet available.

Chairman Mello indicated that the department should have already had that information compiled since both bills were originally introduced in January, 1979. Chairman Mello commented that he felt the intent was to "kill" the legislation with large fiscal impact estimations.

Mr. Mann commented that recommendations from the Interim Subcommittee and the Prison Subcommittee indicate that both bills will have a fiscal impact because of the action already taken by the Committee.

Chairman Mello stated that there was a proposed amendment on AB 198 on line 7, Subsection 2 of Section 1 to change the "one year" to "two years."

Mrs. Wagner asked if information had been received to clarify the immediate language in line 17 which refers to lewdness and indecent exposure. Assemblyman Nick Horn responded that he had asked Mr. Frank Daykin, Legislative Counsel, for a report on that question but that he had not yet received it.

Motion made by Mr. Mann DO PASS on AB 199; seconded by Mrs. Cavnar. Motion carried unanimously.

Motion made by Mr. Mann to amend line 7 of AB 198 to read "one year"; seconded by Mr. Vergiels. Motion carried.

Motion made by Mr. Mann DO PASS AS AMENDED on AB 198; seconded by Mr. Vergiels. Motion carried Mrs. Wagner voted NO.

PUBLIC SERVICE COMMISSION

Mr. Heber Hardy, Director of the Public Service Commission, explained that the cover letter from the Department of Administration clarifies the need for the proposed revision of the PSC budget. Mr. Hardy indicated that because of recruiting problems, particularly in the audit and engineering fields, it has been difficult to attract suitably qualified candidates to fill the positions at the current salary levels. Mr. Hardy continued that as earlier information indicated in order to avoid salary impaction, it is necessary to submit new salary proposals to pay people filling the positions at the amount specified by the grade level. Mr. Hardy illustrated the recruiting problems by stating that the PSC lost their Chief Engineer in November, 1978, and that the department has made a concerted effort to hire someone else. When a qualified candidate was finally located, Mr. Hardy stated that the job offer was turned down because the prospective employee felt that the salary was not commensurate with the responsibilities of the position. Mr. Hardy continued that PSC now has an agreement with the Governor, Mr. Wittenberg and Mr. Barrett, that as of April 25, 1979 the Personnel Advising Committee approved upgrading this position to a Grade 43, and therefore, the revised budget has been submitted to provide extra funding for this position and for the three new audit positions. Mr. Hardy further stated that if the Personnel Department is unable to attract the three high-level auditor positions then the audit staff could be unclassified. He also said that it is his understanding that the Senate Finance changed the proposal from the Governor having the option of filling the positions as unclassified to giving that determination for the Interim Finance Committee.

Chairman Mello commented that the Committee can make the positions unclassified simply by placing the positions under the unclassified pay bill. Mr. Hardy indicated that that was true, but he did want the Committee to be aware of the Senate Finance's action on the situation.

Chairman Mello asked for a clarification on what would be the bottom line for this proposal. Mr. Hardy responded that the original request was to reduce the assessment to 2 mils, but now the PSC is recommending that the assessment remain at its current 2.5 mils. Mr. Hardy added that the bottom line will be approximately \$340,000 in each year of the biennium.

Mr. Bible said that the PSC is also adding one deputy commissioner position and that he believed that legislation was currently before the Committee to implement that recommendation.

Motion made by Mr. Bremner to adopt the recommendations of the Public Service Commission; seconded by Mr. Hickey. Motion carried unanimously.

Mr. Barengo interjected that he has reservations about the internal salary structure of the PSC being raised so high. He continued that based on the 95% rule, the PSC will be able to boost up other positions as their own salaries increase. Chairman Mello indicated that Mr. Barengo's comments were directed toward the unclassified positions, and that their salaries are already set.

Mr. Alastuey commented that if the budget is adopted by the Committee and then the salary levels are overridden in the unclassified pay bill, then the budget would become impacted as indicated by Mr. Barengo.

Mrs. Wagner added that perhaps there are other alternatives to fund these positions rather than basing them solely on the 95% rule. Chairman Mello said that an alternative method would be to make the positions unclassified.

Motion made by Mr. Barengo to unclassify the positions; seconded by Mr. Mann. Motion carried unanimously.

Motion made by Mr. Bremner to adopt the Governor's recommendations as amended; seconded by Mr. Hickey. Motion approved; budget closed.

STATE INDUSTRIAL ATTORNEY

Ms. Patty Becker, State Industrial Attorney, explained that a narrative statement detailing the budget for the State Industrial Attorney (included as Exhibit E) contains a few items that require clarification. She stated that the 1977-78 work program figures of \$96,000 for books, office furniture and equipment is not included in this budget as the NIC has included the figure in their budget for an advantageous depreciation situation. Therefore, she said that the actual cost for the first year in the State Industrial Attorney's budget was \$105,038. Ms. Becker continued that the major change in the budget is the request for an additional staff attorney position in the Las Vegas office. She added that as of April, 1979, 59 cases were open in the Carson City office, and that 56 cases were open in the Las Vegas office. She stressed that the staff attorney position is needed immediately to expedite the backlog of cases. Ms. Becker stated that AB 84 passed out of the Assembly and is currently before the Senate which will change the hearing procedure for the Nevada Industrial Commission. She added that her office represents indigent claimants when they reach the appeals officer level. She continued that if AB 84 becomes law, the NIC appeal structure will be reduced from a five-level pyramidal procedure with appeals necessary at each level to a two-level system.

She stated that the new two-level hearing procedure will mean that more cases will be reaching the appeals officer level, and therefore the work load of the State Industrial Attorney's office will be similarly increased.

Ms. Becker added that another substantial change that will be effective with the passage of AB 84 will be the fact that a claimant will be able to request a hearing and start the hearing process earlier; whereas, at present, the claimant can write in for a hearing but it will not be heard before NIC until the Commission has decided that the time is opportune to hear that case. The new hearing request process will also increase the case load for the State Industrial Attorney's office.

Ms. Becker stated that the only additional expenditure within the budget is equipment and related costs--including phone and travel--for establishing the new position.

Ms. Becker indicated that the 1977-78 figure of \$67,000 for existing positions is somewhat low because a deputy industrial attorney had been budgeted as of July 1, 1977 but was not brought on board until October 1, 1977. She commented that the reason for the hiring delay was that she handled both offices for the first three months after the office was created in order to ensure that procedures in the northern office would be standardized with those in the southern office.

Ms. Becker pointed out that the \$325 for office supplies and expense in the first year of operation is depressed because during that initial set-up period all office supplies were provided gratis by the NIC. She said that the \$2,500 figure for the 1978-79 allocation for office supplies and expense was overestimated and that figure has been reduced to \$1,200 for 1979-80.

Ms. Becker stated that the other expenditure that has substantially increased is duplicating costs, because during the first year of operation the appeals officer duplicating equipment was available for use although that is no longer the situation. She added that her office now uses the duplicating equipment in their building at a charge of .05¢ per copy which accounts for the increase in costs.

Ms. Becker continued that under other contract services the amount allocated is for operation of the mag card operation in the Carson City office.

She said that under medical expense, the amount allocated funds three functions: making payment to doctors who have conferences with the office's attorneys; paying doctors who testify as expert witnesses; and paying for claimants who require independent medical examinations.

Ms. Becker pointed out that the Carson City office is in Capitol Plaza and at the time of her initial appointment to the position she negotiated all contracts including the building rent for the period of her four year term at no cost of living increase. She stated that building rent for the Las Vegas office is under a lease that includes a provision that for every year the State Industrial Attorney's office occupies that office space one month's rent is free, which means the rent expense for that office is only for eleven months every year. The increase in rent for the Las Vegas office is to provide space for the additional attorney position.

Chairman Mello asked why the State Industrial Attorney's budget is an authorization from the NIC and not an appropriation from their funds.

Mr. Alastuey indicated that the title was created by the Governor's office and that this budget is an authorization on the part of the legislature of NIC funds.

Chairman Mello commented that an appropriation would be a better method.

Mr. Bremner asked what the part-time staff request is for. Ms. Becker responded that there is only one secretary in each office and the part-time funds are used to pay for temporary staff when the regular secretary is on vacation or absent due to illness. She added that \$5.00 per hour for a maximum period of four weeks in each office is the amount requested.

Mr. Barengo asked how many attorneys were employed by NIC. Ms. Becker answered that NIC has four full time attorneys, one part-time attorney and three contract attorneys.

NIC APPEALS OFFICER

Mr. Dick Bortolin, NIC Appeals Officer, explained some of the figures presented are estimates since this particular type of line-item budget has never been prepared before by his office.

Chairman Mello asked what is different in this proposed budget than what the NIC Appeals Officer has been preparing in the past. Mr. Bortolin answered that there is one significant change incorporated in this budget format and that is that the passage of either AB 84 or SB 382 will change the NIC hearing structure to a two-level operation instead of its current five. Therefore, he stated that the case load in his office will substantially be increased, and that the increased costs for this work load is included in this budget proposal.

Mr. Mann asked why the assistant student position is required. Mr. Bortolin answered that in the Las Vegas office they have a senior legal stenographer position which also serves as a secretary to the Appeals Officer in that office. Mr. Bortolin indicated that the same position is also in the Carson City office, but that he and his secretary handle the entire administration of the office. He continued that the clerical duties and responsibilities are numerous and time consuming and that a student assistant could handle these activities and save valuable work time.

Mr. Mann asked about the in-state travel costs and the substantial increase in out-of-state travel costs. Mr. Bortolin answered that no trips were made at all last year, but this year a trip to the Miami National Convention for Workmen's Compensation is planned, and some legal education course work in California.

Mr. Glover asked for clarification on the registration dues amount of \$990. Mr. Bortolin indicated that the amount represents the dues and registration fees that are anticipated for attendance at conferences.

Mr. Bremner asked for an explanation of the items under contract services. Mr. Bortolin answered that the amount is the combined total expenditures for court reporters and court transcripts statewide.

Mr. Alastuey commented that the NIC office has advised the Budget office that the NIC court reporter will no longer be available as of July 1, 1979. Mr. Bortolin also pointed out that he has been advised by the court that their minimum salary requirements are \$25,000 per annum.

Chairman Mello asked Mr. Bortolin if he concurred in changing the word "authorization" to "appropriation." Mr. Bortolin answered that he did.

ACR 8

Chairman Mello indicated that there is an amendment on line 12 that changes the \$800,000 figure to \$640,000.

Motion made by Mr. Webb; seconded by Mrs. Wagner to amend line 12 to read \$640,000. Motion carried unanimously.

Motion made by Mr. Barengo DO PASS AS AMENDED; seconded by Mrs. Wagner. Motion carried unanimously.

ACR 13

Motion made by Mr. Mann DO PASS; seconded by Mr. Rhoads.

Mrs. Wagner interjected that she would like clarification on the resolution in that she understood another resolution would be necessary to appropriate monies for improvements. Mr. Rhoads answered that the bond issue also provides the developmental funds.

Motion carried unanimously.

The meeting was adjourned at 11:05 a.m.

AMENDMENTS TO AB 786

Amend Section 1, subsection 17, page 2, lines 10 and 11 by deleting:

any local government, including

Amend Section 1, subsection 24, page 2 lines 32 through 35, by substituting the following:

Building, housing and licensing inspectors, animal control officers and traffic engineers of cities and counties when exercising the police powers specified in NRS 171.177 to 171.1779, inclusive.

EXHIBIT A
(Page 1 of 6 Pages)

ASSEMBLY BILL NO. 786—COMMITTEE ON ELECTIONS

APRIL 24, 1979

Referred to Committee on Ways and Means

SUMMARY—Designates or permits designation of certain local officials as peace officers. (BDR 14-1866)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to peace officers; designating or authorizing the designation of certain local officials as peace officers when they are performing specified duties; 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 169.125 is hereby amended to read as follows:
2 169.125 "Peace officer" includes:
3 1. The bailiff of the supreme court and bailiffs of the district courts,
4 justices' courts and municipal courts;
5 2. Sheriffs of counties and of metropolitan police departments and
6 their deputies;
7 3. Constables;
8 4. Personnel of the Nevada highway patrol when exercising the
9 police powers specified in NRS 481.150 and 481.180;
10 5. The inspector or field agents of the motor carrier division of the
11 department of motor vehicles when exercising the police powers specified
12 in NRS 481.049;
13 6. Members of and all inspectors employed by the public service
14 commission of Nevada when exercising those enforcement powers con-
15 ferred by chapters 704 to 706, inclusive, of NRS;
16 7. Marshals and policemen of cities and towns;
17 8. Parole and probation officers;
18 9. Special investigators employed by the office of any district attor-
19 ney or the attorney general;
20 10. Arson investigators for fire departments specially designated by
21 the appointing authority;
22 11. Members of the University of Nevada System police department;
23 12. The state fire marshal and his assistant and deputies;
24 13. The brand inspectors of the state department of agriculture when
25 exercising the enforcement powers conferred in chapter 565 of NRS;

1 14. Arson investigators for the state forester firewarden specially
2 designated by the appointing authority;

3 15. The deputy director, superintendents, correctional officers and
4 other employees of the department of prisons when carrying out any
5 duties prescribed by the director of the department of prisons;

6 16. Division of state parks employees designated by the administra-
7 tor of the division of state parks in the state department of conservation
8 and natural resources when exercising police powers specified in NRS
9 407.065;

10 17. Security officers employed by *[any local government, including]*
11 the board of trustees of any school district;

12 18. The executive, supervisory and investigative personnel of the
13 Nevada gaming commission and the state gaming control board when
14 exercising the enforcement powers specified in NRS 463.140 or when
15 investigating a violation of a provision of chapter 205 of NRS in the
16 form of a crime against the property of a gaming licensee;

17 19. The director, division chiefs, investigators, agents and other
18 sworn personnel of the department of law enforcement assistance;

19 20. Field dealer inspectors of the vehicle compliance and enforce-
20 ment section of the registration division of the department of motor
21 vehicles when exercising the police powers specified in NRS 481.048;

22 21. Vehicle emission control officers of the vehicle emission control
23 section of the registration division of the department of motor vehicles
24 when exercising the police powers specified in NRS 481.0481;

25 22. The personnel of the Nevada department of fish and game when
26 exercising those enforcement powers conferred by Title 45 and chapter
27 488 of NRS; *[and]*

28 23. Security officers of the legislature of the State of Nevada when
29 protecting the persons and property of the members of the legislature,
30 staff of the legislature and personnel of the legislative counsel bureau *[.]*;

31 *and*
32 24. *[If specifically designated by the governing body of a city, the*
33 *building, housing and licensing inspectors, animal control officers and*
34 *traffic engineers of the city when they are performing their duties within*
35 *their respective fields.]*

Building, housing and licensing inspectors,
animal control officers and traffic engineers
of cities and counties when exercising the
police powers specified in NRS 171.177 to
171.1779, inclusive.

~~committed a felony in this state or has committed, or attempted to commit, any criminal offense in this state in the presence of such officer, or for whom such officer holds a warrant of arrest, may hold in custody such person anywhere in this state.~~

~~(Added to NRS by 1967, 1404)~~

~~171.174 Procedure after arrest. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be as in other cases of arrest under a warrant. If the arrest is without a warrant, the prisoner shall without unnecessary delay be taken before a municipal court or a justice of the peace or other magistrate of the county wherein such an arrest was made, and such court shall admit such person to bail, if the offense is bailable, by taking security by way of recognizance for the appearance of such prisoner before the court having jurisdiction of such criminal offense.~~

~~(Added to NRS by 1967, 1404)~~

~~171.176 Limitation. NRS 171.172 shall not make unlawful an arrest which would otherwise be lawful.~~

~~(Added to NRS by 1967, 1404)~~

MISDEMEANOR CITATIONS

171.177 When person detained for misdemeanor violation must be taken before magistrate. Except as provided in NRS 171.178, whenever any person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor, he shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 171.178 and 171.184, in the following cases:

1. When the person demands an immediate appearance before a magistrate;
2. When the person is detained pursuant to a warrant for his arrest;
3. When the person is arrested by a peace officer; or
4. In any other event when the person is issued a misdemeanor citation by an authorized person and refuses to give his written promise to appear in court as provided in NRS 171.1773.

(Added to NRS by 1973, 156; A 1975, 1200)

171.1771 Issuance of citation when person detained by peace officer. Whenever any person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and he is not required to be taken before a magistrate, the person shall, in the discretion of the peace officer, either be given a misdemeanor citation, or be taken without unnecessary delay before the proper magistrate. He shall be taken before the magistrate when he does

not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe he will disregard a written promise to appear in court.

(Added to NRS by 1973, 156)

171.1772 Issuance of citation after arrest by private person. Whenever any person is arrested by a private person, as provided in NRS 171.126, for any violation of a county, city or town ordinance or state law which is punishable as a misdemeanor, such person arrested may be issued a misdemeanor citation by a peace officer in lieu of being immediately taken before a magistrate if:

1. The person arrested furnishes satisfactory evidence of identity; and
2. A peace officer has reasonable grounds to believe that the person arrested will keep a written promise to appear in court.

(Added to NRS by 1973, 1157; A 1975, 1201)

171.1773 Form, contents of citation: When person detained by peace officer.

1. Whenever a person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and he is not taken before a magistrate as required or permitted by NRS 171.177 to 171.1772, inclusive, the peace officer may prepare in quadruplicate a written misdemeanor citation in the form of a complaint issuing in the name of "The State of Nevada" or in the name of the respective county, city or town, containing a notice to appear in court, the name and address of the person, the state registration number of his vehicle, if any, the offense charged, including a brief description of the offense and the NRS or ordinance citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be necessary. The citation shall be signed by the peace officer.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.

3. The place specified in the notice must be before a magistrate, as designated in NRS 171.178 and 171.184.

4. The person charged with the violation may give his written promise to appear in court by signing at least one copy of the written misdemeanor citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. A copy of the citation signed by the person charged shall suffice as proof of service.

5. It is unlawful for any person to violate his written promise to appear given to a peace officer upon the issuance of a misdemeanor citation regardless of the disposition of the charge for which such citation was originally issued.

(Added to NRS by 1973, 156)

EXHIBIT A
(Page 4 of 6 Pages)

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171.1774 Form, contents of citation: When issued after arrest by private person.

1. In those instances described in NRS 171.1772, the peace officer summoned after the arrest shall prepare in quadruplicate a written misdemeanor citation in the form of a complaint issuing in the name of "The State of Nevada" or in the name of the respective county, city or town, and containing:

- (a) A notice to appear in court;
- (b) The name and address of the person;
- (c) The state registration number of his vehicle, if any;
- (d) The offense charged, including a brief description of the offense and the NRS or ordinance citation;
- (e) The time when and place where the person is required to appear in court;
- (f) Such other pertinent information as may be necessary; and
- (g) The signatures of the private person making the arrest and the peace officer preparing the citation.

2. The time specified in the notice to appear shall be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.

3. The place specified in the notice shall be before a magistrate, as designated in NRS 171.178 and 171.184.

4. The person charged with the violation may give his written promise to appear in court by signing at least one copy of the written misdemeanor citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. A copy of the citation signed by the person charged shall suffice as proof of service.

5. It is unlawful for any person to violate his written promise to appear given to a peace officer upon the issuance of a misdemeanor citation regardless of the disposition of the charge for which such citation was originally issued.

(Added to NRS by 1973, 1157)

171.1775 Citation forms: Issuance; records.

1. Every county, city or town law enforcement agency in this state shall provide in appropriate form misdemeanor citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of NRS 171.177 to 171.1779, inclusive.

2. The chief administrative officer of every such law enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the law enforcement agency and shall require and retain a receipt for every book so issued.

(Added to NRS by 1973, 157, 1158)

EXHIBIT A
(Page 5 of 6 Pages)

171.1776 Issued citations: Distribution of copies; unlawful disposition of citation, record of issuance; maintenance of records.

1. Every peace officer upon issuing a misdemeanor citation, pursuant to NRS 171.177 to 171.1779, inclusive, to an alleged violator of any provision of a county, city or town ordinance or of a state law which is punishable as a misdemeanor shall deposit the original or a copy of such misdemeanor citation with a court having jurisdiction over the alleged offense.

2. Upon the deposit of the original or a copy of such misdemeanor citation with a court having jurisdiction over the alleged offense, such original or copy of such misdemeanor citation may be disposed of only by trial in such court or other official action by a judge of such court.

3. It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a misdemeanor citation or copies thereof or of the record of the issuance of a misdemeanor citation in a manner other than as required in this section.

4. The chief administrative officer of every county, city or town law enforcement agency shall require the return to him of a copy of every misdemeanor citation issued by an officer under his supervision to an alleged misdemeanant and of all copies of every misdemeanor citation which has been spoiled or upon which any entry has been made and not issued to an alleged misdemeanant.

5. Such chief administrative officer shall also maintain or cause to be maintained in connection with every misdemeanor citation issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or copy of the misdemeanor citation was deposited.

(Added to NRS by 1973, 157, 1158)

171.1777 Issued citations: Audit of records. Every record of misdemeanor citations required by NRS 171.177 to 171.1779, inclusive, shall be audited at least semiannually by the appropriate fiscal officer of the governmental agency to which the law enforcement agency is responsible.

(Added to NRS by 1973, 158, 1159)

171.1778 Citation filed with court deemed complaint for purpose of prosecution. If the form of citation includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution.

(Added to NRS by 1973, 158, 1159)

171.1779 NRS 171.177 to 171.1779, inclusive, inapplicable to traffic law violations. The provisions of NRS 171.177 to 171.1779,

inclusive, do not apply to those situations in which a person is detained by a peace officer for any violation of chapter 484 of NRS.
 (Added to NRS by 1973, 158, 1159)

PROCEEDINGS BEFORE MAGISTRATE

171.178 Appearance before magistrate: Generally.

1. Except as provided in subsection 4, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

2. A private person making an arrest without a warrant shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada or deliver the arrested person to a peace officer.

3. When a person arrested without a warrant is brought before a magistrate, a complaint shall be filed forthwith.

4. Except as provided in NRS 178.487, where the defendant can be admitted to bail without appearing personally before a magistrate, he shall be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.

(Added to NRS by 1967, 1404; A 1971, 574; 1975, 1201)

171.182 Proceedings before another magistrate. If the defendant is brought before a magistrate in the same county, other than the one who issued the warrant, the affidavits and depositions on which the warrant was granted, if the defendant insist upon an examination, must be sent to that magistrate, or, if they cannot be procured, the prosecutor and his witnesses must be summoned to give their testimony anew.

(Added to NRS by 1967, 1405)

171.184 Proceedings upon complaint for offenses triable in another county; duty of officer executing warrant; admittance to bail upon a misdemeanor.

1. When a complaint is laid before a magistrate of the commission of a public offense triable in another county of the state, but showing that the defendant is in the county where the complaint is laid, the same proceedings must be had as prescribed in this chapter except that the warrant must require the defendant to be taken before the nearest or most accessible magistrate of the county in which the offense is triable, and the depositions of the complainant or prosecutor, and of the witnesses who may have been produced, must be delivered by the magistrate to the officer to whom the warrant is delivered.

2. The officer who executed the warrant must take the defendant before the nearest or most accessible magistrate of the county in which

EXHIBIT A
 (Page 6 of 6 Pages)

1676-19



ASSEMBLY WAYS AND MEANS COMMITTEE

A.B. 388

April 27, 1979

Chairman Mello, and members of the Committee: I am Joyce Woodhouse, representing the Nevada State Education Association.

The NSEA believes that Assembly Bill 388 is a very positive way to upgrade the teaching profession. We are very concerned with the quality of those persons serving in the profession.

Over the past few years the Department of Education has attempted to involve various members of the education community in revising certification requirements through ad hoc committees to the Board of Education. We have discerned problems of consistency and direction. Recently much valuable time was taken up with straightening out the tangled recommendations of the committee and actions of the State Board. We believe the Education Professional Standards Commission in carrying out its duties as listed in Section 2 of the bill will provide the needed research, direction, and consistency in making recommendations to the Board.

I would like to explain the cost figure we estimate as necessary to fund this Commission over the biennium. You have a letter from Superintendent Ted Sanders indicating that travel and per diem costs need to be appropriated and that support charges for paper, supplies, and staff could be absorbed by the Department. The total cost for the bill would be \$16,320. I worked with Don Rhodes, research analyst, as to the breakdown of the figures. We made this assumption since we do not know where the commission members will come from:

4 teachers -----	2 north	2 south
2 administrators ----	1 north	1 south
2 deans -----	1 north	1 south
1 private school ----	1 north	0 south
1 general public ----	0 north	1 south
1 school board -----	1 north	0 south
Total	<u>6 north</u>	<u>5 south</u>

BUDGET:

Travel:	5 people x \$60 plane fare x 12 meetings	\$3600
	6 people mileage for 12 meetings	600
		<u>\$4200</u>
Per Diem:	\$30/day x 11 people x 12 meetings	\$3960
	(\$30 = \$12.50 meals + \$17.50 room)	
	(Meals = \$1650 Rooms = \$2310)	

TOTAL PER YEAR \$ 8,160
TOTAL FOR BIENNIUM \$16,320

EXHIBIT B

B

In conclusion, we sincerely urge your support for A.B. 388. Even in the year of tax cuts and limitation on growth in government, we endorse the concept of this bill as one to improve our educational system. It, we believe, is a very worthwhile project and one that will benefit the students of Nevada.

EXHIBIT B
(Page 2 of 3 Pages)

1676-21



OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capitol Complex
Carson City, Nevada 89710

TED SANDERS
Superintendent

April 6, 1979

The Honorable John M. Vergiels
Nevada Assembly
Legislature Building
Carson City, Nevada

Dear Assemblyman Vergiels:

Per your request several days ago, I have had staff examine A.B. 388 with its proposed revisions, to determine whether or not the responsibilities could be carried out by the Department of Education without additional financial resources.

As you are aware, the Commission, if constituted as per the proposed amendments, would consist of eleven commissioners and would meet every month. On this basis, staff has projected that it would cost the State \$3,960 for per diem and \$4,200 for travel expenses for each year of the biennium. This does not include typical support charges for paper, supplies, and staff which presumably could be absorbed by the existing budget. As you can see, the travel expenses would practically cripple the Educational Administration budget if the Department were required to absorb them.

If we may provide you additional information regarding the impact of A.B. 388, please do not hesitate to call me or Dr. Ernie Bryant, Associate Superintendent for Administration.

Sincerely,

Ted Sanders, Superintendent

TS:ms

EXHIBIT B
(Page 3 of 3 Pages)

An Equal Opportunity Agency

1676-22

DEMOCRATIC PARTY
OF
WASHOE COUNTY

2075 Marlette

Reno, Nevada 89503

(702) 747-4515

April 26, 1979

Honorable Don Mello, Chairman
Ways and Means Committee
Legislative Building
Carson City, Nevada 89701

Dear Chairman Mello,

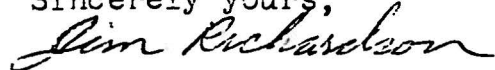
I cannot attend the hearing because of other duties, but would appreciate having this brief letter entered into the record of the hearing on ACR 8, which is the bill authorizing use of some of the park bond funds to help purchase or develop the Rancho San Rafael.

As head of the Washoe County Democratic Party, I would like to encourage you and your committee to grant a "do pass" to this bill. Your support of this measure will be a large and significant step in the direction of passage of the bond issue that will be voted on in June to purchase the park site. You have already contributed much personally by your help in getting the property purchased by the Retirement System. Mr Bennett and the Retirement Board are to be thanked as well for their interest in preserving this valuable resource for the citizens of northern Nevada. If your committee does support ACR 8, I think that history will record this as a significant event in the passage of the bond issue, and generations of northern Nevadans will be grateful to your committee for this foresight.

I will close by noting that I can speak on this matter as head of the County Democratic Party because of the plank in our platform of last year urging immediate securing of the Rancho site for a regional park. However, I do not view the park issue as a partisan one, and I know that many members of other parties also join in urging passage of this bill which will do so much to support acquisition of the park.

Thank you very much.

Sincerely yours,



James T. Richardson, President
Washoe County Democratic Party

EXHIBIT C

RESOLUTION NO. 13 - 79

Upon introduction and motion by MAYOR, D GEORGE CORNER,
and seconded by Supervisor JAY KUMP, the following resolution
and order was passed and adopted:

WHEREAS, Assemblyman Dean R. Rhoads has introduced Assembly
Concurrent Resolution No. 13 for the purchase of approximately 120
acres of land near Wildhorse Reservoir in Elko County, Nevada for
the acquisition of habitat for fish and game;

WHEREAS, the City of Elko believes it is in the bests
interests of the peoples of Elko County and of the State of Nevada
to acquire such land;

IT IS THEREFORE RESOLVED AND ORDERED that the Board of
Supervisors of the City of Elko that the City of Elko take a position
in full support of the passage and approval of Assembly Concurrent
Resolution No. 13 which has been referred to the Assembly Ways and
Means Committee;

IT IS FURTHER RESOLVED AND ORDERED that the City of Elko's
position in support of passage and approval of Assembly Concurrent
Resolution No. 13 be communicated to the Assembly Ways and Means
Committee and the Nevada State Legislature by the Mayor of the City
of Elko;

IT IS FURTHER ORDERED that a copy of Assembly Concurrent
Resolution No. 13 be attached hereto and is incorporated herein and
made a part hereof by reference;

IT IS FURTHER ORDERED that this Resolution and Order
shall be effective and in force immediately upon adoption;

IT IS FURTHER RESOLVED AND ORDERED that upon adoption of
this Resolution by the Board of Supervisors of the City of Elko it
shall be signed by the Mayor and attested by the City Clerk.

PASSED AND ADOPTED this 24th day of April, 1979.


MAYOR

VAUGHAN, HULL, MARFISI & COPENHAVER, LTD.
ATTORNEYS AND COUNSELORS
530 IDAHO STREET
ELKO, NEVADA 89801

EXHIBIT D

1676-24

ATTEST:

Lillian W. Pinsky
CITY CLERK

VOTE:

AYES, in favor, MAYOR, D GEORGE CORNER, SUPERVISORS: JAY KUMP, JOHN TEWELL
JACK AMES, TED BLOHM

NAYS, nos, NONE

ABSENT, NONE

-2-

VAUGHAN, HULL, MARFISI & COPENHAVER, LTD.
ATTORNEYS AND COUNSELORS
530 IDAHO STREET
ELKO, NEVADA 89901

EXHIBIT D
(Page 2 of 2 Pages)

1676-25

Library Note:

During the examination of this set of minutes, Exhibit E was found to be missing. It also appears to have been missing at the time this set of minutes was hand numbered, as the numbering does not have a gap where these pages should be. The pages are also missing from the microfiche.

Research Library
February 2011