

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 thirty-second meeting of the Government Affairs committee to order at 1:30 p.m. with all members present. The Chairman called the meeting earlier than scheduled in order to allow Senator McCorkle and Jim Wittenberg, Personnel Administration, time to present their amendment suggestions to the committee.

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

Senator McCorkle testified to the committee on the proposed amendments for this bill and read same to committee. (See Attachment #1) The Senator felt the amendments would eliminate the need for the suggestions made at an earlier hearing. At this time Senator McCorkle turned the testimony over to Mr. Wittenberg.

Jim Wittenberg, Personnel Administrator, representing the Department of Administration. Mr. Wittenberg testified that the amendments make the bill more workable to them. Charts were presented to the committee and Mr. Wittenberg stated that this bill will eliminate many inequities in the system regarding merit increases. He further stated that they were adding the 2-1/2% increase back into the system for the adequate employee and the bonus incentive award is a new addition. There will be a limitation of 10% for the existing employees within the salary budget. The department head makes the final determination based upon recommendations of the Supervisor.

Mr. Wittenberg stated the program will get a more uniform distribution and if all goes as planned there will be a significant cost savings for the state. In the first year the savings should be approximately \$64,000. and in the second year it should be \$150,000.

Senator Dodge questioned using the 2-1/2% increase again as it did not work in the past. Mr. Wittenberg responded that there would be a great deal of focus on the new system. He further stated that since there is now a reward for the outstanding employee the 2-1/2% increase will be used more frequently. He felt that it would work within the existing system and improve morale in the agencies.

Mr. Wittenberg concluded by noting on his final chart the advantages and disadvantages of this system. He felt that the advantages far outweighed the disadvantages.

Senator Ford questioned the problem of the 95% limitation and felt that it would be unfair for some of these people affected by this limitation to be unable to receive any increase.

Mr. Wittenberg stated that this was true and even though some would not be affected by this legislation there would be a larger group that could be helped that otherwise would not be able to receive any monetary relief.

Ralph DiSibio, Department of Human Resources, testified in favor of the bill noting that he concurred with Mr. Wittenberg's testimony and fully supported the proposed amendment suggestions.

Jim Wadhams, Director of the Department of Commerce, testified in support of the proposed amendments and felt that the bill will help in two areas. (1) It will allow for the opportunity to reward those employees who are doing an outstanding job and (2) It will make the managers more accountable. Mr. Wadhams concluded by stating that he concurred with the testimony presented by Mr. Wittenberg.

The committee discussed the bill and Senator Ford felt that there should be some language in the bill regarding the incentive award system. This award should not be affected by the 95% limitation.

Senator Ashworth reiterated his suggestion that the money for those affected by the 95% limitation be put into a savings for the employee and given out upon retirement.

Senator Dodge stated that he would support the bill if the language were clear that the incentive award is not connected with the 95% limitation.

Senator Ford proposed the following amendment to be included in the proposed amendments by Mr. Wittenberg. Provide clarifying language on the incentive award provisions and separate this from those affected by the 95% limitation.

Senator Dodge moved to "Amend and Re-refer SB-311 back to committee"

Seconded by Senator Ford

Motion carried unanimously.

Chairman Gibson asked the committee to refer to AB-411 and Assemblyman Prengaman testified in favor of this bill. The Chairman informed those present that when this bill was scheduled for a hearing they were unable to hear the bill due to a time constraint.

AB-411 Prohibits allowance for lodging to state officers and employees if lodging is free.

Paul Prengaman, Assembly District 26, testified to the committee on this bill and noted that this bill will prohibit public officers and state employees from claiming lodging that is given to them without charge. He noted that violation would be a misdemeanor. This bill only relates to Chapter 281.160 of the NRS. The legislature is only covered while they are not in session. Mr. Prengaman provided the committee with copies of the relevant statutes for their review. (See Attachment #2)

Senator Dodge stated that he was in agreement with the bill and concept and felt that we should pass some form of comp. legislation this session. The Senator was concerned about the individual that receives a reduction in the lodging cost. Would this individual claim the cost he paid, the full cost or not claim the lodging bill. These questions need to be answered.

Senator Raggio felt that this bill will deprive those state employees of saving some money on lodging. The Senator felt that this bill would cause problems to those state workers that must try to exist on a small travel allotment. The Senator also felt that the committee should try to come up with a bill that will truly handle the abuses in the comp. system without hurting the small state employee.

The Senator had a suggested amendment for the committee to consider. The following language was proposed, public employee receives for lodging that amount which he spent for lodging, not to exceed the amount established in the regulations. He felt that it should apply to anyone who travels on state business.

Senator Raggio moved to Amend AB-411 using the above language. Seconded by Senator Kosinski Motion carried. There were three no votes cast by; Senators Echols, Keith Ashworth and Gibson.

Senator Ford then moved "Amend and Do Pass" on AB-411 Seconded by Senator Kosinski Motion carried with three no votes cast by; Senators Echols, Keith Ashworth and Gibson

SB-375 Increases salaries of district attorneys.

Steve McMorris, District Attorney for Douglas County and representing the District Attorneys Association, testified to the committee in support of this bill. Mr. McMorris stated that without proper salary increased the counties would find it difficult to keep good qualified people in the jobs that require such qualified individuals.

Mr. McMorris gave an example of the legal battles that have been handled by himself in Douglas County with regard to the ring road and the T.R.P.A. meetings. He felt that without the qualified

people the county and state would be paying a professional to do the job when the money should be used to increase the salary of the state or county employee who would gain much knowledge and expertise for the benefit of the county.

Vincent Swinney, Under Sheriff in Washoe County, testified in favor of the bill and concurred with the testimony presented by Mr. McMorris. Mr. Swinney felt that the problem was the base salary structure. He has been impacted by the sheriff's salary for six years. The base pay structure should be tied in with the cost of living increases.

Senator Raggio stated that there should be some parity between the District Attorney and District Judge's salaries. Their responsibilities and expertise are very similar.

Chairman Gibson stated that last session the legislature granted an increase in salary for the District Attorneys and the legislature has made it a policy not to increase salaries during the term of office.

Senator Raggio moved "Indefinitely Postpone" on SB-375  
Seconded by Senator Echols  
Motion carried unanimously.

SB-428 Provides for additional longevity pay  
for certain elected county officers.

Sam Mamet, representing Clark County, testified to the committee that many elected officials throughout the state have voiced their support of this bill. It was felt that there needs to be an increase in the longevity pay system.

Senator Dodge asked if the bill was constitutional and Mr. Mamet responded that he did not ask the counsel bureau to check on its constitutionality. The Senator continued that this bill might clear up some ambiguities regarding the provisions for longevity pay and when an employee may begin to accumulate it.

The committee discussed the system and Mr. Macdonald from Humboldt county noted that there are three counties who are not complying with the statutes regarding longevity pay. Those counties are paying longevity pay within the first term of office and the legislature intended for longevity pay to begin after the first term in office.

Senator Dodge moved that the Chairman write those counties not in compliance with the statute and inform them of legislative intent. This motion was seconded by Senator Ford.  
Motion carried unanimously.

Senator Echols moved "Indefinitely Postpone" on SB-428  
Seconded by Senator Keith Ashworth  
Motion carried unanimously.

SB-431 Changes method of refunding any excess from special assessment by Las Vegas Valley Water District and corrects misprint.

James Widner, Chief of Administrative Services for the Las Vegas Valley Water District, testified to the committee from his prepared testimony. (See Attachment #3) Mr. Don Paff, General Manager of the Las Vegas Valley Water District was also present with Mr. Widner to answer any questions for the committee.

Renny Ashelman, representing the Southern Nevada Home Builders Association, testified to the committee that there might be problems with this bill. He asked the committee to hold action until he can check out the litigation currently pending in his office with the Las Vegas Valley Water District. He stated that the Las Vegas Valley Water District imposed a fee that was felt to be unlawful in the statutes. Mr. Ashelman stated that they felt that the refund should go to the person who originally paid the fee and not the current home owner. It was Mr. Ashelman's opinion that the litigation could run into the millions.

Barry Becker, Southern Nevada Home Builders representative and testified as a licensed real estate broker in Nevada. Mr. Becker felt that the bill wasn't as simple as it appeared and concurred with Mr. Ashelman's testimony.

The committee felt that it would be appropriate to hold the bill until Friday, April 20th in order to give Mr. Ashelman some time to look into the litigation noted in his testimony.

SB-446 Revises provisions governing issuance of bonds and collection of special assessments by general improvement district.

Don Paff, General Manager with the Las Vegas Valley Water District, testified to the committee regarding this bill and went over the changes that it would make. The interest rate would be limited to a maximum of 9%. It also extends the payment period from 15 years to 20 years. Mr. Paff further stated that the bill drafter added some language that will present problems to them unless amended as follows: Line 13, Page 3 should be amended to read as follows: "(d) Bear interest at a rate or rates not exceeding Nine percent per annum. Then lines 14 and 15 could be deleted. Another amendment suggestion was on Page 3, line 2. There should be an addition of \$5,000. so that there could be bonds at \$100, \$1,000 and \$5,000. Bond counsel recommended this change. Another amendment suggestion was to modify page 2, on line 16, after "assessment", add "with such amounts of interest and principle" and then pick up with the remaining language on line 17.

Hal Smith, representing the firm for National Consultants stated

there needs to be a study on the entire financing statutes in light of the many changes by IRS. This bill will pose some problems. Mr. Smith concurred with the amendment suggestion by Mr. Paff to increase the bond capacity to \$5,000. as they are more marketable.

Mr. Smith also referred to the extension from 15 to 20 years. He felt that there should be some language in the bill regarding call provisions after 10 years.

Bill Macdonald, District Attorney for Humboldt County, felt that this extension period helps the smaller counties. Mr. Macdonald felt that the state will be seeing more and more special improvement districts formed to help with the growth problem in the state. Mr. Macdonald concluded by supporting the bill in the amended version.

The committee concurred with the amendment suggestions as proposed by Mr. Paff and Mr. Smith's suggestion about having language regarding call provisions.

Senator Ford moved, "Amend and Do Pass" on SB-446  
Seconded by Senator Dodge  
Motion carried unanimously.

AB-343 Permits county to furnish blanket fidelity bond for all its elected officers.

Assemblyman Jim Banner testified to the committee that this is enabling legislation and only affords the opportunity to look into a blanket bond policy in order to save money for the county. Mr. Banner stated that their costs are approximately \$4,000. now and that includes the metropolitan police. If allowed to negotiate their own fidelity bond coverage they could save approximately \$1,000.

Sam Mamet, representing Clark County, testified in support of the bill concurring with Mr. Banner's testimony.

Bill Macdonald, Humboldt County District Attorney, testified in support of the bill and also felt that it would be a savings to the counties. Concurred with Mr. Banner's testimony.

Senator Dodge moved "Do Pass" on AB-343  
Seconded by Senator Raggio  
Motion carried unanimously.

AB-496 Permits establishment of employee merit personnel system by ordinance in certain counties.

Assemblyman Dini, District 38, testified in support of this bill stating that it was requested by the smaller counties in order to establish a merit system. Mr. Dini stated that the amendments to the bill were prepared by Russ McDonald and turned testimony over to Mr. McDonald.

Russ McDonald, representing Washoe County, stated that he used language that is presently being used by both Washoe and Clark County in their merit system. Mr. McDonald stated that each county has their own grievance procedure and suggested that the language on page 2, lines 18 through 32 should be deleted from the statutes. The language contained in subsection 2, page 2 should be adopted. With these changes the bill will apply to all counties. Mr. McDonald concluded by stating that the language for the new subsection 2 was written by Mr. Chan Griswold, Chief in the Civil Division of the Washoe County District Attorney's office.

Senator Raggio questioned whether the employee organizations are in favor of this bill. Mr. McDonald stated that he felt that they were and noted the proceedings were negotiated. He further stated a case whereby Las Vegas was the plaintiff. The case was about a building inspector who was terminated without a pre-termination hearing. The civil service regulations did not provide for this and it should be provided for in the procedures. Mr. McDonald stated that he would bring that opinion to the committee

The committee agreed to hold action on this bill until the opinion could be presented by Mr. McDonald.

AB-569 Extends provisions for microfilming and disposal of records to justices' courts.

Sam Mamet, representing Clark County, testified that this bill was proposed by the Justice Court in Clark County. There is little space available for storage and this bill is greatly needed to provide for adequate storage by the Justice Court.

Senator Ford moved "Do Pass" on AB-569  
Seconded by Senator Raggio  
Motion carried unanimously

At this time Chairman Gibson turned the meeting over to those people on the committee that were holding bills for amending language or more information.

Senator Dodge stated he had a request from Lyon County on the construction tax in SB-356. The suggested amendments would take out the two larger counties and would include mobile home owners. The Senator stated that the bill has been restricted

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substantially from the original language provided. It would also be based on a flat rate, which is what Lyon county wanted in the first place. The tax could be levied outside the county in the area where the tax money is going to be used. The county will not have the bond capacity to build schools and necessary facilities without this legislation.

The committee discussed the proposed amendments and felt that the Tax Commission could be a reviewing authority when the county wants to increase their bond capacity. The following motion was made based upon the suggested amendments as proposed with the addition of the Tax Commission review.

Senator Dodge moved, "Amend and Do Pass"  
Seconded by Senator Kosinski  
Motion carried with one no vote cast  
by Senator Raggio.

Chairman Gibson had some prepared amendments for SB-127 and read same to the committee. They were as follows:

Amend Section 2, page 2, deleting line 27 and inserting a new section which will read as follows, "The Division, with the approval of the State Board of Finance: (1) May acquire land from any governmental agency; (2) Shall sell the land for the purpose of development of housing for persons of low or moderate income pursuant to this Chapter; and (3) Shall charge a price for the land which is acquired to its cost of acquiring and transferring the land". This is a substitution for Sections 3 and 4....

The bill would subsequently delete Sections 8, 10, 11 and 15.

Another amendment decided upon by the committee was to limit the bonding capacity to \$300,000,000.

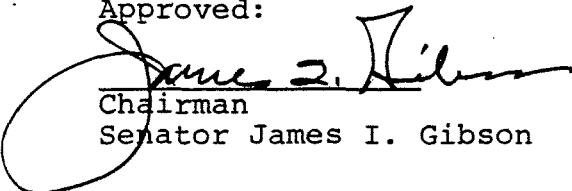
Line 7, Page 8, Add the following after the word "which" --  
"is necessary to provide adequate reserves for the debt service on the bonds.

With the above amendment suggestions the following motion was made:

Senator Ford moved "Amend and Do Pass"  
Seconded by Senator Dodge  
Motion carried unanimously.

With no further business the meeting was adjourned at 5:55 p.m.

Approved:

  
Chairman  
Senator James I. Gibson

Respectfully submitted,

  
Janice M. Peck - Committee Secretary



1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Senate</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>		<del>Joint</del>
Date:	Date:	Bill No. <u>311</u>	<del>Resolution No.</del>
Initial:	Initial:	BDR <u>23-1089</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Committee on Finance</u>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date:	Date:		
Initial:	Initial:		

Amendment N<sup>o</sup> 575

Conflicts with Amendment No. 354.

Amend section 2, page 1, by deleting lines 3 through 20 and inserting:

"Sec. 2. 1. After consulting with appointing authorities and the chief of the budget division of the department of administration, and with the approval of the commission, the chief shall adopt regulations for the preparation of a pay plan for all employees in the classified service.

2. The pay plan prepared pursuant to the regulations adopted by the chief and any amendments thereto must be approved by the commission and the governor.

3. The pay plan must include ranges for each class, grade or group of positions in the classified service. Each employee is entitled to be paid at one of the rates set forth in the pay plan for the class of position in which he is employed, within the limits of legislative appropriation.

4. The chief shall adopt regulations providing for progression, based on merit and fitness only, through the range established for

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Journal  
Engrossment ✓  
Bill

Date 4-12-79 Drafted by DGS:iw

the position occupied by an employee. The regulations may include provision for special incentive awards, payable not more often than annually in a single payment for high levels of performance.

5. A regulation which provides for progression through a salary range must provide that only employees whose performance has been evaluated as being adequate or better, and who have not attained the highest salary in the range, may receive an increase in salary. The regulation may set forth percentages of increase allowable, which may not be more than:

(a) An increase of 2 1/2 percent for adequate performance.

(b) An increase of 5 percent for proficient performance or better,

*flush* not including any incentive award made by a single payment."

Amend section 3, page 2, by deleting lines 1 through 3 and inserting:

"Sec. 3. Any regulation adopted by the chief which sets forth a system of incentive awards must conform to the following standards:

1. Special incentive awards, payable as a single amount, may be granted only to employees whose performance during the preceding year has been evaluated as being above a rating of "proficient," and must be variable according to the actual performance of the employee.

2. The number of awards which may given in any 1 year, must be limited as follows:

(a) Agencies which employ 20 or more persons may grant special incentive awards to no more than 10 percent of the employees.

(b) Agencies which employ fewer than 20 persons but more than five persons may grant two incentive awards.

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(c) Agencies which employ five or fewer persons may grant one incentive award.

3. Special incentive awards must:

(a) Be granted from money available within the amount appropriated for salaries;

(b) Not exceed \$600 for an employee who is being paid at the top of his salary range, or \$300 for an employee who has received a salary increase of 5 percent; and

(c) Not be granted more often than once in each 12 months, or to an employee who has not attained the first anniversary of the date of his employment, but granting an award may not affect consideration of that employee for an award in another year.

4. The administrator of each agency must:

(a) Ensure that incentive awards are distributed in a reasonable manner among major occupational groupings; and

(b) Make efforts in good faith to seek out and properly identify employees whose performance is adequate or below as well as those whose performance is proficient or above."

Amend section 4, page 2, line 4, by inserting "1." before "The" and by inserting after "to" the words "the governor and".

Amend section 4, page 2, lines 5 and 6, by deleting "legislative session," and inserting "regular session of the legislature,".

Amend section 4, page 2, line 8, by deleting "1." and inserting "(a)".

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Amend section 4, page 2, by deleting lines 9 and 10 and inserting:

"(b) An analysis of the use of the system of incentive awards.

2. The chief shall adopt regulations requiring submission of data to him by each agency to enable him to determine whether any administrator of an agency or any supervisor is abusing the evaluation system by wrongly evaluating employees as "adequate" who should be evaluated as "proficient." The chief shall include his findings in the report required by subsection 1."

Amend the bill as a whole by deleting section 5 and renumbering sections 6 and 7 as 5 and 6, respectively.

Amend section 6, pages 2 and 3, by deleting lines 27 through 49 on page 2 and lines 1 through 10 on page 3, and inserting:

"284.175 1. [After consultation with appointing authorities and state fiscal officers, and after a public hearing and approval by the commission, the chief shall prescribe regulations for a pay plan for all employees in the classified service.

2. The pay plan and amendments thereto become effective only after approval by the commission and the governor.

3. The chief shall prepare a pay plan and ranges for each class, grade or group of positions in the classified service. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he is employed and at such time as necessary funds are made available for such payment.

4. The chief shall prescribe regulations that provide for progression through the rate ranges based on merit and fitness alone.

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Upon approval of the commission such regulations become effective.

5.] Except as otherwise provided in this subsection, no employee in the classified service may receive a salary in excess of 95 percent of the salary received by his immediate supervisor if his immediate supervisor is in the unclassified service. The provisions of this subsection shall not:

(a) Reduce the salary of any employee in the classified service.

(b) Apply to physicians, surgeons, dentists or veterinarians in full-time employment with the state, to the state welfare administrator, or to engineers employed by the state public works board or the division of Colorado River resources. During regular legislative session salaries for the classified service of the state [shall] must be set based upon the prevailing rates paid in government and industry for comparable jobs within the State of Nevada and western states, where appropriate.

[6.] 2. The provisions of subsection [5] 1 are subject to the further limitation imposed by NRS 281.123."

Amend section 7, page 3, by deleting line 16 and inserting:

"2. The chief shall adopt regulations specifying a committee to hear appeals of decisions which establish standards of work performance. An employee may appeal a decision which establishes standards of work performance for his position. If the committee finds that the standards are arbitrary, obviously beyond the level of the position, or so difficult that they are beyond the ability of a competent person, it shall so inform the administrator of the

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agency. The administrator shall give full consideration to the advice received from the committee in setting the standards of work performance to fit the need of the agency.

3. The chief shall:".

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to remain current in techniques and procedures relating to his employment. No person may be granted assistance under this subsection without the prior approval of the administrator of the rehabilitation division as to educational subject matter.

[1:152:1953] + [2:152:1953]—(NRS A 1960, 156; 1963, 898; 1965, 397; 1971, 570, 1324; 1973, 1406)

**281.155 Payment of compensation due to deceased employees of political subdivisions.**

1. If the employee has filed a written designation of beneficiary, the final payment of compensation due a deceased employee of any county, city, town, township, district or any other political subdivision of the State of Nevada, is not his property or that of his estate but shall be released to the designated beneficiary upon the written request of such beneficiary.

2. If the deceased employee has not filed such a designation with his employing public entity, the final payment is a part of the employee's personal estate.

3. As used in this section, "final payment" means the net amount due the employee after the deduction of all lawfully withheld sums from the employee's gross compensation.

(Added to NRS by 1975, 1153)

**TRAVEL EXPENSES AND SUBSISTENCE ALLOWANCES  
OF STATE OFFICERS AND EMPLOYEES**

**281.160 Travel expenses and subsistence allowances of state officers and employees; use of private, special use vehicles.**

1. Except as provided in subsection 2 or otherwise provided by law, when any district judge, state officer, commissioner, representative of the state, or other state employee of any office, department, board, commission, bureau, agency or institution operating by authority of law, and supported in whole or in part by any public funds, whether the public funds are funds received from the Federal Government of the United States or any branch or agency thereof, or from private or any other sources, is entitled to receive his expenses in the transaction of public business outside the municipality or other area in which his principal office is located, such person shall be paid up to \$30 for each 24-hour period during which he is away from such office and within the state, and up to \$17 in addition to a reasonable room rate for each 24-hour period during which he is outside the state.

2. Such person may receive expenses for a period of less than 24 hours in accordance with regulations of the state board of examiners.

3. Any person enumerated in subsection 1 may receive an allowance for transportation pursuant to public business, whether within or without the municipality or other area in which his principal office is located. Transportation shall be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles

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and special use vehicles. The allowance for travel by private conveyance is 17 cents per mile so traveled, except that if a private conveyance is used for reasons of personal convenience in transaction of state business, the allowance for travel is 10 cents per mile so traveled.

4. The state board of examiners may establish a transportation allowance for the use of private, special use vehicles on public business by any person enumerated in subsection 1, whether within or without the municipality or other area in which his principal office is located. Such allowance shall be established:

(a) At rates higher than the rates established in subsection 3.

(b) Except as provided in paragraph (c), at a rate of not more than 20 cents per mile so traveled.

(c) When the special use vehicle is used for reasons of personal convenience, at a rate of not more than 12 cents per mile so traveled.

5. The state board of examiners shall adopt regulations, and shall require other state agencies to adopt regulations, in accordance with the purpose and intent of this section, and a state agency may, with the approval of the state board of examiners, adopt an expense reimbursement rate of less than the amounts specified in subsection 1 where unusual circumstances make such rate desirable.

[1:17:1928; A 1953, 376; 1955, 381]—(NRS A 1959, 860; 1960, 297; 1961, 279; 1963, 143, 478, 1281; 1965, 289; 1967, 453; 1971, 593; 1973, 187, 369; 1975, 255; 1977, 793)

**281.165 District judges' travel, subsistence claims processed by clerk of supreme court.** All claims of district judges for travel expenses and subsistence allowances shall be submitted to the clerk of the supreme court, in accordance with NRS 2.285.

(Added to NRS by 1961, 401; A 1965, 53)

**281.167 Travel, moving expenses on transfer of employee.**

1. If a state agency, board or commission transfers, for the convenience of the state, any employee with permanent status from one location to another for permanent assignment, the agency, board or commission may pay the travel expenses, subsistence allowances and expenses of moving household furnishings and appliances of the employee and his family.

2. If an employee of a state agency, board or commission changes, for the convenience of the state, his employment to another state agency, board or commission, the agency, board or commission which accepts the employee may pay the travel expenses, subsistence allowances and expenses of moving household furnishings and appliances of the employee and his family.

3. Maximum weight allowances, travel expenses and subsistence allowances for the employee and his family shall be determined by regulations of the state board of examiners.

4. All requests for payment of travel expenses, subsistence allowances and moving expenses shall be submitted to the state board of examiners before obligations are incurred. Upon approval by the state board

DEFINITIONS

**281.005** Definitions: "Public officer"; "special use vehicle." As used in this chapter:

1. Except as limited for the purposes of NRS 281.411 to 281.581, inclusive, "public officer" means a person elected or appointed to a position which:

(a) Is established by the constitution or a statute of this state, or by a charter or ordinance of a political subdivision of this state; and

(b) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

2. "Special use vehicle" means any vehicle designed or used for the transportation of persons or property off paved highways.

(Added to NRS by 1967, 1471; A 1971, 593; 1977, 1109)

CLASSIFICATION AND COMMISSIONS OF OFFICERS

**281.010** Elected and appointed officers.

1. The following officers shall be elected:

(a) A governor.

(b) A lieutenant governor.

(c) Two United States Senators.

(d) The number of members of the House of Representatives of the United States to which this state may be entitled.

(e) The number of presidential electors to which this state may be entitled.

(f) Five justices of the supreme court.

(g) District judges, as provided in NRS 3.010.

(h) Senators and members of the assembly.

(i) A secretary of state.

(j) A state treasurer.

(k) A state controller.

(l) An attorney general.

(m) Other officers whose elections are provided for by law.

(n) For each county, and the equivalent officers for Carson City:

(1) One county clerk, who shall be ex officio clerk of the board of county commissioners and clerk of the district court of his county.

(2) One sheriff.

(3) One district attorney.

(4) One public administrator, except where otherwise provided by law.

(5) One county assessor, except where otherwise provided by law.

(6) One county treasurer, except where otherwise provided by law.

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**281.020 OFFICERS AND EMPLOYEES GENERALLY**

- (7) The number of county commissioners as provided by law.
  - (8) One county recorder, who shall be ex officio county auditor in counties having a population of less than 100,000 as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce.
  - (9) Justices of the peace.
  - (10) Constables, except where otherwise provided by law.
  - 2. The following officers shall be appointed:
    - (a) Notaries public.
    - (b) Commissioners of deeds for the respective states and territories of the United States and foreign countries.
    - (c) All officers who are not elected.
- [1:108:1866; B § 2599; BH § 1636; C § 1782; RL § 2765; NCL § 4765]—(NRS A 1957, 109, 655; 1967, 455; 1969, 7, 328, 1110, 1466, 1524, 1545; 1973, 318, 1479)

**281.020 State officers to receive commissions from governor.**

- 1. All state officers shall receive their commissions from the governor.
- 2. All commissions of officers shall be in the name and by the authority of the State of Nevada, and shall be sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.  
[29:108:1866; B § 2627; BH § 1664; C § 1810; RL § 2793; NCL § 4793] + [Part 30:108:1866; B § 2628; BH § 1665; C § 1811; RL § 2794; NCL § 4794]

**281.030 Official oath: Endorsement on commission or certificate of election.**

- 1. The official oath, except in the cases specified in NRS 218.090, 223.030 and 224.030, shall be endorsed on the commission or certificate of election of the officer and signed by him, and shall be certified by the officer before whom the oath or affirmation shall have been taken.
- 2. Every officer, whose oath of office is required to be endorsed on his commission or certificate of election, shall take and subscribe to the oath at the time of the reception of the commission or certificate.
- 3. The oath shall be taken, and, except in the cases prescribed in NRS 218.090, 223.030 and 224.030, may be subscribed before any justice of the supreme court or clerk thereof, any judge of the district court or clerk thereof, a county clerk, notary public, or justice of the peace, unless otherwise directed by law.  
[23:108:1866; B § 2621; BH § 1658; C § 1804; RL § 2787; NCL § 4787] + [26:108:1866; B § 2624; BH § 1661; C § 1807; RL § 2790; NCL § 4790] + [27:108:1866; B § 2625; BH § 1662; C § 1808; RL § 2791; NCL § 4791]

**DISQUALIFICATIONS FOR OFFICE OR EMPLOYMENT**

**281.040 Eligibility for office of honor, profit or trust. No person**

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who attends a meeting of the commission but does not replace a regular member is entitled to the travel expenses provided by law.

[4:134:1953]—(NRS A 1961, 205; 1965, 1461; 1967, 1397; 1975, 296; 1977, 1569)

**218.681 General objectives, functions of legislative commission.**

1. The general objectives and functions of the legislative commission are to:

(a) Assist the legislature in retaining status coordinate with the executive and judicial branches of state government.

(b) Investigate and inquire only into subjects upon which the legislature may act by the enactment or amendment of statutes.

(c) Assure that the most effective use is made of the audit, fiscal, legal and research services and facilities provided by the legislative counsel bureau to the legislature and its members.

2. In addition to the powers and duties elsewhere conferred and imposed upon the legislative commission in this chapter, in order to carry out its general objectives and functions the legislative commission:

(a) Shall receive recommendations and suggestions for legislation or investigation from:

(1) Members of the legislative commission and other members of the legislature; and

(2) Any board, commission, department or officer of the state government or any local government.

(b) May receive recommendations and suggestions for legislation or investigation from:

(1) Bar associations, chambers of commerce, labor unions and other organized associations and groups; and

(2) Individual citizens.

(c) May hold hearings on any subject or matter which is a proper subject for legislative action whenever it considers such hearings necessary or desirable in the performance of its duties.

(Added to NRS by 1965, 1463; A 1973, 1660; 1975, 1395)

**218.682 Powers of legislative commission.** The legislative commission may:

1. Carry forward the participation of the State of Nevada as a member of the Council of State Governments and the National Conference of State Legislatures, and may pay annual dues to such organizations out of the legislative fund. The legislative commission is designated as Nevada's commission on interstate cooperation.

2. Encourage and assist the government of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with the other states, with the Federal Government, and with local units of government.

3. Establish such delegations and committees as official agencies of the legislative counsel bureau as may be deemed advisable to confer with similar delegations and committees from other states concerning

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problems of mutual interest. The membership of such delegations and committees shall be designated by the members of the legislative commission and may consist of legislators and employees of the state other than members of the commission. Members of such delegations and committees shall serve without salary, but they shall receive out of the legislative fund the per diem expense allowance and travel expenses as provided by law.

4. Endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation, and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information, and any other suitable process.

5. Establish such subcommittees and interim or special committees as official agencies of the legislative counsel bureau as may be deemed advisable to deal with governmental problems, important issues of public policy and questions of statewide interest. The membership of such subcommittees and interim or special committees shall be designated by the members of the legislative commission and may consist of members of the legislative commission and legislators other than members of the commission, employees of the State of Nevada or citizens of the State of Nevada. Members of such subcommittees and interim or special committees who are not legislators shall serve without salary, but they shall receive out of the legislative fund the per diem expense allowances and travel expenses as provided by law. Members of such subcommittees and interim or special committees who are legislators shall receive out of the legislative fund a salary of \$40 a day for each day's attendance and the per diem expense allowances and travel expenses as provided by law.

6. Supervise the functions assigned to the divisions of the bureau in this chapter.

[10:134:1953]—(NRS A 1957, 386; 1961, 253; 1963, 1014; 1965, 1455; 1971, 2206; 1973, 119, 1118; 1975, 296)

**218.6821 Subpena power of legislative commission; witnesses' fees and mileage.**

1. In the discharge of any duty imposed by this chapter, the legislative commission shall have the authority to:

(a) Administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, department records, documents and testimony; and

(b) Cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

2. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the legislative commission, or on the refusal of any witness to testify to any matters regarding which he may

4-11-11 JW

Testimony of the Las Vegas Valley Water District

Re: Senate Bill No. 431

My name is James Widner. I am Chief of Administrative Services for the Las Vegas Valley Water District. I am here to provide testimony in support of Senate Bill No. 431.

This bill would merely make one word change that is wrong in Section 11. It would also change Section 42 so that the refund of any excess assessments would be made on a more equitable basis than the act now calls for. Specifically, if a property owner were to sell his land and subsequently there develops potential for a refund of costs, we feel that the refund should be refunded to the current property owner so that he receives both the positives and the negatives that go along with assessments to cover the costs of installing water improvements.

For instance, if a property is sold and the assessment had been paid in full by the prior owner, the price of the home would surely reflect the previous assessment payments. However, under the current language, any refund would be made to the prior owner, so he would recover his costs twice.

Another problem with the current process is that often we do not know who paid the assessment, if it were paid as a part of an escrow transaction. This makes a refund to "those by whom it was paid" impractical, if not impossible to determine.

Thank you. I would be pleased to answer any questions you may have.

A G E N D A

Senate Committee on Government Affairs

Date Monday, April 16, 1979

Time 2:00 p.m. Room 243

Bills or Resolutions  
to be considered

Subject

Counsel  
Requested\*

- S.B. 375- Increases salaries of district attorneys.
- S.B. 392- Amends qualifications of certain city attorneys.
- S.B. 428- Provides for additional longevity pay for certain elected county officers.
- S.B. 431- Changes method of refunding any excess from special assessment by Las Vegas valley water district and corrects misprint.

AMENDED ON 4-11-79 to include the following:

- S.B.446- Revises provisions governing issuance of bonds and collection of special assessments by general improvement district.
- A.B.569- Extends provisions for microfilming and disposal of records to justices' courts.
- A.B.343- Permits county to furnish blanket fidelity bond for all its elected officers.
- A.B.496- Permits establishment of employee merit personnel system by ordinance in certain counties

7-11-11 JW

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EXHIBIT

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