

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

157

Minutes of Meeting -- February 10, 1969

The eighth meeting of the Committee on Federal, State and Local Governments met on February 10, 1969, at 3:00 P.M.

Committee Members present:

Chairman James Gibson
Warren L. Monroe
Vernon E. Bunker
Marvin L. White
Francis W. Farr
Chic Hecht
Carl F. Dodge

Also present were:

Curt Blyth, Municipal Association
Clay Lynch, City Manager, North Las Vegas
Larry Wadsworth, Nevada Jaycees
Russell McDonald, Legislative Counsel

Chairman Gibson called the meeting to order at 3:00 P.M. Under consideration were several bills. 2/11

Chairman Gibson explained that there was a time element involved in the bills concerning Boulder City and that it would be in the best interest of the community to move on these as soon as possible.

SB-28 Proposed by the Committee on Federal, State and Local Governments. Authorizes powers, instruments and acts of state and political subdivisions to be judicially confirmed.

The Chairman stated that the purpose of this bill was to get a procedure in the law. He said that he felt that the bill could stand by itself. There having been extensive explanation and coverage regarding this bill at the hearing on February 6, 1969, there was only a brief discussion at this time. (See minutes of February 6, 1969.)

Senator White questioned Sec. 3, line 13. Chairman Gibson explained that this passage was a way of expressing notification to anyone who had any interest in this matter, and Senator Dodge added that he felt that five consecutive weeks constituted good notice. Chairman Gibson pointed out that while the bill was tailored to Boulder City, it was general in application.

Senator Bunker moved "Do Pass" and Senator Hecht seconded the motion. Vote was unanimous for passage.

SB-29 Proposed by the Committee on Federal, State and Local Governments authorizes cities to acquire, improve and equip certain facilities and to contract with Federal Government therefor.

The Committee had heard explanation and discussion regarding this bill on February 6, 1969, and at this time, requested that Mr. McDonald be present for

further discussion. Senator White stated that he felt that this bill would open the door to a lot of other areas; he understood Boulder City's need for this bill, but why not tie it down, in language, to Boulder City. Chairman Gibson pointed out that the Constitution would not permit a bill to be tied down in such a way and felt that line 23-24 on Page 3 of the bill did, in fact, tie it down. Mr. Blyth added, in reply to Senator White's question, that as far as "opening up" the situation -- there would be no effect in this area. Senator White said that his concern was re-development districts and their application of this bill.

Senator Dodge wondered if additional language should be added -- to restrain the application. He stated that the desire was to take care of the present situation with Boulder City, but questioned writing the bill as general legislation. At this point, Chairman Gibson drew attention to Sec. 13 and Sec. 10, limiting application to water and sewer projects.

Mr. McDonald again retraced the history of the situation in Boulder City and the need for this legislation. There was a question in the Committee regarding the 40 year commitment (as in Sec. 14, subsection 1). Mr. McDonald stated that the normal federal repayment contracts go 40, or excess of 40 years. He added that there should be no worry that this would apply in the future to anything but a combination of the projects delineated in the bill. He stated that there was no reason not to extend the time to 40 years -- and his feeling was that this was a practical answer to the problem. He added, also, that 40 years are the terms of the lender.

Senator Gibson drew Mr. McDonald's attention to the Committee's concern about the extension of the ratification language in the bill and wondered if they might not be ratifying some action they were not aware of. Mr. McDonald stated that he did not feel that there was any exposure in regards to this.

Following further discussion, Senator Monroe voted "Do Pass," seconded by Senator Dodge. Vote was unanimous for passage.

SB-73 Proposed by Committee on Federal, State and Local Governments
Authorizes the City of Boulder City to acquire within a specified project area a telephone project, to levy special assessments therefor and to issue special assessment bonds therefor.

Chairman Gibson pointed out that in this bill special legislation is preferable as a practical matter. Necessary amendments were detailed by Committee members and Mr. McDonald. These included certain figures in the description of the "Project Area"; on line 8 a typographical error regarding "a typical"; a clerical error of a comma on line 49.

Subject to these amendments, Senator Dodge moved "Do Pass," seconded by Senator Monroe and the vote was unanimous for passage.

AB-40 Proposed by Committee on Government Affairs
Eliminates possible conflict between law relating to state fire marshal and Public Employees' Retirement Act.

Mr. McDonald explained the deletions and stated that subsection 2 had been added to clarify further the retirement system.

Senator Hecht moved "Do Pass," seconded by Senator Dodge. Vote was unanimous for passage.

AB-41 Proposed by Committee on Government Affairs
Corrects clerical error in NRS 412.152, relating to National Guard.

This corrects clerical error and deletes one word.

Senator White moved "Do Pass," and Senator Monroe seconded the motion. Vote was unanimous for passage.

SB-7 Proposed by Senators Slattery and Farr.
Requires creation of certain county commissioner districts.

This bill had previously been discussed in Committee on January 30, 1969 -- and was further discussed and passed in Committee on February 3, 1969. Senator Farr, one of the authors of the bill, moved that the bill be killed in Committee. Senator Hecht seconded the motion and vote was unanimous for this action.

SJR-8 Proposed by Senators Brown, Bunker, Christensen, Dodge, Farr, Fransway, Gibson, Hecht, Hug, Lamb, Monroe, Slattery, Swobe, White and Young
Urges rescission of federal order requiring simplified form of determining eligibility of welfare recipients.

This bill was self-explanatory. Senator White moved "Do Pass," seconded by Senator Dodge. Vote was unanimous for passage.

SB-114 This bill was put aside for consideration at a later date.

AB-43 Proposed by Committee on Government Affairs
Supplied omitted and corrective language to general improvement district law.

Senator Dodge moved "Do Pass," seconded by Senator Bunker. Vote was unanimous for passage.

AB-62 Proposed by Committee on Government Affairs
Permits state controller to transfer funds from general fund to state building construction project accounts. Executive estimate of cost: None.

It was pointed out that the State Planning Board requires this legislation, since it has precedence in highway monies, for example. Revenue would be saved by making the delineated transfer.

It was necessary to delete a comma in line 3.

Senator Farr moved "Amend and Do Pass," seconded by Senator Monroe. Vote was unanimous for passage.

There being no further business, Chairman Gibson adjourned the meeting.

Respectfully submitted,

Patricia F. Burke
Patricia F. Burke
Committee Secretary

S. B. 28


**SENATE BILL NO. 28—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS**

JANUARY 21, 1969

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Referred to Committee on Federal, State and Local Governments

SUMMARY—Authorizes powers, instruments and acts of state and political subdivisions to be judicially confirmed. (BDR 3-577)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to a judicial examination into and confirmation of powers, contracts, deeds, bonds, other securities, proceedings, other instruments, acts or undertakings of the state and its political subdivisions; providing a procedure therefor, including notice of a court hearing thereon; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. Title 3 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 18, inclu-
3 sive, of this act.

4 SEC. 2. This chapter shall be known as the Judicial Confirmation Law.

5 SEC. 3. The legislature of the State of Nevada determines, finds and
6 declares in connection with this chapter:

7 1. An early judicial examination into and determination of the validity
8 of any power, instrument, act or project of any municipality promotes the
9 health, comfort, safety, convenience and welfare of the people of this state.

10 2. The provision in this chapter of the purposes, powers, duties,
11 privileges, immunities, rights, liabilities and disabilities pertaining to
12 municipalities will serve a public function and effect a public purpose.

13 3. Any notice provided for in this chapter is reasonably calculated
14 to inform each person of interest in any proceedings thereunder which
15 may directly and adversely affect his legally protected interests, if any.

16 4. The rule of strict construction shall have no application to this
17 chapter, but this chapter shall be liberally construed to effect the purposes
18 and objects for which it is intended.

19 SEC. 4. Except where the context otherwise requires, the definitions
20 in sections 5 to 10, inclusive, of this act govern the construction of the
21 Judicial Confirmation Law.

22 SEC. 5. "Act" means any action, proposed or taken, by a municipal-
23 ity in the exercise of any power.

24 SEC. 6. "Executive officer" means the de jure or de facto governor

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

S. B. 29

SENATE BILL NO. 29—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS

JANUARY 21, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Authorizes cities to acquire, improve and equip certain facilities
and to contract with Federal Government therefor. (BDR 21-576)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to the acquisition, improvement and equipment of water drainage, sanitary sewer and water supply facilities by incorporated cities and incorporated towns; authorizing contracts between any such a municipality and the Federal Government pertaining to any such project, the repayment thereto by the municipality of project costs incurred by the Federal Government, and the payment of interest thereon; authorizing such municipalities otherwise to cooperate with the Federal Government; otherwise concerning such contracts, other documents and other instruments, such projects, and acts and proceedings pertaining thereto; otherwise providing powers, duties, immunities, rights, privileges, liabilities, disabilities, limitations and other details in connection therewith; validating, ratifying, approving and confirming such contracts, documents, other instruments, projects, acts and proceedings; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Chapter 268 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 18, inclusive, of this act.
3 SEC. 2. *Except where the context otherwise requires, the definitions*
4 *in sections 3 to 12, inclusive, of this act govern the construction of sec-*
5 *tions 2 to 18, inclusive, of this act.*
6 SEC. 3. *“Acquisition” or “acquire” means the opening, laying out,*
7 *establishment, purchase, construction, securing, installation, reconstruc-*
8 *tion, lease, gift, grant from the Federal Government, this state, any public*
9 *body therein, or any person, the endowment, bequest, devise, condem-*
10 *nation, transfer, assignment, option to purchase, other contract, or other*
11 *acquirement (or any combination thereof) of any properties pertaining to*
12 *a project, or an interest therein.*
13 SEC. 4. *“Drainage project” means any natural and artificial water*
14 *facilities for the collection, channeling, impoundment and disposal of rain-*
15 *fall, other surface and subsurface drainage waters and storm and flood*
16 *waters, including without limitation ditches, ponds, dams, spillways,*

Original bill is 5 pages long.
Contact the Research Library for
a copy of the complete bill.

S. B. 73

**SENATE BILL NO. 73—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS**

JANUARY 27, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Authorizes the city of Boulder City to acquire within a specified project area a telephone project, to levy special assessments therefor and to issue special assessment bonds therefor. (BDR S-1184)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT authorizing the city of Boulder City, in the county of Clark and State of Nevada, to acquire a telephone project within a project area in the city of Boulder City; providing for the levy of special assessments, the issuance of special assessment bonds and the exercise of other powers in connection therewith; providing that such powers shall be exercised pursuant to the Consolidated Local Improvements Law; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. It is hereby declared as a matter of legislative deter-
2 mination:
3 1. The acquisition by the city of Boulder City in the county of Clark
4 and State of Nevada, (designated in this act as the "City"), of a tele-
5 phone project, as defined in this act, is in the public interest, constitutes
6 a public purpose and is of special benefit to the property in the project
7 area, as defined in this act.
8 2. In view of a typical circumstances and unusual conditions a gen-
9 eral law cannot be made applicable.
10 SEC. 2. "Telephone project" means facilities pertaining to the distri-
11 bution of telephone cables and lines, including without limitation subsur-
12 face conduits, and all appurtenances and incidentals related thereto (or
13 any combination thereof).
14 SEC. 3. "Project area" means that area within the City, commonly
15 designated as "Boulder City No. 11," and more particularly described as
16 follows: Beginning at a point on the common Section line to Section 9 and
17 Section 16 at a point S 89°32'07" W 770.86 feet from the common sec-
18 tion corner to Sections 9, 10, 15 and 16, T23S, R64E, MDB & M, thence
19 S 89°32'07" W 29.14 feet, thence S 00°28'04" E 1957.33 feet, thence S
20 39°36'50" W 2726.07 feet, thence on a curve whose tangent bears N
21 50°23'10" W, concave to the Southwest having a radius of 2000.00 feet,

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

A. B. 40

ASSEMBLY BILL NO. 40—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 22, 1969

Referred to Committee on Government Affairs

SUMMARY—Eliminates possible conflict between law relating to state fire
marshal and Public Employees' Retirement Act. (BDR 42-240)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to persons required to assist the state fire marshal; conforming the age at which they are eligible to retire with the provisions of the Public Employees' Retirement Act; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 477.015 is hereby amended to read as follows:
2 477.015 Nothing contained in this chapter or elsewhere in Nevada
3 Revised Statutes shall be construed to authorize the state fire marshal or
4 his deputies **[or assistants]** to retire from the public employees' retire-
5 ment system prior to having attained the minimum service retirement age
6 of 60 years.
- 7 SEC. 2. NRS 477.040 is hereby amended to read as follows:
8 477.040 1. All municipal fire chiefs or their designated representa-
9 tives of every city or town in which a fire department is established, the
10 marshal or chief of police of any city or town in which no fire department
11 exists, and the constables within their townships outside of cities and
12 towns shall, **[be,]** by virtue of the offices held by them, **[assistants to]**
13 *assist* the state fire marshal without additional compensation, subject to
14 the duties and obligations imposed by law.
- 15 2. *Any of those persons who, under the provisions of subsection 1,*
16 *are required to assist the state fire marshal, may, if otherwise eligible,*
17 *retire from the public employees' retirement system when they have*
18 *attained the age of 55 years.*
- 19 SEC. 3. This act shall become effective upon passage and approval.

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A. B. 41

ASSEMBLY BILL NO. 41—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 22, 1969

Referred to Committee on Government Affairs

SUMMARY—Corrects clerical error in NRS 412.152, relating to
National Guard. (BDR 36-235)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT to amend NRS 412.152, relating to privileged communications of
members of the Nevada National Guard, by correcting a clerical error.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 412.152 is hereby amended to read as follows:
2 412.152 1. The reports and communications of all members of the
3 Nevada National Guard in the line of their military duty are privileged
4 communications and shall not be competent evidence against the writer
5 in any civil or criminal action in the courts of this state.
6 2. In [any] case any suit or action is brought against any member
7 of the Nevada National Guard because of such reports or communica-
8 tions, the judge advocate or the attorney general of this state, or both
9 of them, at the direction of the governor, shall appear in behalf of such
10 member and defend the suit or action without cost to him.
11 SEC. 2. This act shall become effective upon passage and approval.

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S. J. R. 8

**SENATE JOINT RESOLUTION NO. 8—SENATORS BROWN,
BUNKER, CHRISTENSEN, DODGE, FARR, FRANSWAY,
GIBSON, HECHT, HUG, LAMB, MONROE, SLATTERY,
SWOBE, WHITE AND YOUNG**

FEBRUARY 6, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Urges rescission of federal order requiring simplified form of determining eligibility of welfare recipients. (BDR 716)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

SENATE JOINT RESOLUTION—Requesting that the members of the Nevada congressional delegation urge the Department of Health, Education, and Welfare to rescind the order requiring states to adopt a simplified declaration form in determining the eligibility of welfare recipients.

1 WHEREAS, The Department of Health, Education, and Welfare has
2 adopted a regulation which makes it mandatory for all states which wish
3 to receive federal participation for their public assistance programs to
4 adopt a simplified declaration form for determining the eligibility of all
5 applicants for public assistance; and

6 WHEREAS, Under such a system, the amount of assistance awarded
7 and the eligibility of the applicant is determined on the basis of the
8 information supplied by the applicant in such form, and no investigation
9 is made of each applicant; and

10 WHEREAS, It is felt that such a system would encourage persons not
11 eligible for public assistance to apply for aid and give false information
12 in the declaration form; and

13 WHEREAS, The limited amount of money available for the public
14 assistance programs should be distributed to those persons genuinely in
15 need; now, therefore, be it

16 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
17 That the members of Nevada's congressional delegation are hereby
18 memorialized to urge the Department of Health, Education, and Welfare
19 to rescind the regulation requiring states to adopt the simplified declara-
20 tion form for determining eligibility; and be it further

21 *Resolved,* That the legislative counsel prepare and transmit copies of
22 this resolution to each member of the Nevada congressional delegation,
23 and to the Secretary of Health, Education, and Welfare.

A. B. 43

ASSEMBLY BILL NO. 43—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 22, 1969

Referred to Committee on Government Affairs

SUMMARY—Supplies omitted and corrective language to
general improvement district law. (BDR 25-226)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to general improvement districts; supplying
omitted language and providing corrective language.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 318.0951 is hereby amended to read as follows:
2 318.0951 1. Each trustee elected at any biennial election shall be
3 chosen by a plurality of the qualified electors of the district voting on the
4 candidates for the vacancies to be filled.
5 2. If there are two regular terms which end on the [first] 1st Mon-
6 day in January next following the biennial election, the two taxpaying
7 electors receiving the highest and next highest number of votes shall
8 respectively be elected. If there are three regular terms so ending, the
9 three taxpaying electors receiving the highest, next highest and third high-
10 est number of votes shall respectively be elected.
11 3. If there is a vacancy in an unexpired regular term to be filled at the
12 biennial election, as provided in subsection [4] 5 of NRS 318.090, the
13 candidate who receives the highest number of votes, after there are chosen
14 the successful candidates to fill the vacancies in expired regular terms as
15 provided in subsection 2, shall be elected.
16 SEC. 2. NRS 318.170 is hereby amended to read as follows:
17 318.170 1. The board shall have the power, in connection with a dis-
18 trict with basic powers relating to storm drainage facilities, sanitary sewer
19 facilities, refuse collection and disposal facilities, and water facilities, or
20 any combination thereof, to:
21 (a) Consult with the health division of the department of health, wel-
22 fare and rehabilitation about any system or proposed system of drainage
23 or sewage or garbage and other refuse collection and disposal as to the
24 best method of disposing of the district's drainage or sewage or garbage
25 and other refuse with reference to the existing and future needs of other

1 cities, towns, districts or other persons which may be affected thereby, and
2 to submit to the health division for its advice and approval the district's
3 proposed system of drainage or sewage or garbage and other refuse [.]
4 disposal and collection, including without limitation both liquid wastes
5 and solid wastes.

6 (b) Compel all owners of inhabited property in the district to use the
7 district's system for the collection and disposal of sewage, garbage and
8 other refuse, either as to liquid wastes, or solid wastes, or both liquid
9 wastes and solid wastes, by [collection] connection with the district's
10 sewer system or otherwise, except for industrial property for which
11 arrangements have been made with local health authorities for the disposal
12 of such wastes, subject to the provisions of paragraph (c).

13 (c) Cause a connection to such a system if a service line is brought by
14 the district to a point within 400 feet of his dwelling place, and upon a
15 failure of a property owner so to connect within 60 days after such written
16 mailed notice by the board, to cause such connection to be made by other
17 than an owner.

18 (d) Cause a lien to be filed against the property for expense incurred
19 in making such a connection by other than an owner.

20 (e) Make and enforce all necessary and proper regulations for the
21 removal of sewage, garbage or other refuse, and for the proper use of
22 water within any such district.

23 (f) Make all other sanitary regulations not in conflict with the consti-
24 tution or laws of this state, and to provide that any violation of any such
25 regulations or ordinances shall be a misdemeanor punishable by a fine not
26 to exceed \$100 or by imprisonment not to exceed 1 month, or by both
27 such fine and imprisonment.

28 2. No district shall proceed to acquire or improve any system of water
29 supply, drainage or sewage disposal or garbage and other refuse collection
30 and disposal without first obtaining the approval of the county board of
31 health.

32 3. In this section the term "drainage" means rainfall, surface and sub-
33 soil water only, and "sewage" means domestic and industrial filth and
34 waste.

35 SEC. 3. This act shall become effective upon passage and approval.

A. B. 62

ASSEMBLY BILL NO. 62—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 23, 1969

Referred to Committee on Government Affairs

SUMMARY—Permits state controller to transfer funds from general fund to state building construction project accounts. Executive estimate of cost: None. (BDR 28-136)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public works; permitting the state controller to transfer moneys from the general fund to state building construction project accounts in amounts up to 50 percent of the federal matching funds available to the state planning board for such projects.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 341 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *Whenever properly approved claims payable out of a particular, state*
4 *building construction project account exceed the amount that is available*
5 *in such project account, if the project is one which is financed in part by*
6 *funds that are made available to the board by the United States or any of*
7 *its agencies or instrumentalities, the state controller may transfer tempo-*
8 *rarily from the general fund to such project account such amount as may*
9 *be required to pay such claims, but not more than 50 percent of the funds*
10 *collectible from the United States for the particular project.*
11 SEC. 2. This act shall become effective upon passage and approval.

~~ASSEMBLY~~ / SENATE AMENDMENT BLANK

Amendments to ~~Assembly~~ / Senate

Bill / ~~Joint Resolution~~ No. 73 (BDR S-1184)

Proposed by Committee on Federal, State

and Local Governments

Amendment N^o 1382



Amend section 1, page 1, line 8, by deleting "a typical" and inserting
"atypical".

Amend sec. 3, page 2, line 6, by deleting "3277.55" and inserting
"3227.5".

~~ASSEMBLY~~ / SENATE AMENDMENT BLANK

Amendments to Assembly / ~~Senate~~

Bill / ~~Joint Resolution~~ No. 62 (BDR 28-136)

Proposed by Committee on Federal, State
and Local Governments

Amendment N^o 1383



Amend section 1, page 1, line 3, by deleting the comma.