

Minutes of the Nevada State Legislature

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

Date: May 4, 1979.....

Page: One.....

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

Also President: See Attached Guest Register

Chairman called the forty-third meeting of the Government Affairs committee to order at 2:00 p.m.

SB-498 Includes development of land as permissible project for purposes relating to certain county and city revenue bonds.

Chairman Gibson noted that in the minutes of a previous hearing that this bill would be held over until Monday, May 7th. The bill was acted upon during the May 2nd hearing and the motion of "Do Pass" was voted down in the committee. The Chairman stated that the people who had planned to testify on Monday should have an opportunity to testify on the bill. The bill would be re-scheduled for those wishing to testify on Monday, May 7th.

AB-675 Adds provisions concerning revitalization and redevelopment to charter of City of Sparks.

Bob Johnson, Bond Counsel for Dawson, Nagel, Sherman, etc. testified that there are special problems with regards to the tax increment law calling it unconstitutional in the Sparks case by the federal government. All the charters are invalid because of this filing by the courts. Sparks is having a difficult time finding a way to finance their bonds. If the charters are amended and the language is cleared up then the law will uphold them in the courts. Mr. Johnson stated that they need to get rid of the cloud over these charters. He advised the committee to process this bill in order to clear up the problems with the charter in Sparks.

Assemblyman Dini was present to answer questions from the Assembly Government Affairs Committee. Mr. Dini stated that the deletion of private practice for the City Attorney was because the salary has already been set. The Sparks people stated that they would bring this up at the next session of the Legislature.

Senator Kosinski stated that the Sparks charter committee and the city attorney are in agreement with the provisions of AB-675.

Chairman Gibson asked the committee if the bill could be amended and referred back to the committee so that the amendments could be reviewed in context. Senator Kosinski was asked to get the appropriate amendments drafted and bring them back to the committee.

Minutes of the Nevada State Legislature

Senate Committee on Government Affairs

Date: May 4, 1979

Page: TWO

Russ McDonald, representing the City of Sparks, suggested that the bill be held for study during the interim and taken up at the beginning of the next session.

The committee decided not to take any action on the bill until further information could be obtained.

AB-210 Revises certain disciplinary and appeal procedures for classified state employees.

Chairman noted that this bill is being reconsidered due to the problems that various agencies feel will result from the passage of this bill in its present amended form.

Connie Joe Picking, testified to the committee on behalf of the Personnel Advisory Commission. They feel that with an amendment prepared by them the bill will be workable and they will not oppose it. The amendment would be on page 3, deleting the authority of the hearings officer to modify the action taken on an employee.

George Miller, Welfare Director, concurred with the statements made by Mrs. Picking and presented a memo from Mr. Melner of the Attorney General's office. (See Attachment #1) Mr. Miller stated that he agreed with the findings Mr. Melner presented on why a hearings officer should not be allowed to modify action taken on an employee. This was the only portion of the bill that Mr. Miller felt needed amending language.

Jim Wittenberg, Personnel Administrator, testified to the committee that there is a technical correction to be made. Page 1, line 4 it should refer only to permanent state classified employees. It is an important change because the bill should only deal with permanent employees. Temporary employees do not have the right of appeal.

Bob Gagnier, Executive Director of the State of Nevada Employees Association, testified to the committee that they oppose any amendment changes to the bill with regard to the authority given to the Hearings Officer in AB-210.

Senator Raggio felt that the Hearings officer and the State Personnel Officer can have the same authority to modify action taken. With the amendments proposed the Hearings Officer will not have any authority to do anything.

Senator Kosinski stated that there is a difference between the ability to modify the action taken and the ability to insure that that the Personnel Officer would have must cause for action on the employee being considered. The P.A.C. hearing is de novo and the Hearings Officer is just reviewing whether or not there is cause. If there is a difference then the committee should make the hearings be de novo.

The committee decided to check the language with the bill drafter prior to taking action.

SB-544 Amends North Las Vegas city charter to provide for appointment and supervision of city attorney by city council.

Senator Echols asked for this to be held unless there was someone present to testify.

Tom Hickey presented a letter the City Manager for the City of North Las Vegas had sent to Chairman Gibson. The chairman read the letter to the committee which suggested that the law should not be changed unless there is full concurrence of the city council.

Mr. Etcheverry, Executive Director of the Nevada League of Cities, testified to the committee that this bill should be held until other members on the city council can be contacted.

Chairman Gibson stated that he would hold SB-544 until Senator Echols indicated that it could be processed.

SB-545 Amends the Washoe County Airport Authority Act.

Bob Mandeville, Director of the Airport Authority, stated that due to the federal regulations the language in SB-545 is necessary to provide flexibility to the act in order to comply with these regulations. One amendment would be to change the title so that the name will be the Airport Authority of Washoe County.

Mr. Mandeville further stated that the bill will provide for the terms of office to be staggered. The bill will also allow eminent domain procedures by the airport authority to exercise control over the acquiring of land. The bill will provide the authority to condemn land as the airport needs to expand. With this provision comes the vehicular traffic authority.

In Section 10, subsections 4 and 5 Mr. Mandeville pointed out that it will allow for general obligation bonds and revenue bonds, this language is similar to other government entities. Mr. Mandeville felt that the airport needs to have the ability to use the ad valorem tax system.

The act does not allow for police and the power of arrest for the police officers. This ability is important to the ability of the airport to handle the special problems that arise. They should be eligible for the early retirement program and other benefits that the Washoe County police department has in their program.

John Kadlic, Deputy District Attorney in the Civil Division and Mr. Bob Johnson, bond counsel were present at this meeting.

Minutes of the Nevada State Legislature

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

Date: May 4, 1979

Page: Four

Bob Johnson, Bond counsel stated that the power of condemnation affects the security and strength of the bonds. I.R.S. feels that this power is important to the security of the bonds.

Russ McDonald stated that he drafted this bill for the airport authority. The Justice court is the proper jurisdiction for the police language to be included and not under the power of the county. Mr. McDonald also addressed the language on eminent domain and Mr. Johnson concurred with the correctness of the language.

Senator Kosinski asked Mr. Mandeville to explain the reasons for the airport having eminent domain authority.

Mr. Mandeville stated that without this authority the airport could not meet the federal requirements. The county and the airport could be co-sponsors. Mr. Mandeville also felt that they could have problems with inverse condemnation but this has not occurred during the time that the airport has been in existence.

Senator Kosinski felt that the local governments were hiding behind the county authority on this problem. Mr. Mandeville responded that this is not a big issue and if it causes the committee problems it could be reworded. Legal counsel indicated that if the airport does not provide adequate space for another airline they could be liable for a suit because they did not provide a legal vehicle for space.

Senator Raggio stated that he heard the authority was concerned with establishing their own police department.

Mr. Mandeville responded that they do not want to establish their own police force but they need to be able to offer some of the benefits that are part of the pay package for other policemen in Washoe County.

Chairman Gibson stated that if the police officers wanted to get into early retirement it will go to the Finance Committee. This could possibly delay the bill so that it will not be processed during the sixtieth session.

Mr. Mandeville acknowledged that fact and in order to justify the need he went over the duties that are involved in police work at an airport for the committee. He stated that they presently have 17 police officers working at the airport and as the airport grows they feel this number should be increased to 20 or 25 policemen.

Mr. Mandeville also stated that they have jurisdiction over 50,000 feet outside the airport for air hazards and they have always worked with the city and county on zoning problems.

Minutes of the Nevada State Legislature  
Senate Committee on Government Affairs  
Date: May 4, 1979  
Page: Five

Senator Ford questioned the authority on zoning and the need for a board on noise problems. (Section 16, subsection B)

Mr. Mandeville stated that the board on noise pollution can make recommendations to the airport authority. The airport authority takes these recommendations under consideration and makes the necessary changes. Again Mr. Mandeville felt that if the language caused problems it could be re-worded or deleted.

Chairman Gibson, Senator Ford and Senator Echols all concurred that there is a problem with the concurrent authority of the board and the appointed board. The committee felt that if the boards and the city differed on opinion of zoning authority it could lead to conflict.

Russ McDonald felt that this has never been a problem before and now that the airport is under the authority of the airport authority of Washoe County there needs to be certain changes in the language. Mr. McDonald suggested that the language could be changed to reflect that the regulations and ordinances of the two entities would be similar in nature.

Senator Echols felt that if the language on line 31, page 9 could be changed to add, "joint" between "by" and "ordinance", it would clear up the problem.

Senator Ford stated that on page 9, Section 15, the joint board is an appointed board and it is appointed by an appointed board, this is confusing and should be cleared up. The Senator also felt that Section 16 was in direct conflict with Section 15 as presently written.

Russ McDonald felt that Chapter 497 of the NRS should be read in context with these changes. The definition of a political subdivision is the confusing language.

Senator Echols felt that the language regarding the airport zoning board should have "hazard inserted".

Senator Raggio suggested that we amend Section 16 to include the word "joint" with regard to the ordinance and resolutions. The Senator also felt that they should allow the airport to have their own police force with the power to arrest. The Senator agreed that the police should have the early retirement benefits.

Senator Ford stated that she still had difficulty with the changing of the definition of a political subdivision within the general law. The Senator felt that the committee should hold this bill until the bill drafter can give some explanations for this language.

Chairman Gibson stated that he would hold the bill until Monday, **1188**  
May 7, 1979.

Minutes of the Nevada State Legislature

Senate Committee on Government Affairs

Date: May 4, 1979

Page: Six

AB-341 Provides for observance of Veterans' Day on a weekday each year.

Pat Gallagher, representing Clark County, stated that this bill is to make the observance of Veterans' Day uniform with the other holidays in Nevada.

Mitch Brust, State Personnel Division, testified in support of the bill and concurred with Ms. Gallagher's statement.

Senator Ford moved "Do Pass" on AB-341  
Seconded by Senator Dodge  
Motion carried unanimously.

AB-772 Revises notice requirement for vacation or abandonment of streets or easements.

Chales Zobel, representing the City of Las Vegas stated that this bill was requested by the city to change one problem they are facing. They must place a notice of change on the property. Sometimes this notice blows away and the owner never is aware of the development that will be coming. They feel that the city should notify the ~~abutting~~ butting property owners at least once by certified mail and also post one notice on the property.

Senator Keith Ashworth felt that the important notice is the one that goes to the butting property owners. The remaining notices are not necessary, especially with the expense of printing and advertising. This portion could be deleted.

Mr. Zobel indicated that they would accept the deletion noted by Senator Ashworth. The committee did not feel that this change should be made and considered the following action without regard to the amending language proposed by Senator Ashworth.

Senator Ford moved "Do Pass" on AB-772  
Seconded by Senator Dodge  
Motion carried unanimously.

SB-550 Includes certain activities relating to mobile home parks and mobile homes in definition of "housing project" under Housing Authorities Law of 1947.

Charles Zobel also testified to the committee for the City of Las Vegas on SB-550. He stated that seniors don't move often and when they are settled they do not want to move. They presently have a waiting list for housing for the seniors that makes these people wait for almost three years to get into one of their units. With inflation the cost for renting a space in a mobile home park has gone up considerably. This bill will allow the purchase of some land to develop into a park for the seniors and the rental spaces will be more affordable.

Minutes of the Nevada State Legislature  
Senate Committee on Government Affairs  
Date: May 4, 1979  
Page: Seven

Chairman Gibson agreed with the testimony given by Mr. Zobel and stated that there is a definite problem in the Clark County area. Some mobile home parks were closed down and the seniors had a difficult time trying to afford the rental costs for the new areas.

The committee discussed the need for this type of legislation and Mr. Zobel responded to a question on the rental costs by stating that the rent would be around \$120 per month.

The committee was concerned with the reference to leasing in the bill and Mr. Zobel stated that he would check with the bill drafter as this was not his language. Chairman Gibson stated that the committee would act on the bill but not introduce it on the floor until Mr. Zobel could return with an opinion from the bill drafter regarding the reference to leasing.

Senator Keith Ashworth moved "Do Pass" on SB-550  
Seconded by Senator Kosinski  
Motion carried unanimously.

SB-556 Creates office of public trustees in county.

Senator Keith Ashworth stated that this bill was created through the original SB-507 and the amendments suggested by Clark County. The Senator was chairman of the sub-committee to work on this bill.

Pat Gallagher and Scott Doyle from Clark County were present to testify.

Scott Doyle, representing the Clark County District Attorney's office went over the bill for the committee and referred the committee to the new language.

Senator Raggio questioned the language on line 12 of page 2 where the individual might only have \$50. There should be a limit on the amount of money involved that the state will get involved with.

Chairman Gibson asked Senator Ashworth to handle the amendment regarding the limit. Mr. Doyle agreed that this language should be provided in the bill. It was agreed that the limit should be \$1,000.

At this point Mr. Doyle returned to the bill and continued going over the various sections.

Senator Raggio also felt that there should be some language to provide for retaining counsel. This language doesn't belong in Section 7, it should be referenced to the general probate law. Senator Raggio felt that it should be placed between Section 7 and Section 8. Mr. Doyle agreed with this suggestion.

Minutes of the Nevada State Legislature

Senate Committee on Government Affairs

Date: May 4, 1979

Page: Eight

Senator Raggio also suggested that the reference to 11 years on line 37, page 4 should be changed to 10 years in order to be in compliance with the procedures determined in the Judiciary committee. The Senator also expressed concern about the five day period for temporary guardianship to be established. This should be extended.

Scott Doyle stated that this would allow for a second hearing and another chance for a temporary guardianship appointment.

Mr. Doyle continued with the explanations on the reprinted bill and the committee concurred with these changes.

Senator Kosinski moved "Amend and Do Pass" on SB-556  
Seconded by Senator Dodge  
Motion carried unanimously.

Chairman Gibson assigned Senator Ashworth to get the appropriate amendments.

SB-547 Allows any attorney to be appointed as  
alternate police judge.

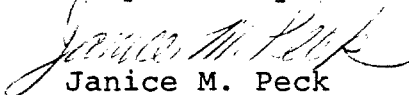
Senator Kosinski stated that this bill was requested by the City of Sparks.

The Senator explained the bill for the committee and there were no objections to this bill.

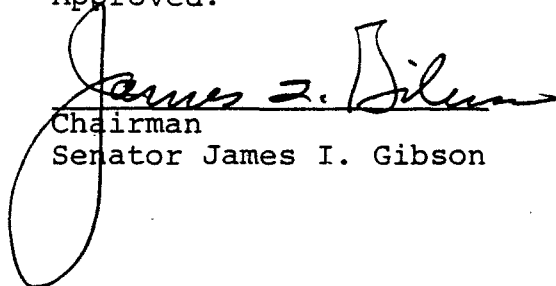
Senator Kosinski moved "Do Pass" on SB-547  
Seconded by Senator Dodge  
Motion carried unanimously.

With no further business the meeting was adjourned at 6 P.M.

Respectfully submitted,

  
Janice M. Peck  
Committee Secretary

Approved:

  
Chairman  
Senator James I. Gibson



## MEMO

DATE: May 2, 1979

TO: G. Miller, State Welfare Administrator

FROM: M. Melner, Deputy Attorney General *MLM*

SUBJECT: AB-210 - REASONS FOR NOT ALLOWING HEARING OFFICER TO MODIFY PUNISHMENTS

1. Modification is a management decision since it can affect all other employees. A change in grade directed by hearing officer could compact other employees or change the scope of the supervisory role. Either management has the authority to punish in light of the offense or not. The hearing officer should have only the authority to determine whether the agency acted within the law. His jurisdiction is legal, the Division's is administrative; the crossover of the hearing officer into administration would affect every other employee in the Division.
2. There is also a great risk that the hearing officer would resolve the issue of reasonable doubt by giving a "lighter sentence". One of the dangers in any process is that courts, if not carefully monitored, will decide that someone is not quite guilty but not quite innocent and will resolve the doubt by coming up with a lighter sentence or lessened sentence. The division of the legal role from the management role should not allow the hearing officer to resolve his doubts by changing the sentence. Either management has the authority as a matter of law, or it doesn't. If it has the authority as a matter of law the punishment should solely be within the scope of a manager.

MM/ia

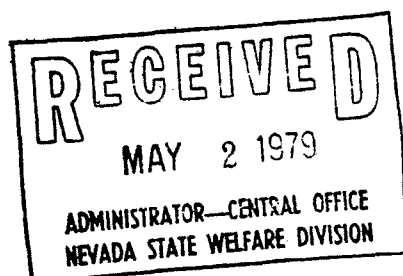


EXHIBIT 1-1184

A G E N D A

Senate Committee on Government Affairs

Date Friday, May 4, 1979

Time 2:00 P.M. Room 243

Bills or Resolutions  
to be considered

Subject

Counsel  
Requested\*

- A.B.210- Revises certain disciplinary and appeal procedures for classified state employees.
- S.B.544- Amends North Las Vegas city charter to provide for appointment and supervision of city attorney by city council.
- S.B.545- Amends the Washoe County Airport Authority Act.
- S.B.547- Allows any attorney to be appointed as alternate for police judge.
- A.B.341- Provides for observance of Veterans' Day on a weekday each year.
- A.B.772- Revises notice requirement for vacation or abandonment of streets or easements.

The following are for committee action only.

- S.B.261- Creates commission for economic development.

The agenda has been amended, effective May 3, 1979, to include the following:

- S.B.550- Includes certain activities relating to mobile home parks and mobile homes in definition of "housing project" under Housing Authorities Law of 1947.
- S.B.556- Creates office of public trustees in county.