

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON GOVERNMENT AFFAIRS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 27, 1981

The Senate Committee on Government Affairs was called to order by Chairman James I. Gibson, at 2:05 p.m., Monday, April 27, 1981, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda.

COMMITTEE MEMBERS PRESENT:

Senator James I. Gibson, Chairman
Senator Jean Ford, Vice Chairman
Senator Keith Ashworth
Senator Gene Echols
Senator Virgil Getto
Senator James Kosinski
Senator Sue Wagner

STAFF MEMBERS PRESENT:

Andrew Grose, Research Director
Anne Lage, Committee Secretary

SENATE BILL NO. 560

Requires reconveyance of vacated street without charge if reconveyed to person who dedicated property.

Senator Keith Ashworth stated that he had requested introduction of this bill but could not remember the particulars as to what had happened which necessitated this bill. There was no one from Las Vegas to speak on it.

Senator Kosinski moved "Indefinite Postponement" on Senate Bill No. 560.

Senator Getto seconded the motion.

The motion carried. (Senator K. Ashworth voted "No".)

SENATE BILL NO. 567

Empowers county and district hospitals to contract for emergency medical services.

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Mr. Fred Hillerby, Executive Director of the Nevada Hospital Association, testified that the primary purpose of this bill was to allow county hospitals to participate in shared service programs with private hospitals.

Mr. Hillerby explained amendments to the bill which he had proposed after consulting with the bill drafters. (See Exhibit B.)

Senator Ford suggested placing a comma after the word "patients".

Senator Ford moved "Amend and Do Pass" on Senate Bill No. 567.

Senator Getto seconded the motion.

The motion carried unanimously. (Senator Wagner was absent for the vote.)

ASSEMBLY BILL NO. 389

Requires state treasurer to set policies for investment of state money.

Mr. Stan Colton, State Treasurer, testified that this bill removes the word "prescribe" and replaces it with "review and approve and disapprove". This would make the statute conform to the actual duties of the board of finance.

Senator Kosinski questioned whether the words "and approval" should be omitted in line 15. It was agreed that it would be better to omit this language.

Senator Ford moved "Amend and Do Pass" on Assembly Bill No 389.

Senator Kosinski seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NO. 394

Repeals requirement that state treasurer cash warrants and checks.

Mr. Stan Colton testified that the state treasurer's office

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was required to maintain a bank deposit of \$20,000 for the specific purpose of cashing checks of state government employees. He stated that this law was made when there only used to be one bank. Now, there is very little need for the state to maintain this bank.

Senator Wagner moved "Do Pass" on Assembly Bill No. 394.

Senator Echols seconded the motion.

The motion carried unanimously.

Chairman Gibson assigned Senator Getto to present this bill to the Senate floor.

ASSEMBLY BILL NO. 401

Requires annual report by state treasurer.

Mr. Colton testified that the annual report of the treasurer had been combined with the controller's annual report in an effort to save money. However, he stated that the controller's report was not a true reflection of what happens in the treasurer's office. Thus, Mr. Colton had requested through law that the treasurer be required to prepare an annual report for presentation to the governor and the legislative commission within 90 days after the close of the fiscal year.

Senator Ford moved "Do Pass" on Assembly Bill No. 401.

Senator Wagner seconded the motion.

The motion carried unanimously.

Chairman Gibson assigned Senator Wagner to present this bill to the Senate floor.

ASSEMBLY BILL NO. 415

Revises provision for inactive deposits of state money.

Mr. Colton testified that this bill clarifies the provision that time certificates are inactive deposits.

Senator Ford moved "Do Pass" on Assembly Bill No. 415.

Senator Echols seconded the motion.

The motion carried unanimously.

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Chairman Gibson assigned Senator Keith Ashworth to present Assembly Bill No. 415 to the Senate floor.

SENATE BILL NO. 569

Permits counties to establish programs of disability insurance or pensions for all officers and employees.

Mr. David Henry, Washoe County, testified that this bill was submitted by the Washoe County commissioners. It proposed that all officers and employees of the county be allowed the disability pension and disability insurance that was available to the county sheriff deputys and firemen. This would be permissive legislation.

Senator Ford moved "Do Pass" on Senate Bill No. 569.

Senator Keith Ashworth seconded the motion.

The motion carried unanimously.

Chairman Gibson assigned Senator Wagner to explain this bill on the Senate floor.

SENATE BILL NO. 570

Broadens methods by which records of local government may be destroyed.

Mr. David Henry testified that this bill was requested by the sheriff as the method used to destroy records, specifically by burning, was not approved by the health department.

Senator Wagner moved "Do Pass" on Senate Bill No. 570.

Senator Echols seconded the motion.

The motion carried unanimously.

Chairman Gibson assigned Senator Kosinski to explain this bill on the Senate floor.

SENATE BILL NO. 571

Increases compensation of trustee of county hospital.

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Mr Fred Hillerby testified that this bill was requested by the county commissioners, not the hospital trustees. It would raise the members' salary \$50 per month and the Chairman's salary \$100 per month. This would only apply to Washoe County.

Senator Kosinski moved "No Further Consideration" on Senate Bill No. 571.

Senator Keith Ashworth seconded the motion.

The motion carried unanimously.

SENATE CONCURRENT RESOLUTION NO. 43

Directs legislative commission to study need for various executive agencies.

Senator Getto moved "Do Pass" on Senate Concurrent Resolution No. 43.

Senator Ford seconded the motion.

The motion carried. (Senators Echols and Keith Ashworth voted "No".)

ASSEMBLY BILL NO. 357

Centralizes inventory of assets of certain state agencies.

Senator Ford moved "Do Pass" on Assembly Bill No. 357.

Senator Kosinski seconded the motion.

The motion carried. (Senator Echols voted "No".)

Chairman Gibson assigned Senator Getto to answer any questions on the Senate floor.

SENATE BILL NO. 6

Senator Ford moved "Indefinite Postponement" on Senate Bill No. 6.

Senator Getto seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 167

Increases salaries of certain county officers.

Senator Getto moved "Indefinite Postponement" on
Senate Bill No. 167.

Senator Ford seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 233

Creates exemption for elected county officers from certain
payroll deductions for retirement contributions.

Senator Keith Ashworth moved "Indefinite Postponement"
on Senate Bill No. 233.

Senator Wagner seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 419

Exempts sheriffs from salary reductions required by payment
by counties of entire contribution for retirement.

Senator Keith Ashworth moved "Indefinite Postponement"
on Senate Bill No. 419.

Senator Ford seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NO. 181

Increases longevity pay of and removes limitation on salaries
of certain county employees.

Senator Wagner moved "Indefinite Postponement" on
Assembly Bill No. 181.

Senator Ford seconded the motion.

The motion carried unanimously.

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SENATE BILL NO. 220

Creates single-member districts in senate and requires each to consist of two assembly districts.

Senator Getto moved "Indefinite Postponement" on Senate Bill No. 220.

Senator Keith Ashworth seconded the motion.

The motion carried. (Senator Wagner voted "No".)

SENATE BILL NO. 402

Removes distinctions based on sex from requirements to serve on posse.

Senator Wagner moved "Do Pass" on Senate Bill No. 402.

Senator Ford seconded the motion.

The motion carried. (Senators Gibson, Echols and K. Ashworth voted "No".)

SENATE BILL NO. 482

Authorizes attorney general to investigate and prosecute crimes of state officials.

Senator Keith Ashworth moved "Indefinite Postponement" on Senate Bill No. 482.

Senator Echols seconded the motion.

The motion failed to carry. (Senators Ford, Getto, Kosinski and Wagner voted "No".)

Senator Kosinski explained that Attorney General Bryan introduced this bill because of problems of the public demanding that he take action in certain circumstances.

Senator Keith Ashworth stated that there were already provisions to handle these problems. The grand jury could be used.

Senator Kosinski suggested amending the language to be similar to the gaming bill wherein the Attorney General's office would

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give notice to the District Attorney's office before he began investigations in his county. If the District Attorney did not act within a certain time period, then the District Attorney must give a reason as to why he did not act.

Senator Kosinski moved to "Amend and Do Pass" Senate Bill No. 482 using the language which was similar to the gaming bill.

Senator Ford seconded the motion.

The motion carried. (Senators Gibson, Keith Ashworth and Echols voted "No".)

Chairman Gibson assigned Senator Kosinski to get the amendments to this bill.

SENATE BILL NO. 507

Authorizes county commissioners to prohibit houses of prostitution as nuisances under certain conditions.

Chairman Gibson asked the committee to consider Frank Daykin's opinion. (See Exhibit C.)

Senator Keith Ashworth moved "Indefinite Postponement" on Senate Bill No. 507.

Senator Getto seconded the motion.

The motion carried. (Senator Kosinski voted "No".)

SENATE BILL NO. 488

Removes limits on rates of interest for government borrowing.

The committee agreed that there would be no statewide limit on interest rates. Also, when the bond issue is presented to the people in an election, the local governing body should make a determination as to the maximum amount of interest they will go for.

Senator Keith Ashworth moved "Amend and Do Pass" on Senate Bill No. 488.

Senator Getto seconded the motion.

The motion carried. (Senator Kosinski voted "No".)

BILL DRAFT REQUEST NO. 23-1508 (SB.613)

Provides for payment of annual leave to state employees under certain conditions.

The committee agreed to submit this bill for committee introduction.

BILL DRAFT REQUEST

Chairman Gibson explained that the City of Reno had requested that a bill be drafted which would make amendments to their city charter and in their Nevada Community Redevelopment Law.

The committee agreed to submit this request to the bill drafter.

BILL DRAFT REQUEST NO. C 2061 (S.J.R 38)

Proposes constitutional amendment to increase the number of days for which legislators may be compensated during regular session.

Senator Ford moved committee introduction for this bill amending out the reference to special session.

Sanator Keith Ashworth amended that motion to change the number of days for compensation from 100 to 90.

The committee agreed to submit this bill draft request with the suggested amendments for committee introduction.

REAPPORTIONMENT

Mr. Andrew Grose, Research Director, testified that he still needed direction as to where to place Moapa. There was still some contention about which Assembly Districts would be paired.

Mr. Grose stated that the rural maps were still undecided except that they had decided to place Washoe Valley, Wadsworth and Gerlach into a rural area.

The committee decided to place Senators Don Ashworth and Keith Ashworth in the same district. Chairman Gibson would contact Senator Lamb to see if this was agreeable to him.

Chairman Gibson stated that Moapa Township should go with the North Las Vegas District.

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There being no further business, meeting was adjourned at
5:18 p.m.

Respectfully submitted by:

Anne L. Lage
Anne Lage, Committee Secretary

APPROVED BY:

James I. Gibson
Senator James I. Gibson, Chairman

DATE:

5/16/81

SENATE AGENDA

COMMITTEE MEETINGS

Committee on Government Affairs, Room 243.
Day Monday, Date April 27, Time 2:00 p.m.

S. B. No. 560--Requires reconveyance of vacated street without charge if reconveyed to person who dedicated property.

S. B. No. 567--Empowers county and district hospitals to contract for emergency medical services.

S. B. No. 569--Permits counties to establish programs of disability insurance or pensions for all officers and employees.

S. B. No. 570--Broadens methods by which records of local government may be destroyed.

S. B. No. 571--Increases compensation of trustee of county hospital.

S. C. R. No. 43--Directs legislative commission to study need for various executive agencies. (Not a hearing.)

A. B. No. 357--Centralizes inventory of assets of certain state agencies.

A. B. No. 389--Requires state treasurer to set policies for investment of state money.

A. B. No. 394--Repeals requirement that state treasurer cash warrants and checks.

A. B. No. 401--Requires annual report by state treasurer.

A. B. No. 415--Revises provision for inactive deposits of state money.

PROPOSED AMENDMENT TO S.B. 567

EXHIBIT B

Amend Sec. 1, line 4 by deleting [with a private hospital] and adding the following new language: "may contract..., or enter ^{into} cooperative agreements with nongovernmental hospitals or entities"

Amend Sec. 1, line 6 by deleting [emergency]

Amend Sec. 1, line 8 by deleting [administrative agency] and adding the following new language: "organization"

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EXHIBIT C

Senator James I. Gibson
Chairman of the Committee
on Government Affairs

Dear Jim:

You asked whether S.B. 507, which expressly permits a board of county commissioners to prohibit a house of prostitution as a public nuisance in certain locations, would contribute to a recognition of prostitution as legitimate elsewhere. NRS 201.380 and 201.390, which make keeping a house of prostitution a criminal offense only in specified locations, date from 1911 and succeed a statute as old as 1887. Despite the similar implication of these statutes, the supreme court held in Cunningham v. Washoe County, 66 Nev. 60 (1949), that a house of prostitution elsewhere was still a public nuisance at common law and could be suppressed as such.

However, in Nye County v. Plankinton, 94 Nev. 739 (1978), the court held that NRS 244.345, by specifically prohibiting the licensing of such houses in the largest counties, did repeal by implication the common law, and that a house of prostitution could not be suppressed as a public nuisance. S.B. 507 would restore the power of county commissioners to proceed against such houses as a public nuisance, but only in the specified locations. It would thus add to the legislative implication that outside the largest counties and outside the specified areas, houses of prostitution are legitimate.

This approach is not necessary to attain the objective of removing them from selected areas. In Kuban v. McGimsey, 96 Nev. Adv. Op. 28 (1980), the court held that a county could by ordinance prohibit them altogether. It follows that a county could by ordinance prohibit them in certain areas, if these were reasonably and not arbitrarily selected.

Very truly yours,

A handwritten signature in cursive script that reads "Frank".

Frank W. Daykin
Legislative Counsel