

Assembly

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

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

Absent: Roy Young, Garfinkle.

Chairman Hilbrecht convened the meeting at 11:00 a.m. in Room 58. Guests of the committee included those interested in hearings scheduled for both the Annexation Bill, AB 345, and the air pollution bill, AB 459 as well as AB 444 and AB 445 concerned with sewage disposal and water supply legislation.

The interested parties are listed in addendum hereto.

Prior to hearing the presentations of those present Chairman Hilbrecht asked for Geraldine Tyson's report on S.C.R. 24. She stated that she did not feel the resolution would obtain as much intent-wise as the original metropolitan study the committee had considered would.

Tyson moved SCR 24 be tabled.
Smith seconded.
Motion unanimously passed.

Tyson further reported that SB 240 had been found to be in conflict with existing law and the bill to broaden prison labor projects as outlined in SB 240 would not be favorable.

Tyson moved SB 240 be indefinitely postponed.
Smith seconded.
Motion unanimously passed.

Chairman Hilbrecht opened the hearing on AB 345, the annexation bill, by calling on Bob McNutt representing the City of North Las Vegas.

Mr. McNutt stated that the cities feel that AB 345 is a vital piece of legislation. He said that within the annexation problem both assessed evaluations and the number of affected parcels should be within the formula. An amendment providing that at least 25% of the number of parcels be included in protest action together with the 50% of assessed valuation should be considered. "We are in favor of the bill with the amendments and urge the committee to consider it," he said.

Mr. George Ogilvie, Deputy City Attorney of Las Vegas, was next introduced.

In presenting the background for drawing AB 345, Mr. Ogilvie stated that prior to 1965 some of the cities had been guilty of annexations that were detrimental to the people. Under AB 345 he stated these difficulties were corrected. He said the bill was prepared by a committee representing most of the cities of the State (Ely, Carson City, Sparks, Reno, North Las Vegas, Henderson, and Las Vegas). He said he thought the bill

was workable from a city standpoint and provided adequate safeguards against unwarranted annexations. The twofold intent of the bill is to allow justifiable annexations and still provide necessary safeguards to the people. Under the present law which was hastily drawn as the result of the unwarranted annexations, annexation is in effect prohibited because of the discouraging safeguards that are entailed. He cited an instance in Las Vegas when an urbanized area including Montgomery-Ward's triangle site was denied annexation by the urban renewal agency in spite of the fact that the property owners in the area had voiced approval but were not given an opportunity to express their wishes. County representatives have been heard to state publicly that proposed annexations by the city could not be allowed because the county would lose too much revenue. This in spite of the expressed but not allowed wishes of the property owners themselves. This situation has led the cities to avoid trying to annex what may have been best in the public interest. The proposed bill sets up guidelines and safeguards. It is a problem that should be left to the city and the property owners to settle. "We do not feel a super-agency should make the determination." Mr. Ogilvie here outlined some of the amendments that he believed were necessary. He stated he agreed with the amendment suggested by Mr. McNutt.

Mayor Gragson of Las Vegas was introduced and thanked the committee for giving this opportunity for the cities to be heard. He said he had worked with Mr. Ogilvie on the preparation of AB 345 and supported the presentation Mr. Ogilvie had made. He said he had worked for the City of Las Vegas under previous legislation and under the existing legislation. In the first instance, premature annexation was not prevented. Now, maturely considered annexation is being prevented. "I feel the proposed legislation is a proper bill", he said. It leaves the democratic processes to the people. It prevents premature annexation.

Mr. Curt Blyth of the Nevada Municipal Association stated that he would like to work with Mr. Ogilvie on other proposed amendments, particularly, the "Contiguous Territory" provisions. He stated that the present bill contained a provision in this area that was not originally intended. The amendment will correct this oversight.

At this point Chairman Hilbrecht opened hearings on AB 459 which provides for air pollution control.

Dr. Otto Ravenholt, Director, Department of Health and Welfare: As the result of consultations yesterday we have come to this committee to propose a rewritten bill other than AB 459 for your consideration. This bill supported by the Administration should be ready for your consideration late this afternoon or early tomorrow morning. Basically this proposal would start a simple delegation of authority to the State Board of Health and Counties. The rules and regulations would be in the substance thereof and not in the bill. There are two air pollution projects now working which operate under the District Boards of Health. They derive their status from local ordinance. Under the proposed bill they would operate under authority on

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a state level. There would be a Review Hearing Board to be appointed by the Governor and operating within the State Board of Health. If an impasse is reached at the local level it could be appealed to the State. This would permit some variations county by county. The Counties could originate their own rules and regulations.

Chairman Hilbrecht questioned Dr. Ravenholt on whether the proposed bill would be formed under the structure of AB 459 or whether it would in effect create another piece of legislation. It developed that this determination would have to be made by the committee.

Mr. Wallace White, Dr. Ravenholt's predecessor, was asked to make his presentation. He said that they had been working on air pollution for ten years. He cited some specific areas where concentrated work had been done including the Getchell Mine, Kennecott Copper, Anaconda, Henderson for a few. "We need a program badly", he said. The creation of a "review board" was suggested a long time ago. He said he thought this would improve the act.

Mr. Ed Harrison, Nevada Tuberculosis & Health Assn., was asked if he wished to speak. Mr. Harrison stated that he believed he favored the bill being rewritten. Asked if he was familiar with the provisions of the rewritten bill. He said he was not familiar with the specifics. However, the present bill appears to negate the present programs in Clark and Washoe Counties and also there are no penalty clauses. We feel that is very important. We feel AB 459 would be a step backward.

Mr. Joe Latimore, Reno City Manager, was introduced. He stated that they opposed the present bill, AB 459. We have not had a chance to review the revised bill. We would favor it if it does not take away the control on the local level. We have a program going that has been very effective. We have attained National recognition on the part of the work they have done. I would not like to prevent their opportunity to advance. We would favor Dr. Ravenholt's proposal.

Chairman Hilbrecht asked Mr. Latimore if he would advise the committee in writing his position after being given an opportunity to study the rewritten version. He stated he would be glad to do so.

Dr. William E. Winikow, the District Health Officer for Washoe County, was introduced. He said that he agreed with Mr. Latimore's presentation. "We will be glad to see what Dr. Ravenholt's bill sets forth", he said. He further stated that at 8:30 a.m. today they had called Washington, D.C. to determine what effect this legislation might have on existing, approved programs. They were informed that if they do not have adequate authority for enforcing promptly and implementing effectively a workable program then noone will be eligible for Federal assistance. Under AB 459 Federal funds would not be forthcoming.

Mr. Howard Clodfelter of the Air Pollution Control department

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of the Reno Health Department stated that he supported what Dr. Winikow and Mr. Latimore had said but that they would go along with Dr. Ravenholt as soon as we can see the revised bill. 106

Mr. Ed Young of the Clark County Board of Health stated that thus far in his area the people working on air pollution are technicians in the field. He represented the city and the county, he said, and stated they are confronted with the problem of not having stringent air pollution control measures. He said the importance of this is recognized nationally and internationally. He said he hoped the committee recognized that everything is being watched on a national basis. He said the matter was charged with many emotional feelings. Failure to establish good air pollution controls may result in emotional controls that could be ruinous to the desired intent.

Chairman Hilbrecht asked Mr. Young to make his comments on the proposed new bill known to the committee in writing and he said that he would so do.

At this point those who had made their presentations and who wished to leave were excused.

Mr. E. G. Gregory, State Health Division, was introduced and asked to make his comments on AB 444 which enacts the Nevada Individual Sewage Disposal Systems Law. He stated that this legislation had been requested in previous sessions of the legislature. It was defeated because of the opposition of the well drilling industry. He outlined how the present bill had been drawn following a meeting of National importance at which all elements were represented and drew up a model law that could be utilized on the state level. He said a sewage disposal system is not designed for more than 20 years. Failure to set up planning control on a long-range basis poses a serious health threat. The intent of AB 444 is to provide advance planning and to anticipate sewage disposal in that planning.

On AB 445 which provides for control of individual and community water supply and sewerage systems, Mr. Gregory stated the intent was to provide controls on a local level and to obviate controversy within the industry itself. He said he thought the well drillers were willing to come under licensing controls but that some felt the problem could be handled through the administrative polices of the State Engineer. He said there were not statutory provisions that would require public health approval at the present time and these would be effected.

Geraldine Tyson stated to the committee that these two bills had been introduced to bring the problems out into the open. Whether they are adopted or not is not the problem. The bills can be amended as necessary and the problems can be met after all of the factors are presented and realized in full.

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Discussion with Mr. Gregory and the committee developed that Mr. Gregory did not feel there would be a problem created in sufficiently staffing his office for the functions these bills would require. Opposing arguments seemed to suggest that there would be. Also it was developed that under present administration the only installations that are investigated are those which the State office is advised that building permits have been granted for. No other method exists to insure investigation of other installations.

Mr. Harry W. Jones was introduced as a representative of the Associated Drilling Contractors of Northern Nevada. He read a prepared statement to the committee copies of which are appended to these minutes. He strongly opposed AB 445.

Following Mr. Jones' presentation Assemblyman McKissick advised that he had had amendments drawn which would incorporate the well drillers into the act. Mr. Jones stated he would have to consider them and in commenting indicated that the State's position toward people in his industry particularly through the State Contractors' Board had been ineffective and ineffectual. He stated that the problem of degradation was ever-present but that the problem in Clark County differed from the problem in the Northern part of the State. He said we certainly need legislation and strengthening of rules and regulations. Also licensing laws and effective examinations. The present controls are not sufficient. When asked if the amendments drawn by Mr. McKissick were based upon the recommendations of the National group if he would support them, he said he would have to study them.

Chairman Hilbrecht asked that Mr. McKissick confer with Mr. Jones and report back to the committee.

Mr. R. M. Hutchins, Engineer, introduced himself to the committee as an individual engineer involved in the business affected by AB 444 and AB 445. He said he appeared because he violently opposed the measures in that supervision by the Health Department to date had seriously injured his business. He has for years, he said, advocated alternative methods which can solve the problems being faced and that the Department has evaded their consideration or implementation. He cited that in California the alternative methods are being used in thousands and thousands of instances. The areated sludge plans should be considered.

Mr. Joe Latimore Reno City Manager again was introduced. He said he had worked with the State Health Department and that the City of Reno supported AB 444 and 445. He urged the committee to recommend passage of those two bills.

Chairman Hilbrecht closed the hearing and thanked those who had made their presentations.

He asked Mrs. Tyson for the sub-committee reports on AB 479, 480, and 481. Discussion of the bills which affect Clark County only in the selection of county commissioners, county hospital trustees, and school district trustees respectively

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developed that the sub-committee favored them.

Tyson moved Do Pass AB 479, 480, and 481.

Dini seconded.

Motion unanimously passed.

Mrs. Tyson also gave the committee a report of AB 227 and AB 402. These bills also affect Clark County and AB 227 would require the justices of the peace to be attorneys and would fix their salaries. AB 402 would create office of marriage deputy and provide that marriage solemnization fees revert to the general fund. Hal Smith reminded the committee that the AB 227 provisions merely place into legal effect the practice that has existed in Clark County to have attorneys elected as justices of the peace.

Mr. Russell McDonald appeared before the committee for consultation further on SB 331 and SB 305. He was asked by the committee for comment on AB 227 and AB 402. It developed that there was conflict between the effective dates of the two bills.

Tyson moved Do Pass AB 227.

Smith seconded.

Motion unanimously passed.

Tyson moved Do Pass AB 402 amending the effective date to be January 1, 1969.

Hafen seconded.

Motion unanimously passed.

Mrs. Tyson reported that the subcommittee did not favor AB 448.

Tyson moved AB 448 be indefinitely postponed.

Hafen seconded.

Motion unanimously passed.

The committee discussed SB 331, State Securities Law, and SB 305 the "trigger bill" implementing the Nevada Southern Water Project with Mr. McDonald with the view of removing the Colorado River Commission as the overall unit to negotiate bonding obligations.

Tyson moved SB 331 Do Pass with amendment directed to eliminate the reference to the Colorado River Commission.

McKissick seconded.

Motion unanimously passed.

Tyson moved Do Pass SB 305.

Smith seconded.

Motion unanimously passed.

Chairman Hilbrecht asked Mr. Smith to confer further on AB 459 and report back. Mrs. Tyson and Mr. McKissick indicated they would confer further on AB 444 and 445.

The committee agreed to introduce Hal Smith's legislation on the Henderson city charter matters.

Committee adjourned at 1:15 p.m.

PROPOSED AMENDMENTS TO AB 345

Amend Section 3 by adding a new sub-paragraph number 5:

That areas annexed to municipalities shall include all of the urbanized unincorporated areas adjacent to municipalities and it is further declared to be the intent of this statute to avoid the piece meal annexation of unincorporated areas to secure a favorable protest vote of residents within the annexation area.

Amend Section 6, paragraph 5, sub-paragraph "c" by adding thereto:

Services extended at property owner's cost shall be distributed and allocated to each parcel of property based on reliable engineering estimates including both improvement costs and projected service costs and shall be a part of the annexation plan that is prepared by the municipality.

Amend Section 8 by adding paragraph 4:

Not less than 60 percent of the urbanized unincorporated area contained in not less than one geographical quadrant using the city hall as quadrant center and adjacent to the municipality shall be included in an annexation proposal.

Adding a new section in the appropriate place:

Upon petition of not less than 10 percent of the property owners in an approximately described unincorporated area meeting the criteria set forth in this act the governing board shall cause to be prepared full annexation plans. The governing board shall cause appropriate notices, setting of hearing dates, and publications on such petitions for annexation.

However, upon petition of the county board of commissioners an approximately described unincorporated area as set forth in the petition shall be considered by the governing board of a municipality as a request to prepare annexation plans for such an area.

GUESTS OF THE COMMITTEE ON STATE, COUNTY AND CITY AFFAIRS AT
MEETING OF MARCH 22, 1967: HEARINGS ON AB 459, 445 & 444;
AB 345--THE AIR POLLUTION, SEWAGE CONTROL, AND ANNEXATION
LEGISLATION.

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From the State of Nevada Health Division:

W. W. White
E. G. Gregory
S. D. Mastroianni

Dr. Otto Ravenholt, Nevada Health and Welfare

Donald M. Keagy, U.S. Public Health Service
Wayne A. Blackard, U. S. Public Health Service

Robert Karrasch, City, County, District Health Dept.
Ed Harrison, Nevada Tuberculosis & Health Assn.
Dr. Winikow, District Health Office, Reno, Nevada
Howard Clodfelter, Air Pollution Section of Reno Office
Ed Young, Clark County Board of Health
Bob McNutt, City of North Las Vegas
Harold A. Laird, City of Las Vegas
Joe Latimore, Reno City Manager
Don J. Saylor, Division of Planning, Las Vegas, Nevada
George Ogilvie, Dep. City Attorney, Las Vegas, Nevada
Oran K. Gragson, Mayor, Las Vegas, Nevada
Curt Blyth, Nevada Municipal Association
R. M. Hutchins, Reno Engineer
Victor H. Clark, Tahoe Timber Co. of Nevada
Wallie Warren, Titanium Metals
Harry W. Jones, Reno Pump & Supply Co. - Assoc. Driller of Norther Nev.

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Harry W. Jones
7468 South Virginia
Reno, Nevada

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Mr. Chairman, Members of the Committee:

My name is Harry W. Jones. I am owner/manager of Reno Pump and Supply and am also President of the Associated Drilling Contractors of Northern Nevada and have been selected as their spokesman at this meeting here today.

We are here to present our views and voice our opposition to AB 445 which provides for control of individual and community water supply and sewerage systems.

We sincerely believe a chronological history of this proposed legislation is important to its consideration and briefly it is as follows:

In October 1962 the Advisory Commission on Intergovernmental Relations released its report designated A 13 and entitled "Intergovernmental Responsibilities for Water Supply and Sewerage Disposal in Metropolitan Areas". The report examined two general problems; water quality and quantity in the metropolitan areas of the United States and sewage disposal and treatment. Its analysis breaks these two subjects down into four separate problems, which can be stated as;

- 1) A public health problem related to private systems- water & sewage
- 2) Conservation of existing water supplies
- 3) The economic aspects of private and community systems, and,
- 4) Urban sprawl.

This report suggests that private water wells and sewerage systems are causing a nation wide public health problem, depleting ground water and polluting water resources, imposing unnecessary expense upon home owners and causing urban sprawl. The basic premises upon which these conclusions were based, although extensively discussed, are largely undocumented by statistics, studies or other referenced facts.

Following issuance of this report the United States Public Health Service, the Conference of State Sanitary Engineers and the Advisory Commission on Intergovernmental Relations, drafted and endorsed a "Model Law," entitled "Urban Water Supply and Sewerage Systems Control Act." In drafting this so called Model Law, the views of those persons engaged in the manufacture, design, specification, contracting for or the installation of wells, water systems or its components were neither solicited or considered.

In October, 1963 the pamphlet entitled "State Legislative

Program of the Advisory Commission on Intergovernmental Relations, M-20 included this "Model Law." It also indicated that upon the approval of this so called model law by the Committee on Suggested State Legislation, the Commission and the Council of State Governments would, quote "make every effort to encourage favorable consideration by the legislative bodies of the 50 states."

When the model law was publicly released late in 1963, it came to the attention of the water system industry for the first time. For the purpose of clarification, let me here state that the term "water systems industry" includes the well drilling industry as well as those engaged directly with the manufacture and installation of pumping equipment.

The water systems people promptly communicated with the USPHS and expressed their concern. These communications led to a series of meetings and hearings which led to many revisions and then to a final draft which was composed of three parts, namely 1) Urban Water Supply and Sewerage Systems Act, complete with regulations, 2). Water Well Construction and Pump Installation Act, complete with regulations and 3). Individual Sewerage Disposal Systems Act, complete with regulations.

With reference to the proposed legislation, at first glance it would appear that anyone who would oppose this bill would espouse sin as a way of life. However, closer examination reveals that this bill would grant powers to the Nevada State Health Department which astonishes even the most apathetic of us. It represents the complete surrender of an individual to exercise his free option as to where he wants to live. He will no longer be able to decide that he can live in the country on a one acre lot with his own well and septic system if the all powerful Health Department decrees that his choice of location is in a "designated" area where the city or community water may be available for connection in 5 years. If this bill is enacted into law, the Health Department will regulate how and when land may be developed.

This bill would mean that upon the Health Department's discretion, the Truckee Meadows-for only one example-could and probably would become a designated area in which no building permits would be issued unless the facilities of the Sierra Pacific Power Company were available for water and the Reno/Sparks Sewage Treatment Plant facilities were available for connection.

In these days of rapidly expanding federal bureaus on the one hand and the cry to retain "State Rights" on the other, one might ponder if the all powerful United States Department of Health-Education and Welfare, working thru their agency, the United States Public Health Service and its puppets- the various State Health Divisions, visualizes placing land development and use throughout the entire United States under Federal Control by the simple but effective expediency of lumping our total population into one, large homogenous mass to be molded at will like clay. Does the Department believe that it should force people to live in housing developments just as the Indians were forced to live on reservations one hundred years ago?

Under section 20 the bill provides a windfall for consulting engineers, even to accepting and administering federal grants to guarantee payment.

Ladies and gentlemen, we do not need, nor can we permit this legislation. What we do need is

- 1). Legislation that provides for state planning- within reason
- 2) Legislation that provides for the orderly licensing of well construction contractors, and septic system contractors.
- 3) Strict rules and regulations governing well construction, pump installations, and septic system installations.

Because todays irrigation well is potentially tomorrows community well, all well construction and pump installations should be under the control of the Health Division. The minimum standards for well construction as it pertains to public health must be a province of the State Health Division.

Such recommended legislation has been introduced for your consideration. It is not perfect. But neither does it set up a virtual czar that potentially would have so many of us living our lives and conducting our business at his pleasure.

Those of us here today, representing our industry, have in the past several years, individually and as organized groups, devoted a great deal of our time to the effort of upgrading the standards of our chosen profession. We offer our continual efforts to any program that will achieve the aims so earnestly desired by all of us. We are further authorized to offer the assistance of the national organizations to these same ends.

With these facts in mind it is our fervent hope that AB 445 be seen for what it really is; a virtual grant to the Health Division of almost unbelievable power and the death knell to those who are the only ones that can develop Nevada's greatest natural resource-Ground Water. It is our sincere conviction that with the wholehearted cooperation of every one concerned there is something much much better just around the corner.

Thank you .