

Assembly

MINUTES OF MEETING - COMMITTEE ON STATE, COUNTY AND CITY AFFAIRS
54TH NEVADA ASSEMBLY SESSION, FEBRUARY 22, 1967

Meeting was convened by Chairman Hilbrecht at 10:30 a.m. in Room 43.

Present: Hilbrecht, Garfinkle, Dini, Bryan Hafen, McKissick, Smith, Tyson, Wooster.

Absent: Roy Young.

Chairman Hilbrecht introduced Assemblyman Swackhamer to explain AB 234 to members of the committee.

Mr. Swackhamer stated that in some of the smaller counties the population changes had led to the growth of some communities, and at the same time some of the communities designated as county seats, had experienced serious loss of population. For example, the city of Austin in Lander County which is the county seat is losing population in favor of Battle Mountain. The purpose of AB 234 is to cover situations wherein the county population is less than 2500 registered voters. In such cases, a district attorney would not be required to keep an office in the county seat of the county, but may, at his own expense, locate, equip and maintain an office anywhere within the boundaries of the county.

Assemblyman Swackhamer was thanked for his presentation and excused from the meeting.

Mr. Garfinkle moved Do Pass AB 234.
Mrs. Tyson seconded.
Motion unanimously passed.

Chairman Hilbrecht explained to the committee that he had been asked to have the committee introduce a bill covering the use of, taxing of, and allocation of water rights to wells, particularly in Clark County, outlining procedures permissive to the county commissioners. The committee expressed no objection to the draft of a bill.

The agenda for the meeting of Friday, February 24 was announced to include the urban renewal bills: AB 141, AB 229, and AB 242, for public hearing. Mr. Blyth of the Nevada Municipal Association stated another bill would be ready at that time for allied consideration. It is anticipated that North Las Vegas, and the Taxpayers Association, each would have a single spokesman, and that then individuals could be heard.

The agenda for meeting of Monday, February 27 will include consideration of Roy Young's AB 269; SB 120 with Mrs. Tyson's report; A.J.R. 11 with amendment from Bryan Hafen; AB 268 with report from Assemblymen Smith and Dini; and AB 167 with the three amendments from Chairman Hilbrecht. Also on Monday consideration will be given AB 227, 271, 272, 277, and 282.

Mrs. Aubrey Bell was introduced as an interested party to the hearing on AB 199 and AB 200, the court reporters' bills.

Mrs. Bell explained that she felt that AB 200 was discriminatory in that in Section 3 her reporting method was excluded. The bill refers exclusively to shorthand reporters. Her method is a verbatim one whereby she repeats the spoken word into a mask containing a miniature microphone and it is recorded in English as spoken. Nothing is added but the identification of the speaker. It is a permanent record that cannot be changed. The name of the device is "STENOMASK". The recording device is a Gray Audiograph. However, other recording devices can be used such as I.B.M. The Gray device has the advantage of an hour-long record. Another advantage is that anyone who can understand English could transcribe the record.

Further, Mrs. Bell stated she felt the legislation excluded those other than district court reporters and that free-lance reporters operating independently, providing their own equipment and other overhead, were an asset to the smaller counties. They are depended upon in areas where district reporters are not available, in municipal courts, justice courts.

When asked whether she felt the profession needed policing she replied that reporters were hired as were other employees and if they could not do the job they would not be hired. When asked if she knew of any abuses she replied that she did not and that she did not feel there could be any.

Citing the California case of Caryl Chessman wherein the records of the first trial were not available due to the death of a court reporter, she stressed her method of reporting and the support of the State of California in recognizing it. "We are getting more and more to the point where court reporting will be by electronic device", she said.

Chairman Hilbrecht advised that further consideration of AB 199 and AB 200 had been scheduled for later in the meeting with the other interested parties.

Mr. George Ogilvie, Chief Deputy City Attorney; Art Trelease, City Manager, both of Las Vegas; and Curt Blyth of the Nevada Municipal Association were present for consideration of AB 205 and AB 206. Also present was Mr. Ernest Cuno of the Northern Nevada Builders Association.

AB 205: Mr. Blyth reviewed his association's position on this bill stating that they objected to Section I's subsection 4 on the ground that the commission could not be in a position to determine the public need for a proposed bond issue as well as agencies on the more local level. He summarized by stating that the association had originally objected to establishment of the bond commission but that being established they recognized the need for a criteria to guide them. He suggested that an amendment of subsection 4 could remove any objection to it.

Mr. Ogilvie expressed his support of Mr. Blyth's presentation. Mr. Trelease also concurred.

A discussion of subsection 4 and its relation to subsections

1, 2, and 3 led Mr. McKissick to comment that subsection 4 was the "guts" of the bill and amendment of it would alter the original intent.

AB 206: Mr. Ernest Cuno expressed concern over the transition that may occur from the time a bill is enacted as to "intent" of the legislators and the actual result when the act becomes operative.

Discussion of special districts and special assessment bonds was dealt with in detail with Mr. Wooster outlining the operation of the bond commission in Washoe County with satisfactory results. Stress was given the fact that the bond commission is composed of elected officials who have a direct public responsibility as such which is in itself "disciplinary" and effective. Mr. Dini inquired as to the effect of a bond commission in the smaller counties where in some instances, to date, they have not met. He related this inquiry specifically to its effect on an irrigation district. Mr. Wooster stated that his experience led him to feel that the commission tended to be, because of its very composition, supervisory--not dictatorially prohibitive in operation. It would not, he thought, prohibit special assessment revenue bonds in a manner detrimental to the areas special needs.

Mr. Howard, the introducer, of AB 206 was called into the committee and explained the intent of the bill. He stated that supervision of special assessment and revenue bonds was needed.

Discussion was had on whether or not this bill should be amended to exclude incorporated cities or counties. Mr. Ogilvie stated that they wanted the cities exempt and if amended the bill would be acceptable. It was suggested that AB 206 be amended to exclude incorporated cities or counties and school districts.

Mrs. Tyson moved AB 206 Do Pass with the amendment.
Mr. Garfinkle seconded.
Motion passed with Mr. Dini not voting.

Mr. Wooster requested that AB 205 be continued for consideration at the Monday, February 27 meeting. He stated that he and Mr. McKissick would consult with the Legislative Counsel to bring AB 205 into conformity with the action on AB 206.

Mr. Close, introducer of AB 199 and AB 200, appeared with Mr. Richard Tuttle, Mr. Robert MacKay, and Mr. Richard A. Williams, all official court reporters interested in the legislation.

Mr. Close explained that the bills were given to him as presently printed by the court reporters in Las Vegas and were purported to him to be the agreed upon legislation between the official reporters throughout the entire State.

Mr. Richard Tuttle said that he spoke for the State Association which has sixteen members and includes most of the official reporters in the State. He said that the association objected to the split fee provisions of AB 199.

Mr. MacKay explained the reason for requesting a certified shorthand reporter law by quoting from the "Handbook on Certified Shorthand Reporting Laws" published by the National Shorthand Reporters Association as follows:
"Because the role played by the court reporter is so vital to the proper conduct and recording of the trial, or the hearing or proceedings, whatever it might be, it is imperative that he be highly trained and thoroughly competent". He said that where such laws have been passed (New York, Iowa, Colorado, Kansas, Utah, New Jersey, California, and Oklahoma), the acceptance has been so universal and satisfactory that none has ever been repealed, with the courts, the bars, the litigants, and the reporters all benefiting thereby. He cited a recent instance of abuse that had been very costly due to the incompetence of an assigned reporter.

Mr. MacKay went on to state that AB 200 was not acceptable as it was hastily prepared and poorly put together. He stated that there was a senate bill pending that did receive the full support of the association.

Chairman Hilbrecht thanked and excused the interested parties.

Mr. Dini moved to table AB 199 and AB 200.
Mr. Smith seconded.
Motion passed with Mr. McKissick not voting.

Meeting adjourned at 12:35 p.m.

SUMMARY--Requires voter approval of urban renewal projects.
(BDR 22-1062)

AN ACT to amend NRS 279.270, relating to the preparation and approval of urban renewal plans and projects, by requiring approval by the registered voters of the municipality; to amend other sections of chapter 279 of NRS to conform thereto; to require such approval of any pending project before proceeding therewith; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 279.270 is hereby amended to read as follows:

279.270 1. A municipality shall not approve an urban renewal project for an urban renewal area unless the governing body has, by resolution, determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for an urban renewal project. For this purpose and other municipal purposes, authority is hereby vested in every municipality to prepare, to adopt and to revise, from time to time, a general plan for the physical development of the municipality as a whole, giving due regard to the environs and metropolitan surroundings; to establish and maintain a planning commission for such purpose and related municipal planning activities; and to make available and to appropriate necessary funds therefor. A municipality shall not acquire real property for an urban renewal project unless the [local governing body has approved the urban renewal project in accordance with subsection 4] project has been finally approved pursuant to subsection 5 hereof.

2. The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to a municipality. Prior to its approval of an urban renewal project, the local governing body

shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within 30 days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within 30 days then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection 3 hereof.

3. The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

4. Following such hearing, the local governing body may tentatively approve an urban renewal project if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The urban renewal plan conforms to the general plan of the municipality as a whole; and

(c) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

5. If the local governing body has tentatively approved an urban renewal project, it shall then submit such project to the registered voters of the municipality at a regular or special election called for that purpose. If a majority of the votes cast on the issue are cast in favor of the project, it shall stand as finally approved.

6. If the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired unless:

(a) If it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or

(b) If it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in NRS 279.010 to 279.380, inclusive, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns,

deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

[6.] 7. An urban renewal plan may be modified at any time; but if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable, and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

[7.] 8. Upon the approval by a municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

[8.] 9. Notwithstanding any other provisions of NRS 279.010 to 279.380, inclusive, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe respecting which the governor has certified the need for disaster assistance under the provisions of an Act of Congress entitled "An Act to authorize Federal assistance to state and local governments in major disasters, and for other purposes," approved September 30, 1950, being c. 1125, 64 Stat. 1109, also designated as 42 U.S.C. §§ 1855 to 1855g, inclusive, as amended or supplemented, or other federal law, the local governing body may approve tentatively an urban renewal plan and an urban renewal

project with respect to such area without regard to the provisions of subsections 4 and [5] 6 of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

Sec. 2. NRS 279.050 is hereby amended to read as follows:

279.050 "Blighted area" means an area which, by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. If such blighted area consists of open land, the conditions contained in subsection [5] 6 of NRS 279.270 shall apply. Any disaster area referred to in subsection [8] 9 of NRS 279.270 shall constitute a "blighted area."

Sec. 3. NRS 279.210 is hereby amended to read as follows:

279.210 "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan:

1. Shall conform to the general plan for the municipality as a whole except as provided in subsection [8] 9 of NRS 279.270; and
2. Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment,

improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

Sec. 4. This act shall become effective upon passage and approval.