

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 19, 1969

The thirteenth meeting of the Committee on Federal, State and Local Governments was held on February 19, 1969 at 2:30 P.M.

Committee Members present: Chairman James Gibson
Warren L. Monroe
Vernon E. Bunker
Marvin L. White
Chic Hecht
Carl F. Dodge

Also present were:

Senator Pozzi
Press representatives.

Chairman Gibson called the meeting to order at 2:30 P.M. Under consideration were several bills.

SB-188 Proposed by Senator Pozzi.
Authorizes appeals by demoted state employees. Executive estimate of cost: None.

Senator Pozzi explained that if a state employee is demoted, he has no right for a hearing or appeal before the Personnel Advisory Commission -- and they could, conceivably continue demoting him and transferring all over the state without any hearing whatsoever. However, if someone is dismissed for whatever reason, he does have the right to a hearing and it is felt that if someone has a demotion pending, they, too have right of appeal. If the right of hearing is given to the man who is dismissed, it should also be given to the man who is demoted -- and this bill adds such a provision. He also pointed out that this bill was the bill of the Advisory Commission.

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

SB-208 Proposed by Senator Pozzi.
Changes date of Nevada Day.

Senator Pozzi explained that when Nevada Day falls on a week-day, particularly, (Monday through Thursday) the parade and some of the surrounding events involving the youth of the state is disrupted because the youth, in many instances cannot come because of the distance. (He cited Elko, Winnemucca, et cetera.) He pointed out that Nevada Day is a large State celebration, centering, of course, in Carson City. It is felt that the last Friday of October would be better.

There was discussion regarding this and it was the concensus of opinion that since October 31st was, in fact, the actual day of state admission, it should stay as it is.

Senator Bunker moved that the bill be indefinitely postponed, seconded by Senator Farr. Vote was unanimous for this action.

SB-150 Proposed by Committee on Federal, State and Local Governments.
Updates and resolves ambiguities in law governing Nevada historical society. Executive estimate of cost: None.

Chairman Gibson explained that this bill simply brings up to date the language regarding the historical society and eliminates some out-of-date requirements.

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

SB-220 Proposed by Senators Brown, Bunker, and Christensen.
Revises manner of electing directors of Las Vegas Valley Water District.

Chairman Gibson explained that after this bill was introduced it was found to be unworkable because the descriptions of the districts are not tight enough in order to set up voting districts as they would like to. The bill being impractical for application, there was a request to kill it in Committee.

Senator Dodge moved indefinite postponement, seconded by Senator Hecht. Vote was unanimous for this action.

SCR-13 Proposed by Senator Dodge.
Directs legislative commission to study municipal governments.

Senator Dodge stated that having sat, with the Committee, on many meetings and hearings as have been held to consider requests of different kinds in helping the financing in one way or another, of these local governments, he feels at this time that perhaps the Committee should review the provisions of the charters. He felt that there are provisions in some of the charters that are too liberal -- as far as keeping municipal governments out of financial trouble. He added that he felt this type of bill -- with the other similar bills -- should be held together and reviewed. Chairman Gibson and the Committee were in agreement and the bill will be held over.

AJR-2 Proposed by Mr. Howard.
Supports federal legislation for access roads.

There was very brief discussion. Senator Monroe voted Do Pass, seconded by Senator Bunker. Vote was unanimous for passage.

AB-15 Proposed by Mrs. Frazzini.
Provides for deposit of state board of nursing monies.
Executive estimate of cost: None.

Chairman Gibson explained that this bill made the following provision: that all monies received by the board under the provisions of this chapter shall be paid to the executive secretary of the board, who will then deposit the money in banks or savings and loan associations in the State of Nevada. Such money may be drawn on by the board for payment of all expenses.

VOTE WAS UNANIMOUS FOR PASSAGE

AB-61 Proposed by Committee on Government Affairs.
Authorizes state planning board to negotiate with bidders on construction projects. Executive estimate of cost: None.

Chairman Gibson further explained the bill and read the inserted amendment on page 2 of the bill. He stated that this bill would give the Planning Board the authority to negotiate with the lowest responsible bidder. Senator Dodge stated that he felt there was one additional condition that should be placed in the bill -- the requirement that the lowest responsible bidder can clearly be determined -- and added that they had run into this problem before because of some of the "combinations" that might be accepted might, in turn, make a second bidder eligible. It was agreed by the Committee to hold this bill over until a member of the State Planning Board could be present to answer questions.

AB-90 Proposed by Mr. Howard.
Authorizes simplified renewal of minister's certificates of permission to perform marriages.

There was a brief discussion. Senator Monroe voted Do Pass, seconded by Senator White. Vote was unanimous for passage.

SB-36 Proposed by Senator Monroe.
Provides for tax-supported county museum or historical society.

There was brief discussion. Senator Dodge moved Amend and Do Pass, seconded by Senator Bunker. Vote was unanimous for passage.

Chairman Gibson then briefly discussed various other bills that are before the Committee, requesting the members to study them. There was further discussion regarding off-track betting and other problems involved in SB-140. Senator Dodge felt that the latter bill should be held for a few days until more questions involving it could be answered. Senator Monroe brought up concern regarding who will supervise the gambling aspects. There was Committee query as to whether the Gaming Commission should do this vs. the Racing Commission. This bill, along with SB-48, will be considered tomorrow.

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

Respectfully submitted,

Patricia F. Burke
Patricia F. Burke
Committee Secretary

S. B. 188**SENATE BILL NO. 188—SENATOR POZZI**

FEBRUARY 12, 1969

Referred to Committee on Finance

SUMMARY—Authorizes appeals by demoted state employees. Executive estimate of cost: None. (BDR 23-330)

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

AN ACT relating to the state personnel system; authorizing appeals to the advisory personnel commission after a demotion; 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 284.390 is hereby amended to read as follows:

2 284.390 1. Within 30 days after receipt of a copy of the statement
3 provided for in subsection 2 of NRS 284.385, an employee who has been
4 dismissed, *demoted* or suspended may, in writing, request a hearing before
5 the commission to determine the reasonableness of such action.

6 2. The commission shall grant the employee a hearing within 45 days
7 after receipt of the employee's written request.

8 3. At the hearing of such appeal, technical rules of evidence shall not
9 apply.

10 SEC. 2. NRS 284.395 is hereby amended to read as follows:

11 284.395 1. After the hearing and consideration of the evidence for
12 and against a dismissal, *demotion* or suspension, the findings and recom-
13 mendations of the commission shall be submitted to and considered by
14 the appointing authority.

15 2. Not later than 30 days after receipt of the findings and recom-
16 mendations, the appointing authority may reinstate the employee with or
17 without pay for the period of suspension or otherwise modify his original
18 decision of suspension, demotion or discharge.

19 3. When an employee is dismissed and not reinstated after an appeal,
20 the commission, in its discretion, may direct that his name be placed on
21 an appropriate register, or may take steps to effect the transfer of the
22 employee to a comparable position in another department.

23 SEC. 3. This bill shall become effective upon passage and approval.

S. B. 208**SENATE BILL NO. 208—SENATOR POZZI**

FEBRUARY 17, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Changes date of Nevada Day. (BDR 19-1154)

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

AN ACT relating to legal holidays; changing the date of Nevada Day; 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 236.010 is hereby amended to read as follows:
 2 236.010 1. The following days are declared to be legal holidays for
 3 state and county government offices:
 4 January 1 (New Year's Day)
 5 May 30 (Memorial Day)
 6 July 4 (Independence Day)
 7 First Monday in September (Labor Day)
 8 **[October 31]** *Last Friday in October* (Nevada Day)
 9 November 11 (Veterans' Day)
 10 Thanksgiving Day
 11 December 25 (Christmas Day)
 12 Any day that may be appointed by the President of the United States
 13 or by the governor for public fast, thanksgiving or legal holiday.
 14 2. All state and county offices, courts, banks and the University of
 15 Nevada shall close on the holidays enumerated in subsection 1 unless in
 16 the case of appointed holidays all or part thereof are specifically exempted.
 17 3. If January 1, May 30, July 4, **[October 31,]** November 11 or
 18 December 25 shall fall upon a Sunday, the Monday following shall be
 19 observed as a holiday.
 20 SEC. 2. This act shall become effective upon passage and approval.

S. B. 150**SENATE BILL NO. 150—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS**

FEBRUARY 10, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Updates and resolves ambiguities in law governing Nevada historical society. Executive estimate of cost: None. (BDR 33-231)

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

AN ACT relating to the Nevada historical society; resolving existing ambiguities in statutes governing the society; reducing the required number of state publications to be provided the society; removing the requirement of approval of members by the board of trustees; 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 382.022 is hereby amended to read as follows:
 2 382.022 1. The board of trustees may hire and fix the duties, powers
 3 and conditions of employment of necessary technical and clerical per-
 4 sonnel. [Employees in the unclassified and classified service of the state
 5 shall receive the salaries provided by law.]
 6 2. *Employees of the Nevada historical society in the unclassified*
 7 *service of the state shall receive annual salaries in the amounts specified*
 8 *in NRS 281.115.*
 9 SEC. 2. NRS 382.026 is hereby amended to read as follows:
 10 382.026 1. The board of trustees may set the qualifications for life,
 11 honorary, annual, sustaining and such other memberships as the trustees
 12 may deem necessary.
 13 2. All persons holding membership in the Nevada historical society
 14 on April 27, 1967, shall be allowed to maintain such membership in
 15 compliance with the provisions of this chapter. [, but all applicants for
 16 membership after April 27, 1967, shall be subject to the approval of the
 17 board of trustees.]
 18 SEC. 3. NRS 382.040 is hereby amended to read as follows:
 19 382.040 1. To enable the Nevada historical society to augment its
 20 collection by effecting exchanges with other societies and institutions,
 21 [60] 2 bound copies each of the several publications of the state and of
 22 its societies and institutions, except the Nevada Reports and Statutes of

1 Nevada, shall be donated to the Nevada historical society as they are
2 issued, the same to be delivered to the society by the secretary of state
3 or other officer having custody of the same.

4 2. One set of Nevada Reports and one set of Statutes of Nevada shall
5 be donated to the society, which, together with one set of all the publica-
6 tions donated in compliance with the provisions of subsection 1, shall be
7 deposited in the collections of the society.

8 SEC. 4. NRS 382.050 is hereby amended to read as follows:

9 382.050 1. The superintendent of state printing shall cause such
10 number of copies of historical papers issued by the society to be printed
11 as may be ordered by the society. When printed, the copies shall be
12 delivered to the [secretary of the board of trustees] *executive secretary*
13 of the Nevada historical society to be sold for the society's benefit, to be
14 exchanged, or to be distributed to its members.

15 2. All plates for illustrating any volume, shall be furnished to the
16 superintendent of state printing by the society, and the costs of printing,
17 binding and transportation shall be paid by the society.

18 3. The society may sell pamphlets or books prepared solely by or
19 printed for the society which shall be for the purpose of disseminating
20 general or historical information only. The society may deposit the pro-
21 ceeds of such sales in an insured commercial bank account:

22 4. Funds received by the society from donations, grants or any other
23 source may be deposited in the account provided for in subsection 3.
24 Expenditures of such funds shall be limited to the purpose of the dona-
25 tion, grant or other source of the fund.

26 5. Checks on the account provided for in subsection 3 may be drawn,
27 and negotiable items endorsed for deposit, by two signatures, one of
28 which shall be that of a [director] *trustee* and one of which may be that
29 of an employee. All other claims and disbursements on behalf of the
30 society shall be signed by at least two [directors.] *trustees*.

31 SEC. 5. NRS 382.024 is hereby repealed.

32 SEC. 6. This act shall become effective upon passage and approval.

A. J. R. 2**ASSEMBLY JOINT RESOLUTION NO. 2—MR. HOWARD**

JANUARY 20, 1969

Referred to Committee on Public Resources

SUMMARY—Supports federal legislation for access roads. (BDR 579)



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

ASSEMBLY JOINT RESOLUTION—Supporting federal legislation to grant private ingress and egress over United States public lands.

1 WHEREAS, Certain citizens of the State of Nevada hold estates in fee
2 or possessory interests of lands in Nevada which are encompassed by,
3 or border upon, United States public lands; and

4 WHEREAS, Rights-of-way for private ingress and egress across United
5 States public lands are necessary in order to enable Nevada citizens to
6 reach or to utilize their property; and

7 WHEREAS, An easement by necessity over United States public lands
8 does not exist against the United States Government; and

9 WHEREAS, There are no statutory authorities for granting a right-of-
10 way over United States public lands for private roads for private use
11 except the Act of January 21, 1895 (43 U.S.C. § 956), which grants
12 rights-of-way for tramroads; and

13 WHEREAS, Special permits enabling landowners to have a right-of-way
14 over United States public lands are unsatisfactory in that they are tempo-
15 rary, revocable and subject to strict consideration before issuance; and

16 WHEREAS, Federal legislation has been proposed in the past to author-
17 ize the grants of rights-of-way for access roads to private lands, but such
18 legislation has not been enacted; now, therefore, be it

19 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
20 That this 55th session of the legislature of the State of Nevada enthusias-
21 tically supports the enactment of legislation which would grant rights-of-
22 way for private ingress and egress across United States public lands, and
23 requests the members of Nevada's congressional delegation to unite in
24 their efforts to propose and support the passage of such legislation; and
25 be it further

26 *Resolved,* That copies of this resolution be prepared by the legislative
27 counsel and transmitted forthwith to the Secretary of the Interior and the
28 members of Nevada's congressional delegation.

A. B. 15**ASSEMBLY BILL NO. 15—MRS. FRAZZINI**

JANUARY 20, 1969

Referred to Committee on Government Affairs

SUMMARY—Provides for deposit of state board of nursing moneys.
Executive estimate of cost: None. (BDR 54-24)

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

AN ACT to amend NRS 632.090, relating to moneys collected by the state board of nursing, by allowing such moneys to be deposited in banks or savings and loan associations.

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

- 1 SECTION 1. NRS 632.090 is hereby amended to read as follows:
2 632.090 [1. All fees received by the board shall be paid to the
3 executive secretary of the board, who shall deposit the same at the end
4 of each month with the state treasurer.
5 2. The state treasurer shall place the money to the credit of a fund
6 to be known as the state board of nursing fund. All money paid into this
7 fund shall be held subject to withdrawal on order of the board for the
8 purpose of meeting expenses necessarily incurred in the performance of
9 the special duties imposed by this chapter and for the elevation of the
10 standards of nursing care in this state, as the board may in its discretion
11 direct.
12 3. All disbursements of money made pursuant to this chapter shall
13 be made only on verified claims therefor.] *All moneys received by the*
14 *board under the provisions of this chapter shall be paid to the executive*
15 *secretary of the board, who shall deposit such moneys in banks or savings*
16 *and loan associations in the State of Nevada. Such moneys may be drawn*
17 *on by the board for payment of all expenses incurred in the administra-*
18 *tion of the provisions of this chapter.*
19 SEC. 2. This act shall become effective upon passage and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 90

ASSEMBLY BILL NO. 90—MR. HOMER

JANUARY 27, 1969

Referred to Committee on Government Affairs

SUMMARY—Authorizes simplified renewal of minister's certificate of permission to perform marriages. (BDR 11-266)

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

AN ACT relating to certificates of permission to perform marriages; simplifying the requirements for the renewal of such certificates; 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 122.064 is hereby amended to read as follows:
 2 122.064 1. A certificate of permission may be obtained only from
 3 the county clerk of the county in which the minister resides, after the
 4 filing of a proper application. The *initial* application shall:
 5 (a) Be in writing and verified by the applicant or his superior.
 6 (b) Show the date of licensure or ordination, or both, of the minister,
 7 and the name of the denomination, governing body and church, or any of
 8 them, with which he is affiliated.
 9 (c) Be accompanied by two copies of the denominational standing of
 10 the applicant, one of which the county clerk shall file with the secretary
 11 of state.
 12 2. For the purpose of determining the qualifications of any minister
 13 who has filed an application for a certificate, the county clerk with whom
 14 such application has been filed may require that:
 15 (a) The congregation of such minister furnish any evidence which
 16 the county clerk considers necessary or helpful.
 17 (b) The district attorney and the sheriff conduct an investigation of
 18 the background and present activities of such minister.
 19 3. In addition to the requirement of good standing, the county clerk
 20 shall before approving an *initial* application satisfy himself that:
 21 (a) The applicant's ministry is primarily one of service to his congre-
 22 gation or denomination, and that his performance of marriages will be
 23 incidental to such service, or, in the case of a retired minister, that his
 24 active ministry was of such nature.

1 (b) No certificate previously issued to the applicant has been canceled
2 for knowing violation of the laws of this state or of the United States.

3 (c) The applicant has never been convicted of a felony or of any
4 crime of which moral turpitude is an element.

5 4. The county clerk may require any applicant to submit information
6 in addition to that required by this section.

7 SEC. 2. NRS 122.066 is hereby amended to read as follows:

8 122.066 1. If the county clerk approves an application, he shall
9 notify the secretary of state of such approval within 10 days thereafter.
10 After receipt of such notification, the secretary of state shall immediately
11 certify the name of such minister to each county clerk and county
12 recorder in the state.

13 2. A certificate of permission shall be issued only for the period of
14 July 1 to June 30, inclusive, and if issued after July 1 shall be valid only
15 until the following June 30. All certificates may be renewed annually.
16 *If the certificate of permission has not lapsed, the county clerk may issue*
17 *a renewal certificate upon the delivery to him of:*

18 (a) *A written statement that the minister is still in good standing within*
19 *his denomination, signed by the person who executed the initial evidence*
20 *of denominational standing or by his successor; and*

21 (b) *An affidavit signed by the minister stating that his performance of*
22 *marriages is incidental to his ministerial duties.*

23 3. If any minister to whom a certificate of permission has been
24 issued severs ties with his congregation or moves from the county in
25 which his certificate was issued, the certificate shall expire immediately
26 upon such severance or move, and the trustee, warden, responsible
27 superior or other officer of the congregation authorized to speak for it
28 shall, within 5 days following the severance or move, give written notice
29 of the fact of such severance or move to the county clerk who issued the
30 certificate.

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

S. B. 36

SENATE BILL NO. 36—SENATOR MONROE

JANUARY 22, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides for tax-supported county museum or historical society. (BDR 20-601)

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

AN ACT relating to county government; providing for a county museum or historical society; authorizing a tax levy; 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 244 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The board of county commissioners of any county may include in*
4 *the annual budget of the county items to cover the expense of maintaining*
5 *a county museum or historical society.*
6 2. *The expenditures so budgeted may be met by including them in the*
7 *annual tax levy of the county; but in no case may the tax levy for such*
8 *purposes in any 1 year exceed 5 cents on each \$100 of the assessed valua-*
9 *tion of the property of that county.*
10 3. *The proceeds of the tax levy may be paid under contract to a his-*
11 *torical society, museum board or other board, committee or organization*
12 *for their use in paying salaries of museum personnel, in building and main-*
13 *taining exhibits, in purchasing cabinets, in displaying items and in con-*
14 *ducting museum-related activities, but in no case may such organization*
15 *or board make capital improvements without the express approval of the*
16 *board of county commissioners.*
17 SEC. 2. This act shall become effective upon passage and approval.

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~~ASSEMBLY~~/ SENATE AMENDMENT BLANK

Amendments to ~~Assembly~~ / Senate

20-601

Bill / ~~Joint Resolution~~ No. 36 (BDR ~~XXXXXX~~)

Proposed by Committee on Federal, State

and Local Governments

Amendment N^o 1374



Amend section 1, page 1, by deleting lines 10 and 11 and inserting:

"3. The proceeds of the tax levy may be paid under contract to a nonprofit historical society, nonprofit museum board or other nonprofit board, committee or organization".