

Minutes of the Nevada State Legislature

Senate Committee on Government Affairs

Date: March 7, 1979

Page: One

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 opened the seventeenth meeting of the Government Affairs Committee at 2:00 p.m. The Chairman notified the committee that a sub-committee would be appointed to work on SB-255 from both Assembly Ways & Means and the Senate Government Affairs committees. Those assigned to the sub-committee are as follows: (1) Ways & Means, Assemblymen Mello, Bremner and Webb. (2) Senate Government Affairs, Senators Gibson, Dodge, Kosinski and Ford. The committee will be discussing budget controls.

SB-261 Creates commission for economic development.

Lt. Governor, Myron Leavitt, primary sponsor, testified to the committee that the bill creates a commission on economic development and is patterned after a bill used in California to create its own commission on economic development. The commission would be advisory in nature and it is hoped that it can work with other groups regarding the economic development in Nevada. Mr. Leavitt went over the bill for the committee and made himself available for any questions.

Chairman Gibson asked if there was an estimated budget determined for the commission. Mr. Leavitt responded that it would be a voluntary commission so the only expenses would be incurred for travel to meetings.

Chairman Gibson also asked Mr. Leavitt if there was any input on the progress made by the California commission and Mr. Leavitt stated that it was a newly created commission so he had no information on its progress.

Senator Dodge felt that there might be a duplication of duties with the Chamber of Commerce.

Senator Keith Ashworth questioned the effect it would have on the Nevada Development Authority in the southern part of the state. He also asked if the commission had veto power.

Mr. Leavitt stated that it would not, in his opinion hamper the progress of the Nevada Development Authority and the commission did not have veto power.

Minutes of the Nevada State Legislature

Senate Committee on.....Government Affairs.....

Date: March 7, 1979.....

Page:.....Two.....

Mr. Leavitt continued by stating that he wanted to work with the other economic development agencies toward a common goal.

James Buchanan, Director of the Department of Economic Development. Mr. Buchanan stated that there were five major reasons that their department was against SB-261. They are as follows:

- (1) Duplication, with SB-261 there would be ~~three~~ advisory boards.
- (2) Professional board as opposed to a political board. Mr. Buchanan indicated that a professional board would gain expertise and not be affected by the changing of Governors.
- (3) Department effectiveness, in order for the commission to function it must be in accordance with the wishes of the Governor and the appointed director would be at a disadvantage.
- (4) The costs of duplicating, estimated at \$21,100 per year.

If all eleven members were to attend all four meetings in the year the cost would be approximately \$550 per meeting. Two part-time positions would be created for clerical help.

- (5) The bill addresses industry only and tourism is an important part of Nevada's industry.

Senator Kosinski asked why Mr. Buchanan felt that the commission should not be made up of political persons. Mr. Buchanan stated that the professional would not be as vulnerable to the Governor's philosophies as the appointed person would be.

Senator Ford asked Mr. Buchanan to consider the possibilities of having the ~~three~~boards working together. Mr. Buchanan stated that he had not but agreed that it should be considered. Mr. Buchanan futher stated that the lines of authority should be clear.

Senator Raggio asked if a list of those who serve on both committees could be provided. Mr. Buchanan left the committee and returned with copies of those who serve on both committees. (See Attachment #1)

Senator Echols asked if Mr. Buchanan could furnish the committee with copies of the last minutes taken at both commission meetings. Mr. Buchanan responded that he would get the copies to the committee as soon as possible.

There was no action taken on SB-261, the committee would study the information requested and schedule the bill for action at a later meeting.

Minutes of the Nevada State Legislature

Senate Committee on Government Affairs

Date: March 7, 1979

Page: Three

SB-265 Prohibits provision for unemployment compensation coverage in state contracts for services of independent contractors.

Howard Barrett, Budget Director, testified to the committee that the language in the present statute is unclear with regard to unemployment compensation for the independent contractors. This bill will clearly state that they are unable to claim unemployment compensation.

Walter Drew, testifying on behalf of Mr. Lawrence McCracken of the Employment Security Department, read a prepared testimony to the committee. (See Attachment #2). Mr. Drew also provided the committee a copy of a contract to illustrate the need for this provision in the statutes. ( See Attachment #3)

Senator Raggio questioned the possible conflict with the federal government and suggested that the definition of independent contractor be more clear.

Mr. Barrett stated that he had no objection to amending the bill as requested in Mr. Drew's prepared testimony as long as it was clear that the independent contractor was not eligible for unemployment compensation.

Senator Dodge suggested that the bill be amended to state that unemployment compensation will be provided by the state in compliance with the provisions of NRS 612.085.

Senator Dodge moved "Amend and Do Pass" on SB-265  
Seconded by Senator Ford.  
Motion carried unanimously.

Chairman Gibson requested that Senator Dodge get the appropriate amendment prepared and be the speaker on the Senate floor.

AB-247 Enables local governments to purchase motor vehicle fuel to sell to nonprofit organizations which provides transportation specially for the elderly or handicapped.

Ray Carlson, Division of Aging Services, testified in favor of this bill and noted that in many of the large cities this is being done without enabling legislation. With this bill they will have the protection of the law and provide a cheaper means of transportation to those elderly persons that do not have a way of getting themselves around.

Russ McDonald, legal counsel for Washoe County, heartily endorsed the bill and concurred that in many cases this is being done without enabling legislation and the bill should be passed so gas can be purchased at the lower rates within the protection of the statutes.

Minutes of the Nevada State Legislature  
Senate Committee on Government Affairs  
Date: March 7, 1979  
Page: Four

Senator Dodge moved "Do Pass" on AB-247  
Seconded by Senator Ford  
Motion carried unanimously.

Chairman Gibson requested that Senator Ford present the bill on the Senate floor.

AB-288 Changes requirement for publishing ordinances of certain cities.

Mr. G.P. Etcheverry, Executive Director of the Nevada League of Cities, introduced Mr. Frank McGowan from the city of Yerington to the committee. Mr. Etcheverry went over the bill and the amendments made in the Assembly. Mr. Etcheverry informed the committee that Mr. Pete Kelly of the Nevada Press Association has worked on the amendments and has no problem with the bill.

Senator Dodge informed the committee that he received a letter from Mr. Bob Sanford of the Mason Valley News. The letter is against AB-288. The Senator read the letter to the committee. (See Attachment #4)

Mr. McGowan stated that many times an ordinance is cut down because of the costs of publishing. This bill will allow them to summarize the ordinance and save the city some money.

Senator Keith Ashworth moved "Do Pass" on AB-288  
seconded by Senator Ford  
Motion carried - Senator Dodge abstained from voting on AB-288

Chairman Gibson requested that Senator Keith Ashworth present the bill on the Senate floor.

SB-280 Extends certain time and area limits respecting development of park and playgrounds.

Sam Mamet, representing Clark County, testified in favor of SB-280 and handed out a memorandum indicating the reasons that both Henderson and Clark County feel the need to increase the time limit from three to five years. (See Attachment #5)

Russ McDonald, legal counsel for Washoe County, stated that they are also in favor of increasing the time limit to five years.

Senator Raggio asked Mr. Mamet why it took so long to develop a park or playground and Mr. Mamet responded that many times getting the funds together is what takes the longest amount of time. The federal government moves slowly in this area also.

Minutes of the Nevada State Legislature

Senate Committee on Government Affairs

Date: March 7, 1979

Page: Five

Senator Ford felt that the language contained on line 41 of page 2 would make the statute more consistent.

Senator Dodge felt that the three year period could remain in the bill if language were added stating that if more time was needed it would be provided, under certain circumstances. The Senator was concerned about nothing being done in the three year period and the developers holding the money for another two even though they would not begin development.

Russ McDonald stated that if nothing has happened in the three year period then the land and money should be returned but if a project is under way the five year time period should be allowed.

Senator Raggio was concerned about the amount of money that is involved when a developer is asked to put up a certain amount for a park or playground.

Russ McDonald stated that he would get the figures from Washoe County and Mr. Mamet indicated that he would check with Clark County and get a figure as well. Both Mr. McDonald and Mr. Mamet were asked to provide the committee with the information on what is presently being held in the trust fund.

The committee took no action on SB-280 and would hold action until the above requested information is available.

AB-374        Extends experimental program for settlement  
                  of certain intergovernmental payments.

Russ McDonald, legal counsel for Washoe County, stated that this bill only increases the time period for submitting their report to the legislative commission. He concluded by stating that this is a 10 to 15 year project.

Senator Ford moved "Do Pass" on AB-374  
Seconded by Senator Echols  
Motion carried unanimously.

SB-281        Increases allowance of state officers and  
                  employees for travel by private vehicle.

Sam Mamet, representing Clark County, stated that this bill increases the gasoline allowance from 17¢ to 19¢ when an individual uses his own car. Mr. Mamet provided the committee with an informational memo on the national cost per mile for vehicle operation in seven different locations throughout the country. (See Attachment #6) Mr. Mamet concluded that with the present rate the employees are not as inclined to use their own vehicles for business travel.

Minutes of the Nevada State Legislature  
Senate Committee on Government Affairs  
Date: March 7, 1979  
Page: Six

Russ McDonald, legal counsel for Washoe County, stated that he concurred with Mr. Mamet's testimony but wanted to point out that there was an error in the summary of the bill. It will have a fiscal effect. Mr. McDonald stated that their heaviest use in travel for employees falls in the parole and probation.

Senator Dodge stated that this should be sent to Finance for consideration of the fiscal impact.

Bob Gagnier, S.N.E.A. noted that AB-291 asks for an increase in per diem but doesn't address the mileage problem. Mr. Gagnier was not testifying either against or in support of SB-281.

Senator Dodge moved "Do Pass and Re-Refer to Finance" on SB-281  
Seconded by Senator Kosinski  
Motion carried unanimously.

At this point Chairman Gibson asked Senator Dodge for a report from the sub-committee on SB-120.

Senator Dodge stated that the meeting was effective and Frank Daykin was present for legal counsel on the amendments. The committee agreed to have the amendments printed into the bill and have it brought back to the committee for review.

Senator Dodge moved "Amend and Refer back to Committee" on SB-281.  
Seconded by Senator Echols  
Motion carried unanimously.

Chairman Gibson informed the committee that the amendments on SB-72 were prepared by Frank Daykin and suggested that the bill be moved out of committee in order to clear up the problem on conflicts. Any problems with the substantive parts of the bill can be handled individually. (The amendment suggestions were presented to each Senator on Friday, March 2, 1979)

Senator Keith Ashworth moved "Amend and Do Pass" on SB-72  
Seconded by Senator Ford  
Motion carried unanimously.

Chairman Gibson reviewed the following bill draft requests with the committee. They both are part of the Clark County package that received approval from the committee during a previous meeting.

Minutes of the Nevada State Legislature  
Senate Committee on Government Affairs  
Date: March 7, 1979  
Page: Seven

BDR-18-1193<sup>\*</sup> - Allows county to take advantage of state communication system.

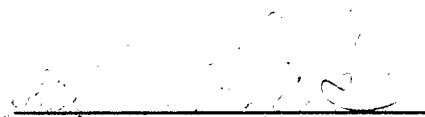
BDR-31-336<sup>\*\*</sup> - Colorado River Resources wants the interest on the bonds to go into their own fund.

The following request is from the State employees, BDR-23-925 which will give the grieved employee the right to have review by the Advisory Commission. A court decision has been in conflict with the statutes.

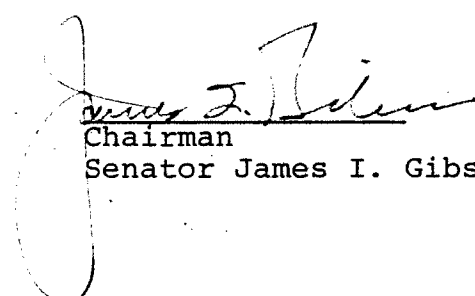
There was no objection from the committee on the above bill draft requests being introduced by the committee.

With no further business the meeting was adjourned at 4:35 p.m.

Respectfully submitted

  
\_\_\_\_\_  
Janice M. Peck  
Committee Secretary

Approved:

  
\_\_\_\_\_  
Chairman  
Senator James I. Gibson

\* SB 314  
\*\* SB 315

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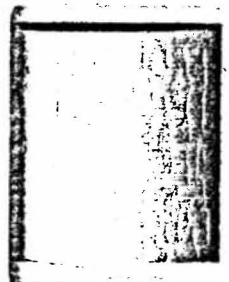
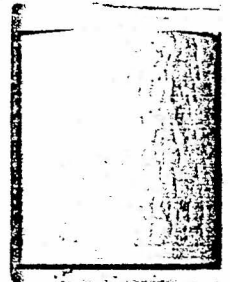


EXHIBIT 1 J

1

381



Testimony of Walter Drew, Chief of Contributions  
To the Government Affairs Committee  
March 7, 1979

Mr. McCracken, Executive Director of the Employment Security Department, is unable to be here at this time because of a conflict in hearing schedules. Hopefully, he will be in shortly. In the meantime, I have been requested to testify on his behalf.

It is the Department's position that SB 265 is both unnecessary and administratively unworkable. The bill, which proposes to exclude from unemployment insurance coverage independent contractors engaged by the State, is unnecessary because independent contractors are already excluded from unemployment insurance by virtue of chapter 612.085 Nevada Revised Statutes.

The Department Attorney has reviewed the bill and is in agreement with Agency staff that the bill could be administratively unworkable because of a probable legal conflict resulting from two definitions of independent contractor. Section 612.553(7) of the Nevada Unemployment Compensation Law requires that benefits be paid on the basis of employment by political subdivisions in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other employment. This means that both definitions cannot be used for unemployment insurance purposes. Consequently, the Employment Security Department would be required to use the definition contained in section 612.085 of Nevada Revised Statutes.

After discussing the provisions of SB 265 with the Regional Office of the Department of Labor, it also appears a conformity problem could arise if the State does not pay unemployment on equal terms to all workers - - public and private - - as outlined in Chapter 612.553(7) NRS as previously stated.

In summary, the Employment Security Department strongly recommends against enactment of this bill since it is unnecessary, it could result in legal conflicts, and it may present questions of conformity with Federal requirements.

service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

[Part 2:129:1937; renumbered in error 2.19:129:1937, 1945, 299; A 1949, 257; 1951, 253; 1951, 474; renumbered 2.9:129:1937 and A 1955, 698]

**612.085 "Employment": Services deemed employment unless specific facts shown.** Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the executive director that:

1. Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and

2. Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

3. Such service is performed in the course of an independently established trade, occupation, profession or business in which the individual is customarily engaged, of the same nature as that involved in the contract of service.

[Part 2:129:1937; renumbered in error 2.19:129:1937, 1945, 299; A 1949, 257; 1951, 253; 1951, 474; renumbered 2.9:129:1937 and A 1955, 698]

**612.090 "Employment": Certain agricultural labor an excluded service.** [Effective until January 1, 1978.]

1. "Employment" shall not include agricultural labor if the services performed are:

(a) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and furbearing animals and wildlife.

(b) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of the farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of the service is performed on a farm.

(c) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Agricultural Marketing Act, 12 U.S.C. § 1141j, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(d) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one-half of the commodity with respect to which such service is performed.

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20594

EXHIBIT

2

883

612.53 Contributions, reimbursement payments of nonprofit organizations or political subdivisions. [Effective January 1, 1978.]

1. For the purposes of this section:

(a) "Nonprofit organization" means any entity described in subsection 1 of NRS 612.121.

(b) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

2. Any nonprofit organization or any political subdivision which is subject to this chapter:

(a) Shall pay contributions to the unemployment compensation fund in the manner provided in NRS 612.535 to 612.550, inclusive, unless it elects, in accordance with this section, to pay into the unemployment compensation fund, in lieu of contributions, as reimbursement an amount equivalent to the amount of regular unemployment compensation benefits and one-half of the extended benefits paid to claimants that is attributable to wages paid, except that after December 31, 1978, a political subdivision shall reimburse an amount equal to the regular unemployment compensation benefits and all of the extended benefits. The amount of benefits payable by each employer who elects to make payments by way of reimbursement in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to a person as the total base-period wages paid to that person by the employer bear to the total base-period wages paid to that person by all of his base-period employers. Two or more employers who have become liable for payments by way of reimbursement in lieu of contributions may file a joint application, in accordance with regulations of the executive director, for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers.

(b) May elect to become liable for payments by way of reimbursement in lieu of contributions, for a period of not less than 1 taxable year beginning with January 1, 1972, provided it files with the executive director a written notice of such election within the 30-day period immediately following such date. Such organization remains liable for payments by way of reimbursement in lieu of contributions until it files with the executive director a written notice terminating its election not later than 30 days prior to the beginning of the taxable year for which such termination is first effective.

(c) May elect to become liable for payments by way of reimbursement in lieu of contributions for a period of not less than 4 consecutive calendar quarters beginning with the first day of the calendar quarter on which it became subject to this chapter by filing a written notice with the executive director not later than 30 days immediately following the date of the determination that it is subject to this chapter. The organization remains liable for payments by way of reimbursement in lieu of contributions until it files with the executive director a written notice terminating its election not later than 30 days prior to the beginning of the taxable year for which the termination is first effective.

3. Any nonprofit organization or any political subdivision which is paying contributions as provided in NRS 612.535 to 612.550, inclusive, may change to a reimbursement-in-lieu-of-contributions basis by filing with the executive director not later than 30 days prior to the beginning of any taxable year a written notice of its election to become liable for payments by way of reimbursements in lieu of contributions. The election is not terminable by the organization for that and the next taxable year.

4. The executive director may for a good cause extend the period in which a notice of election or a notice of termination must be filed and

may permit an election to be retroactive, but not any earlier than with respect to benefits paid after December 31, 1970, for a nonprofit organization or December 31, 1976, for a political entity.

5. The executive director shall notify each nonprofit organization and each political subdivision of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. His determination is subject to reconsideration, petitions for hearing and judicial review in accordance with the provisions of this chapter.

6. The amount of reimbursement in lieu of contributions due from each employing unit which elects to make reimbursement in lieu of contributions shall be determined by the executive director as soon as practicable after the end of each calendar quarter or at the end of any other period as determined by the executive director. The executive director shall bill each employing unit which makes reimbursement in lieu of contributions for an amount determined pursuant to paragraph (a) of subsection 2. Amounts due under this subsection shall be paid not later than 30 days after a bill is mailed to the last-known address of the employing unit. If payment is not made on or before the date due and payable, the whole or any part thereafter remaining unpaid shall bear interest at the rate of one-half percent per month or fraction thereof, from and after the due date until payment is received by the executive director. The amount of payments due hereunder, but not paid, may be collected by the executive director, together with interest and penalties, if any, in the same manner and subject to the same conditions as contributions due from other employers. The amount due specified in any bill from the executive director is conclusive and binding on the employing unit, unless not later than 15 days after the bill was mailed to its last-known address, the employing unit files an application for redetermination. A redetermination made under this subsection is subject to petition for hearing and judicial review in accordance with the provisions of this chapter. Payments made by any nonprofit organization under the provisions of this section shall not be deducted, in whole or in part, from the wages of any person employed by that organization.

7. Benefits are payable on the basis of employment to which this section applies, in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other employment subject to this chapter.

8. In determining contribution rates assigned to employers under this chapter, the payrolls of employing units liable for payments in lieu of contributions shall not be included in computing the contribution rates to be assigned to employers under this chapter. The reimbursement in lieu of contributions paid by or due from such employing units shall be included in the total assets of the fund in the same manner as contributions paid by other employers.

9. The provisions of NRS 612.550 do not apply to employers who elect reimbursement in lieu of contributions.

10. Except as inconsistent with the provisions of this section, the provisions of this chapter and regulations of the executive director shall apply to any matter arising pursuant to this section.

(Added to NRS by 1971, 1353; A 1973, 1366; 1977, 840, effective January 1, 1978)

CONTRACT

THIS AGREEMENT, made and entered into this 23 day of August, 1976, by and between the STATE PLANNING COORDINATOR'S OFFICE, hereinafter referred to as PLANNING AGENCY, and Vance A. Hughey, hereinafter referred to as CONTRACTOR.

WITNESSETH:

WHEREAS, the FOUR CORNERS REGIONAL COMMISSION has provided the PLANNING AGENCY, through the Nevada Department of Economic Development, certain grant funds and has authorized the PLANNING AGENCY to enter into agreements with contractors to accomplish the purposes of the grant; and

WHEREAS, NRS 284.173 authorizes elective officers, heads of departments, boards, commissions or institutions to engage the services of persons as independent contractors; and

WHEREAS, the PLANNING AGENCY desires to engage the CONTRACTOR to render certain research, technical and professional services hereinafter described; and

WHEREAS, CONTRACTOR represents that he is duly qualified, ready, willing and able to render said services by virtue of education, training and experience.

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. Scope of Services. The CONTRACTOR shall perform research, report writing, data collection and analyses relative to the preparation and implementation of an Economic Plan and FY 78 Annual Action Plan for Nevada, and other related duties as assigned by the PLANNING AGENCY.

2. Time of Performance. Services of the CONTRACTOR shall begin on August 30, 1976 and extend until December 30, 1977. Services shall be performed in the offices of the PLANNING AGENCY or other places as assigned by the PLANNING AGENCY from 8 A.M. to 5 P.M. five days per week from August 30, 1976 through December 30, 1977 except for legal holidays or other days as may be authorized by the PLANNING AGENCY.

3. Compensation. The PLANNING AGENCY agrees to compensate the CONTRACTOR the sum of \$7.76 per hour, said sum constituting full payment for services rendered. Payments are to be made every two weeks beginning September 20, 1976. The total of all payments are not to exceed a maximum total of \$20,859.00. The PLANNING AGENCY also agrees to reimburse the CONTRACTOR for

EXHIBIT

3

3

386

travel and per diem expenses incurred for travel authorized by the PLANNING AGENCY. Reimbursement shall be the same as for State employees as specified in the Nevada State Administrative Manual.

4. Statutory. The CONTRACTOR agrees to comply with all covenants of the Nevada Revised Statutes and those Statutes of Nevada pertaining to public works, planning, security, prohibited interests and contractual services.

5. Supervision. All of the services required herein shall be performed under the supervision of the State Planning Coordinator or a member of his staff designated to supervise the CONTRACTOR.

6. Independent Contractor. It is specifically understood and agreed that the CONTRACTOR makes this agreement as an independent contractor and the following provisions of NRS 284.173 are hereby incorporated into and made a part of this agreement. There shall be no:

- a) Withholding of income taxes by the PLANNING AGENCY;
- b) Industrial insurance coverage provided by the PLANNING AGENCY;
- c) Participation in group insurance plans which may be available to employees of the PLANNING AGENCY;
- d) Participation or contributions by either the independent contractor or the PLANNING AGENCY to the Public Employees Retirement System;
- e) Accumulation of annual leave or sick leave or pay for holidays.

7. Confidentiality. No report, information, data, etc., given to or prepared by or assembled by the CONTRACTOR shall be made available to any individual or organization by the CONTRACTOR without prior written approval of the PLANNING AGENCY.

8. Publication, Reproduction and Use of Materials. No material produced in whole or in part under this contract shall be subject to copyright. The PLANNING AGENCY shall have sole authority to publish, disclose, distribute and otherwise use all materials prepared under this contract.

9. Ownership of Materials Prepared by Contractor. It is agreed that all finished and unfinished documents, data, studies, surveys, etc., prepared by the CONTRACTOR under this contract shall be considered property of the PLANNING AGENCY and upon completion of the services to be performed, or upon termination of this contract, such material shall be turned over to the PLANNING AGENCY.

10. Termination. This contract may be terminated by either party at any time during the existence of the contract by giving 5 working days written notice of the intent to terminate.

EXHIBIT 3

387

11. Amendments. The PLANNING AGENCY or CONTRACTOR may request amendment to the provisions of this contract. All amendments to be valid shall be in writing and signed by all parties hereto.

12. Board of Examiners Review. It is hereby agreed by the parties to this contract that should the Board of Examiners disapprove this contract, then this contract shall be void and shall not be binding on any parties hereto.

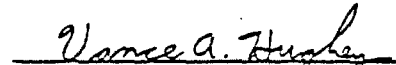
13. Contractor Review of Contracts. The CONTRACTOR shall be held to have reviewed the entire contract and scope of services to be performed.

IN WITNESS WHEREOF, the PLANNING AGENCY and the CONTRACTOR have executed this contract as of the date first above written.

State Planning Coordinator's Office

Contractor

  
by Bruce D. Arkell

  
by Vance A. Hughey


Approved as to Form Only

Robert List  
Attorney General

  
by Deputy Attorney General

Approved by:

BOARD OF EXAMINERS

By:   
Howard E. Garrett, Clerk

Distribution:

Contractor  
Planning Agency  
Four Corners Regional Commission  
Secretary of State  
Department of Administration  
Department of Economic Development

# Mason Valley News

INCORPORATED

The Only Newspaper in the World That Gives a Damn About Yerington!

BOB SANFORD  
WALTER COX

PHONE 463-2356 :: BOX DD  
YERINGTON, NEVADA

February 26

Dear Carl:

I am sure Jim informed you about the special legislation on city ordinance publication--special for Yerington, only.

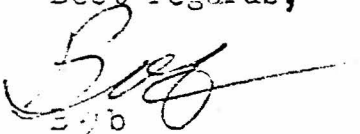
I am opposed to this bill and lso to the compromise amendment calling for and "adequate" summary. Who determines what is "adequate" and what is not? Who prepares the summary--an official of the city such as the manager or city attorney? Could this summary tell only what the administration wants the public to know?

When is this summary to be published--prior to adoption of the ordinance which is the only way it would make any sense at all?

It is obvious from the figures Jim compiled that "cost" to Yerington is not prohibitive in any way and what the administration told J ce is a bunch of bull. Would you say that the sum of around \$1200 in six years is prohibitive and that this is a paltry sum to keep the public informed? If we weren't one hell of a newspaper and keep that public informed through news stories and coverage second to none, I wonder what the city might enact in the way of ordinances--legal publication or not.

I think the bill should be opp osed and killed.

Best regards,



Bob

EXHIBIT 4

389 4



# MEMORANDUM

## OFFICE OF THE COUNTY MANAGER

~~RICHARD W. BUNKER~~  
~~COUNTY MANAGER~~

BRUCE W. SPAULDING  
Assistant County Manager

TO: SENATE GOVERNMENT AFFAIRS COMMITTEE

FROM: SAMUEL D. MAMET, MANAGEMENT ANALYST

SUBJECT: S.B. 280

DATE: MARCH 7, 1979

Before the committee this afternoon is legislation requested both by the parks and recreation departments of Clark County and the City of Henderson. The legislature is 1973 enacted into law AB 241 (1973 Stat. 1447, NRS 278.4981), of which Senator Ford was prime co-sponsor.

This statute allows communities to adopt standards for the dedication of parks and recreation sites at various types of housing developments. Both the City of Henderson and Clark County are availing themselves of the options set forth in the law. However, we both would like to extend the time limit for park development from three to five years (p. 2, line 39).

At the present time, it takes two to three years to do the design for a park and request matching funds from the federal government. In general, an additional two years are required to actually build the park or recreation site.

The other amendment dealing with service area simply broadens the scope of those served by the park site. Simply leaving in subdivision or development could be interpreted to mean a park development for just several homes. This is a problem which Henderson is specifically facing and asked for the County's assistance in drafting remedial legislation.

We will be happy to answer any questions which you might have.

SDM/mg

EXHIBIT 5

390

5



FROM THE DESK OF

ROBERT STEWART

DIRECTOR  
CLARK COUNTY AUTOMOTIVE

12/13/78

TO: SAM MAMET

RE: NATIONAL COST PER MILE FOR VEHICLE OPERATION

The cost per mile expenses indicated below, were extracted from a recent issue of the Fleet Manager's Newsletter, and originated as the result of a survey completed by the American Automobile Association.

NEW ENGLAND	21.02¢
*WESTERN STATES	20.58¢
GREAT LAKES	19.29¢
SOUTHEAST	19.17¢
MIDWEST	19.14¢
MID-ATLANTIC	19.12¢
SOUTHWEST	18.78¢

The cost contains all fixed and running expenses including depreciation, insurance, taxes, registration, gasoline, and maintenance for a mid-size class four-door sedan with a V-8 engine.

\*More information to follow. Call if you have any questions.

BOB

EXHIBIT 6

391



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 288

ASSEMBLY BILL NO. 288—COMMITTEE ON GOVERNMENT  
AFFAIRS

FEBRUARY 6, 1979

Referred to Committee on Government Affairs

SUMMARY—Changes requirement for publishing ordinances of certain  
cities. (BDR 21-182)

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 cities incorporated under general law and to the City of Yer-  
ington; changing requirement for publishing ordinances; 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 266.115 is hereby amended to read as follows:  
2 266.115 1. The style of ordinances shall be as follows: "The City  
3 Council of the City of.....do ordain." All proposed  
4 ordinances, when first proposed, [shall] *must* be read by title to the city  
5 council and may be referred to a committee of any number of the mem-  
6 bers of the council for consideration, after which at least one copy of the  
7 ordinance [shall] *must* be filed with the city clerk for public examination.  
8 Notice of [such filing shall] *the filing, together with an adequate sum-*  
9 *mary of the ordinance, must* be published once in a newspaper published  
10 in the city, if any there be, otherwise in some newspaper published in the  
11 county and having a general circulation in the city, at least 1 week [prior  
12 to] *before* the adoption of the ordinance. The city council shall adopt  
13 or reject the ordinance, or the ordinance as amended, within 30 days  
14 [from] *after* the date of [such] publication, except that in cases of  
15 emergency, by unanimous consent of the whole council, final action may  
16 be taken immediately or at a special meeting called for that purpose.  
17 2. At the next regular or adjourned meeting of the council following  
18 the proposal of an ordinance and its reference to committee, the com-  
19 mittee shall report the ordinance back to the council, and thereafter it  
20 [shall] *must* be read in full as first introduced, or if amended, as  
21 amended, and thereupon the proposed ordinance [shall] *must* be finally  
22 voted upon or action [thereon] *on it* postponed.

SENATE BILL NO. 281—COMMITTEE ON  
GOVERNMENT AFFAIRS

MARCH 1, 1979

Referred to Committee on Government Affairs.

SUMMARY—Increases allowance of state officers and employees for travel by private vehicle. (BDR 23-1190)

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

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

AN ACT relating to state officers and employees; increasing their allowance for travel by private vehicle; 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 281.160 is hereby amended to read as follows:  
2 281.160 1. Except as provided in subsection 2 or otherwise pro-  
3 vided by law, when any district judge, state officer, commissioner, repre-  
4 sentative of the state, or other state employee of any office, department,  
5 board, commission, bureau, agency or institution operating by authority  
6 of law, and supported in whole or in part by any public funds, whether  
7 the public funds are funds received from the Federal Government of the  
8 United States or any branch or agency thereof, or from private or any  
9 other sources, is entitled to receive his expenses in the transaction of  
10 public business outside the municipality or other area in which his prin-  
11 cipal office is located, [such] *the* person shall be paid up to \$30 for each  
12 24-hour period during which he is away from such office and within the  
13 state, and up to \$17 in addition to a reasonable room rate for each 24-  
14 hour period during which he is outside the state.  
15 2. [Such] *The* person may receive expenses for a period of less than  
16 24 hours in accordance with regulations of the state board of examiners.  
17 3. Any person enumerated in subsection 1 may receive an allowance  
18 for transportation pursuant to public business, whether within or without  
19 the municipality or other area in which his principal office is located.  
20 Transportation shall be by the most economical means, considering total  
21 cost, time spent in transit and the availability of state-owned automobiles  
22 and special use vehicles. The allowance for travel by private conveyance

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 247

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ASSEMBLY BILL NO. 247—COMMITTEE ON  
GOVERNMENT AFFAIRS

FEBRUARY 1, 1979

Referred to Committee on Government Affairs

**SUMMARY**—Enables local governments to purchase motor vehicle fuel to sell to nonprofit organizations which provide transportation specially for the elderly or handicapped. (BDR 27-992)

**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 the local government purchasing act; enabling local governments to purchase motor vehicle fuel to sell to nonprofit organizations which provide transportation specially for the elderly or handicapped; 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. Chapter 332 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 1. *A governing body may purchase motor vehicle fuel to sell to any*  
4 *public agency or organization which is supported by tax money, and to*  
5 *any private agency or organization which is incorporated as a nonprofit*  
6 *corporation pursuant to chapter 81 of NRS, to use in* specially *providing*  
7 *transportation to the elderly or handicapped.*

8 2. *The governing body shall establish regulations for determining the*  
9 *eligibility of applicants for fuel pursuant to this section.*

*provides  
a limitation*

SENATE BILL NO. 265—COMMITTEE ON FINANCE

FEBRUARY 26, 1979

Referred to Committee on Government Affairs

SUMMARY—Prohibits provision for unemployment compensation coverage in state contracts for services of independent contractors. (BDR 23-490)

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 the state personnel system; prohibiting a provision for unemployment compensation coverage in state contracts for services of independent contractors; 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 284.173 is hereby amended to read as follows:  
2 284.173 1. Elective officers and heads of departments, boards, com-  
3 missions or institutions may contract for the services of persons as inde-  
4 pendent contractors.  
5 2. An independent contractor is a *natural* person, firm or corporation  
6 who agrees to perform services for a fixed price according to his or its  
7 own methods and without subjection to the supervision or control of the  
8 other contracting party, except as to the results of the work, and not as  
9 to the means by which the services are accomplished.  
10 3. For the purposes of this section:  
11 (a) Travel, subsistence and other personal expenses may be paid to  
12 an independent contractor, if provided for in the contract, in such  
13 amounts as provided for in the contract. [Such expenses shall] *Those*  
14 *expenses may not be paid under the provisions of NRS 281.160.*  
15 (b) There shall be no:  
16 (1) Withholding of income taxes by the state;  
17 (2) Industrial insurance coverage provided by the state;  
18 (3) Participation in group insurance plans which may be available  
19 to employees of the state;  
20 (4) Participation or contributions by either the independent con-  
21 tractor or the state to the public employees' retirement system;  
22 (5) Accumulation of vacation leave or sick leave.  
23 (6) *Unemployment compensation coverage provided by the state.*  
24 4. An independent contractor is not in the classified or unclassified

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ASSEMBLY BILL NO. 374—ASSEMBLYMEN MELLO, MAY  
AND DINI

FEBRUARY 12, 1979

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Referred to Committee on Government Affairs

SUMMARY—Extends experimental program for settlement of certain inter-  
governmental payments. (BDR S-400)

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

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

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AN ACT to amend an act entitled "An Act relating to the settlement of inter-  
governmental payments; requiring the state controller and the board of  
county commissioners of certain counties to make an agreement for such  
transfers; requiring the state controller and the board of county commissioners  
to prepare a report for the legislative commission evaluating any savings  
realized by using such transfers; and providing other matters properly relating  
thereto," approved April 19, 1977.

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

1 SECTION 1. Sections 2 and 3 of the above-entitled act, being chapter  
2 207, Statutes of Nevada 1977, at page 387, are hereby amended to read  
3 as follows:

4 SEC. 2. On or before October 1, [1978,] 1980, the state controller  
5 and the board of county commissioners shall prepare and present to the  
6 legislative commission a report containing an evaluation of any savings  
7 effected by the method or methods of transfer used pursuant to section  
8 1 of this act as compared to the method or methods required by other  
9 laws and including any recommendations for appropriate legislation.  
10 The report shall include a statement by the legislative auditor concerning  
11 the evaluation contained in the report.

12 SEC. 3. This act and any agreement entered into by a board of county  
13 commissioners and the state controller pursuant to section 1 of this act  
14 shall expire by limitation on June 30, [1979.] 1981.