Minutes of the Nevada State Legislature

Senate Committee on Government Affairs

Date: March 28, 1979

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Present:

Chairman Gibson
Vice Chairman Keith Ashworth
Senator Dodge
Senator Echols
Senator Ford
Senator Kosinski
Senator Raggio

Also Present:

See Attached Guest Register

Chairman Gibson called the twenty-fourth meeting of the Government Affairs committee to order at 3:00 p.m. The first order of business was discussion of SB-345. Chairman informed those present that this is an emergency measure and the committee must take action in order to meet the deadline for the April 3rd ballot. The bond interest rate was changed from 8% to 9% due to escalating rates. Chairman Gibson concluded by stating that bond counsel has approved. The bill must be treated as an emergency measure in order to clear both houses in time for the April 3rd election.

Senator Dodge moved "Do Pass" on <u>SB-345</u> Seconded by Senator Raggio Motion carried unanimously.

Note: Emergency Measure - Request that it go on

Third File tommorrow in the Senate

SB-311 Limits approval of salary increases for classified employees of state based on their merit and fitness.

Senator McCorkle, one of the sponsors, testified to the committee on the theory and merits of this bill. The Senator felt that the present system was not working as well as it could be. He also felt that people who were doing an above average job were being rewarded the same amount as those who were doing a satisfactory job. At this point Senator McCorkle handed out copies noting amendments to this bill. He proceeded to go over the bill for the committee pointing out the new language. (See Attachment #1)

Senator McCorkle stated of 58% who are eligible for a merit increase, 98% receive the increase. It is nearly automatic and this is what we are trying to put a stop to with <u>SB-311</u>. A special category has been created in this bill for the employee who is above average. He also noted that 40% of all state employees are not eligible for a merit increase because they are already at the top of their grade.

Senator McCorkle explained that the efficient supervisor will weed out the employee that is not doing his job properly and create a surplus of money that can be redistributed to those employees doing

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above average or better. The Senator felt that the program would cost money the first year of operation but from that point on the money would be saved and drawn upon for such merit increases. The Senator also noted that the bonus would be a one time reward and could not exceed the 10% limitation as specified in the bill.

Senator Raggio asked how the employee would challenge an unfair rate increase. Section 3, coupled with Section 1, takes away the appeal provisions.

Senator McCorkle stated that an unfair merit rating would be very difficult to deal with. The only suggestion the Senator had was to make sure the job description was accurate and each supervisor had a complete and thorough set of rules to follow.

Senator Dodge asked if an employee could get up to 12-1/2% in raises with both the merit and one time award. The Senator stated that it was not their intent to allow any raises to go over the 10% limit and the bill should contain some specific language to prohibit that from happening.

Senator Echols was concerned that the employee would not have recourse on an unfair evaluation unless some language is specified in the bill.

Senator McCorkle felt that most state workers would be able to go to the department head in such cases without specifying language. He also noted that in Section 4, review of the turnover rate used in the incentive award system is presented to the legislature. The Personnel Department may have some language for the committee on the appeal process.

Senator McCorkle concluded his remarks by stating that the salary savings in the 1980-81 budget would be approximately \$1.75 million and \$1.85 million. These figures came from Howard Barrett's office.

Senator Dodge questioned the concept used in the bill and if it is used in other states. Senator McCorkle responded that he was not aware of this concept used in other state systems. The idea started in Nevada's personnel department.

Senator Ashworth asked Senator McCorkle if fewer employees were needed to make the system work. Senator McCorkle responded that the system would probably have a more efficient system with fewer employees but the bill is not being designed to get rid of employees that are doing a good job. Senator Ashworth concluded by stating he did not agree with budgeting a savings for merit increases at this time.

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Bob Gagnier, Executive Director, SNEA, testified against the major components of <u>SB-311</u>. Mr. Gagnier passed out copies of a survey on private industry concerning merit increases and cost of living increases or salary adjustments. (See <u>Attachment #2</u>)

Mr. Gagnier felt that although the system can be improved upon it is working. People become competent if they work on the job for a long period of time and are then eligible for merit pay increases. Mr. Gagnier had a suggestion for amending the bill. Page 2, Section 4, line 5 between "each" and "legislative" add the word "regular". Also in Section 4, Page 2, line 8. S.S. 1 after "employees" add "by E.E.04 category.

At this point Mr. Gagnier went over the attachment and noted that in private corporations, rate ranges and merit increases on an annual basis were provided to the employees and 95% to 99% of the employees who were eligible received those increases.

Mr. Gagnier suggested that this matter should be studied in an interim study committee due to its technical nature. He also noted that the appeal system should be based upon the standards that an average employee is expected to maintain.

Senator Kosinski asked Mr. Gagnier if it would be worthwhile to form an interim study committee. Mr. Gagnier responded that the subject is difficult and should be completely worked out before legislation is considered.

Jim Wittenberg, Personnel Division Administrator, testified to the committee on <u>SB-3ll</u> and provided two alternatives for the committees consideration. (See <u>Attachment #3</u>) Mr. Wittenberg went over the Merit Salary Increase Reform Proposals in his first alternative for the committee. One point Mr. Wittenberg made was that there should be some authority outside the legislature that would make the changes. This would allow for easier changes when necessary. Mr. Wittenberg did not recommend a third party review. Mr. Wittenberg also agreed that the final review should be the Department head but agreed with Senator McCorkle with regard to clear definitions used in appraising the individual.

Senator Echols asked Mr. Wittenberg why all employees don't automatically receive a merit increase each year.

Mr. Wittenberg responded that you are rewarding for the previous year's performance not the future performance.

George Miller, Welfare Department, testified to the committee in favor of Senator McCorkle's concept provided in SB-311. Mr. Miller was unsure of some of the figures noted in today's testimony but stated that any employee not working in a satisfactory manner should be fired.

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Lucy Barrier, Welfare Department, agreed with the concept of awarding those individuals who perform well and dismiss those with a low production rate.

Del Frost, Rehabilitation Division, testified in favor of the concept in <u>SB-311</u> but agreed that it should be amended to work out the problem areas. The enabling legislation should be done administratively and this should be clearly stated in the bill. Mr. Frost noted that there is a difference between merit and incentive and the Rehabilitation Division does not have an incentive system. The bill needs to clearly note performance standards. The Rehabilitation Division is in favor of the lump sum reward. Mr. Frost concluded by stating that a 2-1/2% cap is unrealistic.

Jim Wadhams, Commerce Director, concurred with earlier testimony in favor of the concept in <u>SB-311</u> and feels that rewards can stimulate productivity. Mr. Wadhams also feels that administrative controls should be spelled out.

Gene Phelps, Highway Department, stated that they would have difficulty complying with <u>SB-311</u> in its present form.

Fred Davis, Chamber of Commerce representative from Reno, testified in favor of the bill. Mr. Davis was concerned about the possible disparity between the private and public on compensation. He did not believe an "across the board" raise was a merit increase. This type of reward is a longevity increase.

Art Boecher, Sweetheart Plastics Company, testified in favor of the bill. He concurred with testimony given by Mr. Davis.

Chairman Gibson stated at this time that the bill would be considered and possible amendments prepared and brought back to the committee for consideration.

With no further business the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Janice M. Peck & Lois Smith

Committee Secretaries

Approved:

Chairman

Senator James I. Gibson

Note Attachment 4 has been included in the minutes but was not part of the testimony on SB-311.

1979 REGULAR SESSION (60TH)

ate: Date: Date: Bill No. 311 Resolution No Date: Date: Bill No. 311 Resolution No BDR 23-1089
proupped in D Concurred in D BDR 23-1089

Amend section 1, page 1, line 2, by deleting "4," and inserting "5,".

Amend section 2, page 1, line 5, by deleting the period and inserting:

"or a special award for merit.".

Amend section 2, page 1, by deleting lines 6 through 20 and inserting:

- "2. Increases in salary based upon merit and fitness may be approved only for employees whose performances are evaluated as standard or better. The increase for any employee must not exceed 2.5 percent of his salary.
- 3. If the employee's performance during a fiscal year is evaluated in one of the following categories and he has been employed in the agency for a period of 12 months, he may be given a special award for merit for that fiscal year. Except as provided in subsection 4, special awards for merit must be in amounts equivalent to these specified percentages of salary:

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Bill	Ĺ

EXHIBIT

Date 3-21-79 Drafted by W:sl

3044

Amendment No.354 to Senate Bill No.311 (BDR 23-1089) Page 2

Performance Rating

Each special award must be paid to the employee in a lump sum after the close of the fiscal year for which it is granted.

Approval of a special award for an employee for one fiscal year does not affect the approval or disapproval of an award to that employee in any other fiscal year.

- 4. The head of each agency shall ensure that the total of individual special awards for merit does not exceed an amount which is equivalent to:
- (a) Two and one-half percent of the total salaries of the employees of his agency who were not granted increases in salary based upon merit and fitness; and
- (b) The total amount saved on salaries in his agency because of authorized leave without pay and vacancies resulting from turnover.

The head of the agency shall reduce each award proportionately if the total cost of the awards approved exceeds the limit imposed by this subsection.".

EXHIBIT

Amendment No. 354 to Senate Bill No. 311 (BDR 23-1089) Page 3

Amend section 3, page 2, by deleting line 3 and inserting:

"on his merit and fitness or the amount of a special award

for merit or from a decision denying such an increase or award."

Amend section 4, page 2, line 10, by deleting "increases of salary" and inserting "special awards for merit".

Amend the bill as a whole, by inserting a new section to be designated as section 5, following section 4, to read:

- "Sec. 5. 1. Except as provided in subsection 2, the chief shall determine what constitutes an agency for purposes of sections 2 to 4, inclusive, of this act and shall assign the positions in the classified service to the various agencies as appropriate. He shall assign at least 16 positions to each agency.
- 2. If an independent department, office or other employing unit directly responsible only to the governor or to an independent board or commission contains 15 or fewer positions in the classified service, it is not an agency for purposes of sections 2 to 4, inclusive, of this act. Positions in all such departments, offices and employing units must be assigned to a central grouping of small units, which shall be deemed an agency for purposes of sections 2 to 4, inclusive, of this act, and the chief shall be deemed the head of the agency for purposes of those sections.".

Amendment No. 354 to Senate Bill No. 311 (BDR 23-1089) Page 4

Amend the bill as a whole by renumbering sections 5 through 7 as sections 6 through 8.

Amend section 7, page 3, after line 28 by inserting:

"4. Evaluations of the work performance of employees may be conducted only once during each fiscal year.".

Amend the bill as a whole, by inserting a new section, to be designated as section 9, following section 7, to read:

- "Sec. 9. 1. The rate of base pay established for each grade in the classified service pursuant to the provisions of this act must not exceed the sum of the rate of pay which existed for the entry level of that grade on June 30, 1979, and any cost-of-living salary adjustments for that grade which may become effective after that date.
- 2. The provisions of this act do not operate to reduce the rate of pay of any employee in the classified service who was one or more steps above the entry level for his grade on June 30, 1979.".

Amend the title of the bill, line 2, by inserting after "merit;" the words:

"establishing a program of special awards for merit;".

Amend the title of the bill, line 3, by deleting the semicolon and inserting:

"and special awards;".

EXHIBIT

SURVEY OF PRIVATE INDUSTRY CONCERNING MERIT INCREASES AND COST OF LIVING INCREASES OR SALARY ADJUSTMENTS

Bank #1

Has a pay plan and an employee, based on standard or better performance, can receive a six month increase of up to 12% and an annual evaluation increase of up to 15%. The evaluations are annual after the first year. Increases are provided up to the time a person is maxed out in the grade as to pay. Of those eligible for annual performance evaluation increases 99% receive them. In the past 18 months this organization has offered two (2) salary adjustments or cost-of-living increases. Probationary period is ninety (90) days.

NOTE: Person providing this information indicated that if you didn't grant some kind of an increase annually that you would probably start having a turnover problem.

Bank #2

Has a pay plan and an employee, based on standard or better performance, can receive a six month increase of up to 10% and an annual evaluation increase of up to 8%. The evaluations are annual after the first year. Increases are provided up to the time a person is maxed out in the grade as to pay. Of those eligible for annual performance evaluation increases 95-98% receive them. In the past 18 months this organization has offered two (2) salary adjustments or cost-of-living increases. Probationary period is ninety (90) days.

NOTE: Person providing this information indicated that the organization encourages employees to do the necessary things to be promoted so as not to be maxed out.

Has a pay plan and an employee, based on standard or better performance, can receive a six month increase of up to 8% and an annual evaluation increase of up to 8%. The evaluations are annual after the first year. Increases are provided up to the time a person is maxed out in the grade as to pay. Of those eligible for annual performance evaluation increases 97% receive them. In the past 18 months this organization has offered two (2) salary adjustments or cost-of-living increases. Probationary period is ninety (90) days.

Person providing this information indicated that the NOTE: organization has only limited performance standards for positions to measure performance. the process of preparing performance standards.

One of the larger Northern Nevada Warehouses

Non-Managerial Employees: Progressive increases after 3 months. 6 months, 12 months, 18 months and at 24 months this evaluation and increase is based on merit. If you are around the 3rd 6th, 12th and 18th month you will automatically receive up to a 10% increase. Increases will not go beyond the maximum for the grade. Of those eligible for annual performance evaluation increases 100% receive them. Organization is new to the area but when they moved in during the Spring of 1978 they had a new pay scale. Also, have had an improved rate structure by wage survey to be competitive in the market. Probationary period is ninety (90) days.

Managerial Employees: Employee, based on standard or better performance, can receive a six month increase of up to 10%. At 15 months based on standard performance around 10% and then on a 12-15 month performance evaluation an increase of up to 12%. Organization is new to the area but when they moved in during the Spring of 1978 they had a new pay scale. Also, have had an improved rate structure by wage survey to be competitive in the market. Probationary period is six (6) months.

One of the larger Northern Nevada Hotel/Casinos

Non-Supervisory Employees: A lot of minimum wage positions. Thus, the first year increase might look high. Better workers based on first year's performance of Standard or better can receive up to 25%. Of those eligible for first year increases In the past 18 months this organization 100% receive them. has offered salary increases of up to 12% because of their need to have competitive edge through salary to attract the type of persons they want. Probationary period is six (6) weeks.

First Line Supervisors: Employee, based on standard or better performance, can receive annual increase of up to 20%. Of those eliqible for first year increases 100% receive them. Probationary period is six (6) weeks.

Second Line Supervisors: Employee, based on standard or better performance, can receive annual increase of up to 18%. Of those eligible for first year increases 100% receive them. Probationary period is six (6) weeks.

Managerial Employees: Employee, based on standard or better performance, can receive annual increase of up to 12%. Probationary period is six (6) weeks.

One of the larger Northern Nevada Gaming Distributors

Has a pay plan and an employee, based on standard or better performance, can receive an annual performance evaluation increase of up to 10%. All evaluations are annual. Increases continue until maxed out in grade based on performance. Of those eligible for annual performance evaluations almost 100% receive them. In the past year this organization has granted up to a 19% salary increase because a wage and salary survey indicated the need as a result of unusual market conditions. Probationary period is thirty (30) days for benefits.

One of the larger Northern Nevada Construction Companies

Has a pay plan for office personnel, based on standard or better performance, they can receive an annual increase of up to 15%. Of those eligible for first year increases 90% or better receive them. Cost of living and merit are combined annually. Cost of living might be 7% so some may receive 7% + 1% or 2% or whatever. Probationary period is six (6) months. NOTE: This does not apply to construction workers.

One of the larger Northern Nevada Engineering Companies

Has a pay plan and an employee, based on standard or better performance, can receive up to 7% annually until maxed out in the grade. Of those eligible for an annual increase about 100% receive them. Merit increases and cost of living increases are combined. Probationary period is six (6) months.

One of the larger Nevada based Insurance companies

Has a pay plan and an employee, based on standard or better performance, can receive a three month increase of up to 7% and an annual increase of up to 7% until maxed out in the grade. Of those eligible for three-month increase and those eligible for an annual increase about 100% receive them. In the past 12 months this company has offered a 14% salary adjustment or cost of living increase. Probationary period is three (3) months.

STATEMENT OF AUTHENTICITY

I hereby certify the authenticity of the above information as obtained from the businesses surveyed.

LARRY G. WALSH

SUBSCRIBED and SWORN to before me this 3 and day of February, 1979.

NOTARY PUBLIC

NANCY A. COTSONIS

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Aly Commission expires Feb. 15, 1981

Department of Administration Personnel Division March 26, 1979

MERIT SALARY INCREASE REFORM PROPOSALS

ALTERNATIVE I

1. The four levels of performance and their corresponding monetary reward are as follows:

Unacceptable -- 0%

Adequate -- 2.5% (one step)

Proficient -- 5.0% (two steps)

Outstanding -- 5.0% (two steps) and up to \$600 lump sum bonus

- a. All employees, including 15th step employees, will be eligible for the bonus award program.
- b. An outstanding rating will not in itself be a guarantee of a bonus award.
- c. Definitions have been developed for the four levels (attached). Further refinements will be made as we gain experience.
- 2. Outstanding bonus awards will be limited to no more than 10% of the agency's full time equivalent workforce. Managers will be accountable to the Governor and Legislature for their application and usage of the MSI and bonus award program. Although there is no ratio control between outstanding and the lower performance levels, it is expected that management will be responsible for identification of those employees whose performance is in the "Unacceptable" and "Adequate" ranges. Dismissals and involuntary demotions will be considered as MSI denials.

Agencies with fewer than 50 employees may request from the Governor an exception from the 10% control for extenuating circumstances.

Outstanding bonus awards may be granted up to \$600 and may be issued in increments of \$100. The employee must receive an outstanding rating to be eligible for the bonus. The amount of the bonus may vary in accordance with the level of the outstanding performance.

Cost: Estimate maximum of \$100,000 to \$200,000 per year in addition to current funding level.

If all allowable bonsues are granted at the maximum of \$600 the program would cost \$500,000 per year. However, this cost is high because the average bonus will be less than \$600 and we do not feel the total 10% allowance would be used. In addition, proper utilization of the 0% and $2\frac{1}{2}\%$ MSI awards will counter balance the bonus cost. Assuming a natural fall of two bonuses to one denial or $2\frac{1}{2}\%$ MSI the cost of the

first year would be approximately \$100,000. However, because of a compounding gain in the second year from employees who are denied a 5% MSI this approach should show a cost balance the second year if utilized properly.

- 3. To insure equity in the granting of bonus awards, a reasonable correlation between the occupational category (as defined in EEO-4) of those granted bonus awards and their presence in the department's workforce should be considered by the appointing authority. (i.e., a reasonable relationship should exist between the number of bonuses, 0% and 2½% MSI's and the number of people in major occupational categories such as supervisory, clerical, technical, administrative, professional, etc.)
- 4. MSI's and bonus awards will be granted annually on employee merit salary increase date.
- 5. Appeals of MSI's and bonus awards, since they are performance related, will be only to the department head level.
- 6. Timeframes for performance evaluations for probationary employees will remain unchanged. Evaluations for permanent employees will be increased from an annual basis to a semi-annual basis.
- 7. All supervisors will be required to successfully complete a training course covering the new system within one year of the system's implementation. The necessary supervisory training will be offered in two forms:
 - a. A one-day training course which will deal solely with the new system. Prerequisites for this course will be the previous completion of (1) Performance Appraisal, or (2) Elements of Supervision.
 - b. The elements of the new MSI system will be incorporated into the Performance Appraisal course that is currently being offered. Supervisors who have not participated in this class may do so and receive the additional management instruction necessary to effectively apply the new system.
- 8. Records will be maintained and reported for purposes of monitoring results by the State Personnel Division. However, individual departments will be accountable for implementation and application of the new system.
- 9. All positions will have Work Performance Standards and they will be utilized in conjunction with the MSI system. A recent survey of State agencies indicates the vast majority of positions have Work Performance Standards. Training offerings will emphasize refinement of these where necessary. It must be noted that Work Performance Standards are a management tool and not meant to serve as the absolute measurement of an employee's performance.

ALTERNATIVE II

Same as Alternative I except for the following variation.

Instead of limiting bonuses to no more than 10% of the workforce a ratio control would be used. As an example, the number of bonuses could not exceed the number of 0% and 2½% MSI's that are granted. (A 0% MSI = one \$600 bonus, a 2½% MSI = one \$300 bonus). In addition, every demotion and dismissal would generate one \$600 bonus.

Cost: A 1:1 ratio between the 0% and 2½% MSI's to every bonus granted would have no additional cost over the present system. A 2:1 ratio would have an additional cost the first year and should begin to balance the second year. A 3:1 ratio would have additional costs the first two years and balance the third year.

JFW:akb

March 26, 1979

MAR 27 1979

The Honorable James I. Gibson, Chairman, and Members, Senate Government Affairs Committee Legislative Building Carson City, Nevada 89701

Dear Chairman Gibson and Members,

We wish to express our opposition to SB 311 (Limits approval of salary increases for classified employees of the state based on their merit and fitness.) because of its regressiveness to the personnel merit system concept and its inherent inequity.

For professional and unbias performance evaluations there must exist, throughout the system, performance standards properly developed and maintained. Further, one needs unbias or objective supervisors to oversee those performance standards; this is not always the case. Not all agencies require supervisors to attend supervisory management or performance evaluation training courses so as to be properly prepared. The lack of preparation allows for favortism and personality clashes to affect ratings.

And what of equity amongst existing employees? How is the system to reconcile its current structure with the proposal? As section 6 is now written it requires the present 15 steps within a class to be consolidated into one. Is the person who is now an experienced and competent worker at grade 20 - 15 to be reduced and the new, inexperienced worker who is an entry 20 - 1 raised to some midpoint so that they both start with the same base pay? There is no guidance set forth in the bill. Cannot the present system be structured to allow progression or retainance of the status quo for each employee; does it require a complete scrapping of the present system to accomplish the goal of individualizing the merit system? We think not.

But what of the average, competent employee? The legislative cost of living raises of the past have not keptpace with inflation, particularly the spiraling costs of food, insurance and housing. Accordingly, it is an employee's merit increase, based on that person receiving a standard rating of his performance, that helps him offset that spiral. For the single parent with one or more youngsters and no other source of income, the merit increase becomes an important goal.

Employees are cognizant of the productivity level of their fellow workers, thus if one receives a higher merit increase than another and it's not warranted, it affects the morale of the whole office. Approximately 65.2 percent (5,747) of the state's classified employees are under grade 30 and earn less than \$12,200 a year. That means that after deductions the remaining \$9,516 is further reduced by a minimum of \$3,600 for rent (and \$300 a month may be low), leaving approximately \$113 a week for food, clothing, utilities, non-covered medical, babysitting, transportation, etc, as the case may be.

There further exists the probability of inequity between departments - the budget conscious department head who holds the majority of ratings to standard with a one percent increase while the second, equally budget conscious department head, but aware of needs, gives the majority of his standard ratees a two percent increase. This could force competent employees to transfer departments, reduce productivity or even leave state service. The unproductive remain, no matter.

FXHIBIT

Page 2
Gov't Affairs Committee continued:

Further, as the bill is written, the classic relationship of employee to supervisor is broken down by allowing supervisors and employees to earn like salaries with the only limitation being 90 percent of the department head's salary. An outstanding or superior employee may soon make more than his or her unbias immediate supervisor who's own supervisor or department may refuse to rate higher than standard. Then there are those who have the philosophy that everyone should get a standard rating. The fact that an employee cannot appeal the merit increase beyond his department head implies he cannot appeal the performance rating further since the two are intricately associated.

Section 6 would also allow classified employees to make more than their unclassified supervisors who supposedly have greater responsibility for management of a division or department.

If the committee feels there is need to revise the existing merit system, rather than impose SB 311 without understanding or being aware of all of its ramifications, we would suggest adoption of a Concurrent Resolution to direct the Legislative Commission to study alternative merit and incentative pay programs and to report back to the 61st session.

Sincerely,

Mary Autrand Lowe Francis a Variant Patricia Stock Vandra atachkarian Lehbie Shap Valle Lare

cc: Committee Members
Senator Lawrence Jacobsen
Assemblyman Alan Glover
Assemblyman Louis Bergevin
Assemblyman Sue Wagner
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Page 3
Senate Government Affairs Committee:

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GIVEN TO: SENATE GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

Senator Gibson For those WHO WILL TESTIFY

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