

MEMBERS PRESENT: Chairman Dini
Vice Chairman Schofield
Mr. Craddock
Mr. DuBois
Mr. Jeffrey
Mr. May
Mr. Mello
Mr. Nicholas
Mr. Polish
Mr. Prengaman
Mr. Redelsperger

MEMBERS ABSENT: None

GUESTS: Mr. G. P. Etcheverry, Nevada League of Cities
Ms. Janice Pine, Councilman, Reno
Mr. Ron Creagh, City of Reno
Mr. Jim Hannah, State Environmental Commission
Mr. Chuck Neely, Clark County School District
Ms. Sharon Cleary, Nevada Assoc. of Realtors

Chairman Dini called the meeting to order at 8:10 A.M. He stated that he had some requests for bills to be drafted. One is from the Housing Division of the Department of Commerce, raising the bond indebtedness from \$500 million to \$650 million. The second bill from the Housing Division adds a penalty for false loan applications. Does the committee approve of these bills* being drafted. Mr. Mello so moved. There was no opposition. There are three bills from the City of Sparks, which came in a day late, and Mr. Dini asked for the committee's approval to send them from drafting. Mr. Mello so moved. There was no opposition.

Mr. Frank Daykin, Legislative Counsel, testified that the Legislative Counsel is mandated to call to the attention of the Legislature conflicting or duplicative provisions of the statutes. AB-141 - Eliminates statutory conflict concerning membership of zoning boards of adjustment. A few years ago you amended a section of Chapter 278 to permit the governing body of a city or county to serve as its board of adjustment instead of appointing one. Governing bodies, of course, have different numbers of members. This statute, which calls for five members was not amended. Therefore, we need simply to take out the specification of the number of members.

AB-142 - Clarifies power to administer oaths in certain hearings and removes statutory language duplicative of Nevada Administrative Procedure Act. This is a clarification in the administrative procedure which governs generally the procedure before executive

* A.B. 468 (BDR 25-1719)

agencies of the state. It has contained no specific provision for authority to administer oaths or affirmation but does contain in the section dealing with contested cases the requirement that testimony be given under oath. So in Section 1, we supply specifically that power to administer oaths. In Section 2 which covers the judicial review, Line 17 "unless limited to a specific statute...".

Mr. Redelsperger noted that Mr. Daykin has taken out public hearings and asked why.

Mr. Daykin replied that public hearings are provided for elsewhere in the administrative procedure act, and again, we have removed anything that was merely duplicative.

Bill AB-143 is likewise a removal and obsolete statutory provisions concerning membership on certain state boards, commissions and similar bodies. A general principle, as Chapter 232(a) that the terms would be three years unless otherwise specified. However, not everything that was duplicative was caught and amended out. This bill removes duplications.

Mr. Daykin also indicated that this summer we will be able to transfer to our own computer statute information that will then be readily available. This ended his testimony.

Mr. Dini indicated that two bills to clean up on. One is AB-48. He advised subcommittee chairman, Mr. DuBois, that he had received a memorandum from Noel A. Clark in which he suggests additional language. The memorandum is attached hereto and made a part of these minutes as EXHIBIT A.

Mr. Schofield noted that there had been talk on Line 7, after 'renewable sources' to add 'advanced conservation techniques'.

Mr. Dini asked if the committee was ready to do so, why don't we amend it and send it down to the floor. Mr. DuBois so moved. Seconded by Mr. Schofield. Motion carried.

On AB-8, Mr. May indicated that the subcommittee has found that irrigation ditches as addressed in the bill will require more discussion and we hope to be able to address the bill the next time it is scheduled.

Mr. Dini advised that Washoe County has sent a resolution asking that natural drainages be included in the bill.

Mr. May indicated that the subcommittee would be ready next week.

Mr. Dini asked for action on AB-141.

Mr. Etcheverry testified that this bill is also a recommendation of the Nevada League of Cities. However, it is the suggestion that the number of board members be left open, instead of indicating five. He suggested that the terms of office should be adjusted if the number of members on a board are increased. A term of two years for some of the board members would then allow staggering of terms.

Mrs. Janice Pine spoke in support of AB-141, and in support of Mr. Etcheverry's suggestion to increase the number of members allowed on boards. Her testimony is attached as EXHIBIT B.

Mr. Ron Creagh, City Manager of Reno testified if there is an increase in the number of board members an appropriate overlap in terms would be in order.

Mrs. Pine suggested that the wording be changed to 'up to seven members'. Subsection 2(b) - terms of members - 'no more than two will expire each year' would be the wording we would recommend.

AB-142 was the next bill and Mr. Jim Hannah, Executive Secretary of the State Environmental Commission spoke regarding Page 2, Line 7, in Section 3. The proposal is to delete Lines 7 and 8 'develop, propose, adopt and amend from time to time after notice of public hearing' and replace all that with 'adopt'. In Line 29 in Section 4, the addition is 'if a regulation proposed by the commission', so the word 'proposed' is added here and deleted up top, so it is inconsistent. This appears also on Line 48, Section 7. He indicated that he had a problem with the word 'propose' and the commission does not propose regulatory change.

AB-143: No testimony

Mr. Dini indicated that he would go through the bills again. AB-141 would be amended per the suggestions by the Reno group. Mr. Craddock so moved.

Mr. May indicated that the League of Cities will be presenting a separate bill and this might conflict with it.

Mr. Creagh affirmed that the League of Cities does have a proposal. Our proposal would give the option of up to seven members. We simply saw an opportunity here since AB-141 was on the agenda to try to incorporate those amendments in this bill and not duplicate that effort in the Senate, thus, eliminating the introduction of the Senate bill.

Mr. Nicholas moved to AMEND AND DO PASS. Mr. DuBois seconded. Motion carried.

AB-142: Mr. Dini indicated that this would be held for written amendments from Mr. Daykin.

AB-143: Mr. May moved a DO PASS. Mr. Nicholas seconded. Motion carried.

Mr. Mello reported that his subcommittee on the Initiative Petition met on February 18 on the consumer advocate office and we are going to work in conjunction with the Senate. The chairman, Spike Wilson, told me that their committee moved that they would go with the idea of consumer advocate office and would go with placing it in the Attorney General's office and they would coincide with and come up with new bill, following the Initiative Petition. An error in reporting indicated that they would be working with AB-58. We will be working on a new bill, along with the Senate. We cannot amend the present Initiative Petition. We have to come up with a whole new bill. When the bill is drafted and is acceptable to both committees, we will go to the floor to have all the names of individuals to wish to go on the bill.

Mr. Nicholas asked Mr. Mello to explain, with the Initiative Petition not going through in this particular form, what effect the 40-day limitation will have on it.

Mr. Mello indicated it will go on the ballot. We are trying to work closely with the Initiative Petition because of the 38,000 signatures and we want those people to back our legislation. We will have the opportunity to show the people that our legislation can do the job. We will have to have their support to go to the people and get them to vote the Initiative Petition down. Our subcommittee will be working in the area of the bill being placed in the Attorney General's office and will be working on budgetary matters. From this committee, if it passes, it will go to Ways and Means. Peggy Westall is working with us in that respect.

Mr. Schofield added that we are going to set up a particular format that will include the staffing, fiscal and qualifications and the Senate side will be looking at the legal and technical side of it.

Mr. Mello added that Spike Wilson has been very hard on the Public Service Commission in that they do not enforce the statutes now. He has the expertise in that area, particularly in the legal and technical field. We will be working with the language of the Initiative Petition in working towards a new bill. We want to strengthen the bill. Hopefully, we can come up with a model piece of legislation that other states can use. We will be looking at the qualifications of the director and staffing. How many people, what type of people will fill those positions and the cost.

Mr. Schofield indicated that the matter of the Public Service Commission will be addressed separately.

Mr. Mello said that we will be trying to help the Public Service Commission in the field of guidelines.

Mr. Dini asked how the committee felt about AB-38, as it might apply to the Initiative Petition. Mr. Mello suggested that it also be reviewed.

Mr. Dini asked Mr. Mello to keep the committee informed of Initiative Petition meetings.

Mr. Nicholas advised the Chairman that the subcommittee on AB-94 would be meeting this afternoon and again in about two weeks.

Mr. Dini adjourned the meeting at 9:00 A.M.

Respectfully submitted

Lucille Hill
Lucille Hill
Assembly Attache

ASSEMBLY GOVERNMENT AFFAIRS COMMITTEE

GUEST LIST

Date 2-19-81

<u>PLEASE PRINT YOUR NAME</u>	<u>PLEASE PRINT REPRESENTING:</u>	<u>I WISH TO SPEAK</u>		
		<u>FOR</u>	<u>AGAINST</u>	<u>BILL NO.</u>
G P F. McNEUEN	New Congress of Color	141		
JANICE RINE	City of Reno	141	✓	
Ron Craggs	" " "	141	✓	
JIM HAWKINS	State Env. Commission		—	142
CLARA NABBY	CLARK COUNTY Sch. Dist			
SHARON CHERRY	NV. Assoc. of RETIRED			

MEMORANDUM

February 10, 1981

To Assemblyman Dini

From Noel A. Clark

Subject:

The Nevada Department of Energy (NDOE) fully supports AB 48 but suggests the following additional language which we believe would clarify and strengthen this bill:

A detailed life cycle cost analysis shall be performed prior to the construction or renovation of public buildings over 20,000 square feet by the state or any political subdivision, district, authority, board or public corporation of the state to identify the most energy and cost effective energy conservation measures and alternative energy resource measures including passive and solar systems, wind systems, and geothermal systems which could be utilized in the construction of the building. The results of the life cycle cost analysis shall be considered by the appropriate authority to determine the type of structures and building components and systems which will be included in the construction or renovation of public buildings. The aforesaid life cycle cost analysis must be applied to all public buildings, the design of which begins on or after July 1, 1981.

PRESENTATION FOR THE COMMITTEE
ON GOVERNMENT AFFAIRS RELATIVE
TO ASSEMBLY BILL NO. 141

My name is Janice Pine, Councilwoman for the City of Reno, and I would like to speak in support of Assembly Bill No. 141.

This proposal was originally initiated by the Nevada League of Cities to enable cities to increase the membership on their Boards of Adjustment to seven members if the local governing body would choose to do so. While the amendment proposed in A.B. No. 141 is necessary in order to accomplish that, it would not in itself be enough to permit cities to appoint more than five members. Section 278.280 (1)(b) would also have to be amended to specify that an appointed board could consist of ^{up to} ~~either 5 or~~ 7 members. If Section 278.280 (1)(b) is not amended, then, an appointed Board of Adjustment will still be restricted to 5 members. *Subsection 2b would also have to be amended from one each year to two expiring per year.*

The Reno City Council believes that a local governing body should have the authority to determine whether or not an expanded membership on the Board of Adjustment would best serve the community's needs. Therefore, while we support this particular bill, we would urge you to also amend Section 278.280 (1)(b) to comply with the League's proposal and permit a community to determine ^{up to how many} whether ~~5 or 7~~ members is ^{most} ~~more~~ appropriate for ^{its} ~~their~~ needs.

278.280