

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 26, 1969

The eighteenth meeting of the Committee on Federal, State and Local Governments was held on February 26, 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
F. W. Farr

Also present were:

Frank Daykin	Legislative Counsel
Curt Blyth	Nevada Municipal Association
John Fransway	Senator
James Wittenberg	Director, State Personnel Department
Emerson Titlow	Senator
Harvey Dickerson	Attorney General
Arch Pozzi	Senator

Press representatives

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

SB-173 Proposed by Senator Fransway.
Permits formation of rodent control districts.

Chairman Gibson asked Senator Fransway to comment on this bill, SB-173.

Senator Fransway explained that this bill ties in directly with a Weed Control Act that is now in the docket, with some minor changes. This deals with a problem regarding people who are irrigating alfalfa by sprinkler systems and others who do it by flooding -- the sprinkler people aren't particularly interested in gophers (rodent control) because it doesn't destroy their water systems, but the flood irrigators are -- the water goes down the gopher holes and the last hundred yards in the fields they aren't able to get the water -- so this is a serious problem. With an entity set up to control this problem, there will be more cooperation than there would be with individuals. He said that it isn't an "earthshaking" piece of legislation, but he feels it is pretty important to some people and that they will immediately go to the commissioners and attempt to institute this piece of legislation. He expressed the hope that this could be made effective as of the date of approval by the legislature.

Senator Farr said at this point that he has some reservations regarding Section 7, page 2, line 45, where it states that once this district is created and

they have their board members, that: "If any landowner fails to carry out the plan of rodent control for his land as approved or modified by the board of directors, the rodent control officer may enter upon the land, perform any work necessary to carry out the plan, and charge such work against the landowner. Any such charge, until paid, is a lien against the land affected coequal with a lien for unpaid general taxes, and may be enforced in the same manner." He felt that there should be a provision there to give them the right to some type of hearing.

Senator Monroe stated that he concurred in this objection, but that there would be an amendment made to that section after the words on line 47: "control officer may (after proper notice) enter upon the land, perform any work . . ." He added that it may be that some people couldn't afford to have this work done, and that they should have a chance to come in and have a hearing. Also, he felt that there should be a provision providing for "appeal to the board for hearing." Senator Farr said that there may be some cases where neighboring landowners form a district and someone didn't want to join, they would almost be forced to do so anyway. But Chairman Gibson pointed out that that probably could not happen as it has to be 50% of the assessed valuation and also there is a provision in the bill for withdrawal from the area.

There was another matter of concern to Senator Farr on this bill on page 3 regarding "following the Local Government Budget Act . . ." that "the board of county commissioners shall, by resolution, levy an assessment upon all real property in the rodent control district. Every assessment so levied shall be a lien against the property assessed." He felt that possibly all districts within the \$5.00 limit have some restriction as to the amount of money (short-term loans) and questioned if there should be a percentage added or if it should be left wide-open. There was then inter-committee discussion as to whether this would actually be in the \$5.00 limit or a special assessment district. Chairman Gibson also asked Senator Fransway if he wanted the rate mandated, and he stated "yes" -- if it's within the \$5.00 limit, otherwise "no." It was noted that the Mosquito Abatement District was within the \$5.00 limit.

Mr. Daykin: This assessment would be outside the \$5.00 limit. In other words, it's an assessment and not an ad valorem tax.

Chairman Gibson: On line 47, page 2, after the word "may" -- in other words, "control officer may . . ." -- he wants to add these words, "after proper notice, enter upon the land."

Mr. Daykin: I think it proper to give some kind of notice.

Chairman Gibson: And then we wonder about providing a hearing . . . where this mechanism comes into effect for entering requires work to be done and so on, and which becomes a lien. We wonder about including in there in the proper place, for a hearing before the Control Board Office before such action is finally taken?

Mr. Daykin: That's a question of policy -- you certainly could do it. It's

not customary in statutes of this kind because you have a hearing on the plan -- that is on the general regulations and plan of rodent eradication. Normally these things, where for example, you are required to get rid of the weeds on your lot on or before a certain date, and if you don't do it, the control officer or whoever it is, goes in and does it.

Chairman Gibson: That is existing law now.

Senator Monroe: It says in Section 6: "The state board of agriculture shall, after a hearing held in the county, promulgate regulations for each rodent control district which shall include but are not limited to: (1) The species of rodents to be controlled in the district. (2) The means of control . . ."

Mr. Daykin: Of course, the method of control does imply how you're going to do that. Your plan would differ from one piece of property to another. To answer your question, Jim, Nevada doesn't have much of a weed control right now, to be downright honest with you. But in the middle western states where you do have effective weed control law that's generally where the plans and regulations are agreed upon and then the landowner does it, or the district does it.

Senator Farr: I have another question on this point. It says the money outside the district is to be used "Upon the preparation and approval of a budget in the manner required by the Local Government Budget Act . . ." Using that phrase "the Local Government Budget Act," does not tie the responsibility of the commissioners to any statutes.

Mr. Daykin: That's correct. This only means the other procedures for preparing budget.

Senator Farr: And this is outside. So they just use their procedures as outlined, but leave the control locally in the assessment.

Mr. Daykin: Yes, that is correct.

Senator Farr: The next point in question: Resolutions do not require public hearings in city government. You're levying a tax here -- you leave it up to the commissioners to levy a tax by resolution -- they do this without public hearing.

Mr. Daykin: A public hearing comes in on the budget, Senator Farr.

Chairman Gibson: Do we withdraw the request for an additional hearing, then? That was one of the amendments.

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

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

The attention of the Committee was then turned to Senate Bill-61. Chairman Gibson reminded the members that this bill had been held up on a question of a definition of what the low bid is -- of the lowest responsible bidder. Senator Dodge had checked this out with Rowland Oakes and found out that the language as it now reads is satisfactory to them -- and there would be no beefs about a decision as to who is the lowest responsible bidder. There was a letter to Chairman Gibson from Bill Hancock saying that actually they work this out with the AGC concerning the method of award. They will publish the maximum construction budget in the bid document and list the alternatives in the order in which they will be accepted subject only to the availability of funds. We've tried this procedure on several minor projects and have noticed no major problem in its application. It still allows the board to accept or reject any and all bids."

Senator Monroe moved "Do Pass," which was seconded by Senator Hecht. Passage of the bill was unanimous.

AB-64 Proposed by Committee on Health and Welfare.
Corrects internal references in statute relating to county medical assistance for indigents.

In regard to AB-64 Chairman Gibson asked that they check the statute -- NRS 428.090, which reads as follows: "The responsibility of the Board of County Commissioners to provide medically or any other type of remedy relating under this section shall be relieved to the extent of the amount of money or the value of services provided by the Welfare Division at the Department of Health, Welfare and Rehabilitation to afford such persons for medical care of any type of remedial care under the provisions of 428.150 to 428.360." This is Title 19 and a new chapter. Chairman Gibson noted that the other chapters referred to the former program where there was medical aid in each categorical program.

Senator Monroe moved "Do Pass," which was seconded by Senator Dodge. Motion for passage was unanimous.

AB-185 Proposed by Committee on Government Affairs.
Provides for unmarked automobiles and for county to pay costs of attorney general's special investigator.

Consideration was then given by the Committee to Assembly Bill 185. Senator Monroe questioned as to whether or not there would be any extra cost involved in authorizing these three additional automobiles -- or do they already have them? Chairman Gibson said it was his understanding that they already have the automobiles, but the purpose of the bill was to allow them to have a blind license plate on them, so they could not be identified as state automobiles. Chairman Gibson then asked Mr. Dickerson why he felt this bill was necessary?

Mr. Dickerson: Does it call in this bill for three unmarked cars? Well, that was with the anticipation that the legislature might give us some additional investigators. If they do not, then we only need one unmarked car. This car is used by an investigator in criminal investigation for the Attorney General's office under the Gaming Control Board for

various state agencies, and also for the counties. We've been helping the counties out on their investigations of criminal activities and unless the investigator has an unmarked car it's nearly impossible to conduct a good investigation because immediately that the marked car comes into the territory in which the crime has been committed, those who were responsible for it immediately know that someone connected with the state police in some way is there and it hampers their activities. But at the present time we only have one car, and unless the legislature gives us an additional investigator, one unmarked car is sufficient.

Chairman Gibson: Is that the only car assigned to your department?

Mr. Dickerson: Yes. We have a car now, and we have been using it as an unmarked car in the interim period. We asked budget if we could continue to use this car until such time as the legislature met and then we would ask them for authority to use the unmarked vehicle. But it's in our budget and we are using it now as a matter of fact -- it's a car that the motor pool assigned to our investigator -- and we pay the motor pool for it. Now, when the car is used in helping these various counties, the counties have in most instances, been paying the expenses of our investigator as to mileage and as to his expenses while he's operating for the county.

Senator Monroe: If we pass this bill do you have to go to the Budget Office and ask for two more cars?

Mr. Dickerson: I don't think that you should give me three cars unless you are going to give me more investigators.

Chairman Gibson: I wonder if you couldn't take care of that by just taking the word "three" out of there? Then in the future if you got more than one . . .

Mr. Dickerson: That would do it because we have no idea now as to how many we will need -- whether we'll need one or whether we'll need more than one. If you just say "unmarked cars" why then that will do it.

Chairman Gibson then thanked Mr. Dickerson for coming over and answering their questions on this bill.

Senator Monroe moved "Amend and Do Pass," with a second by Senator Bunker. The amendment would be to take out the word "three" on line 47, page 2 of the bill. The vote for passage was unanimous.

SB-228 Proposed by Senator Pozzi.

Provides that public employees not be required to take examination when position is reclassified without change in duties.

Chairman Gibson read Section 1, Subsection 4 as follows: "No employee may, by regulation, be required to take an examination upon having his position reclassified without any material change in duties." He further stated that it was the committee's understanding from Mr. Pozzi that this was requested by the State Employee's Association and they wondered what the feeling of the Personnel Division was -- if it would cause any problems?

Mr. Wittenberg: Well, I'll say this -- I think that it would create some problems. Now, we discussed with the Employees' Association and the state representatives on the legislative committee all the proposals that they had for the legislature. This, of course, was one of those. At the time we discussed it we agreed mutually that this could be worked out better through rule and regulation than by legislation. They indicated to me this morning, in talking to them, that this had not been taken out of the group of proposals that they had, and still that we could best work it out through rules and regulations rather than a statute. Because it would, without having some latitude, for judgment and exceptions in certain circumstances it would create some problems.

Senator Monroe: They agreed that it would be better for you to still tell them --

Mr. Wittenberg: No, they disagreed. No, they hadn't changed their position. I simply called them to find out if they at last had a meeting of the minds on whether we would do it through rule and regulation and they were in favor of that also. I just wanted to find out if they had changed their position on that, and they said, no, they hadn't.

Chairman Gibson: What are they trying to get here? Has there been some problem come up over this type of thing?

Mr. Wittenberg: Well, the problem that arises is this: When an employee is reclassified by a substantial change in the duties and responsibilities, and reclassification takes place, an employee is required to pass a competitive examination -- a qualifying examination for that particular job. Now, if they've been functioning in that particular capacity for a period of time, it's pretty frustrating for a person to have to do that. We did a great deal of research on it and have approval now that provides a realistic approach to it, but I think it can be improved upon, so that it does eliminate the naked aspects of this in the majority of the cases. But this is the basis of the problem. Not too many reclassifications occur, so it's not covering a large number of people by any means.

Senator Monroe moved that this bill be indefinitely postponed, with a second by Senator Dodge. The vote was unanimous.

SB-146 Proposed by Senator Titlow.
Establishes Central Nevada Resource Development Authority.

It was the recollection of Chairman Gibson that a resource development authority has been established in a district up above Gerlach -- it was a cooperative thing with one of the California counties. There was some discussion on this with Senator Monroe stating that this must be for a big recreational project which was already set up, through some federal action. It was felt that they probably needed some further statutory provisions for authority, and it may not be the recreational project as the bill states "agricultural." Chairman Gibson then asked Senator Titlow for an explanation as to what is involved in SB-146.

Senator Titlow: What it is is a bill to make the Central Nevada Development Authority an entity in itself -- in it's own. They are entitled now to participate in an act by Nevada ruling by the Department of Agriculture where they will obtain Federal funds for local economic development. (Question: What counties are involved?) There's Lander County, Eureka County, Nye and Esmeralda -- there are two representatives from each county.

Chairman Gibson: Are they in being now? Are they functioning now?

Senator Titlow: Yes, they have been functioning for about three years now.

There was further discussion at this point noting that they are developing recreational, as well as agricultural projects. This bill is to give them status. Senator Dodge asked if there was some federal action that established this? Senator Titlow said "yes," that this was the case through the Department of Agriculture, resource development authority for them to participate in federal funds. He said that this was very similar to the organization that four states -- parts of four states -- are going to join in Clark County, involving Utah, Nevada, Arizona and California.

Chairman Gibson then noted that this action involves nearly 12 million acres in the four counties involved and read part of the context from a leaflet entitled, "Central Nevada, Conservation and Development Project, Program of Action" as follows:

"To direct orderly planning and operations, the sponsors have formed an association, the Central Nevada Development Association . . .

"Our prime objective is to improve the lagging economy of Central Nevada through local initiative. The program will enable local citizens to meet local needs.

"Significant steps to date are: A promotional package, including a 26-minute color-sound motion picture about the project area, an illustrative 4-color brochure oriented to the movie, and a 2-color map showing outstanding attractions of the area is being completed. The movie, which will be narrated by actor Joel McCrea, is a documentary type production which contrasts the past and present while showing the attractions of the area. It is anticipated that the film will receive good acceptance from independent TV stations all over the country for free showing during mandatory public service time . . .

"A private development is now underway at Kingston Canyon. Recreation Unlimited, Inc. has begun marketing summer homesites along Kingston Creek and is in the process of building an authentic 19th Century village, a lodge facility, golf course, and related recreational improvements. This development complements the Fish and Game lakes being constructed up Kingston Canyon . . . The private people are cooperating with the Central Nevada Development Association and government agencies to maintain an orderly, integrated, conservation-oriented growth.

"The Central Nevada Annual Trail Ride and Barbecue 'Living History Days' celebration was initiated in July, 1968 with great success. More than 500 people from Reno, Las Vegas, and surrounding states attended.

"A Public Law 566 Small Watershed Project has been authorized for planning for the Jefferson Canyon area, and studies are being made to determine the feasibility of a large lake, which will provide water management and recreational benefits.

"The University of Nevada has established a Field Laboratory Experiment Station 17 miles west of Austin.

"Two summer guest ranches in Smoky Valley are in operation.

"'Local Color' brochures have been developed by service groups in Austin, Manhattan, Ione, Round Mountain, and Eureka.

"The Nevada Fish and Game Commission has scheduled construction of a recreation lake in Birch Creek Canyon, in addition to the two in Kingston Canyon.

"Plans have been made to modernize water systems in Austin, Eureka, and Tonopah.

"The individuals, agencies, services, and authorities who have initiated these proposals will be encouraged to expedite their programs and to work with the project sponsors."

Chairman Gibson noted that this seems to be a "general program," and that there were no further questions of Senator Titlow.

Senator Dodge said that this whole thing started some years ago and has been fostered by various government agencies, and he felt that it does have some merit, particularly in the sparsely settled areas where they don't have chambers of commerce, et cetera. This will tend to tie in the soil conservation districts for this purpose, and it is part of the plan to try to develop and broaden some of these federal agencies and activities beyond the present level. Senator Dodge still had some reservations as to whether it is valid or whether it's operational without giving it formal recognition, also as to giving the right to sell bonds and this sort of thing.

Senator Farr: Frank, (Mr. Daykin) do you use the term "soil conservation district," and these other terms here to define the area it is already established?

Mr. Daykin: Yes. In other words, these districts are legal entities which already exist. The soil conservation districts are recognized in our law, and these particular ones are organized and functioning. Of course, they may be altered pursuant to law.

Senator Dodge: These sort of things basically are premised upon the fact that people in these kind of areas aren't able to help themselves.

Senator Farr: Where the board has the power to borrow money and issue bonds -- if we created this combined district and give them legislative action can they do that outside of the county How do they establish the payment?

Mr. Daykin: That is one of the "thin" aspects of this act. You will notice there is nothing here which gives them the authority to have recourse to ad valorem taxation. Therefore, the only bonds they could issue would have to essentially be revenue bonds. They would have to be based -- in order to be saleable -- on self-liquidating projects. Now, if you have a self-liquidating project, no doubt any one of these entities could also -- except the soil conservation projects.

Senator Dodge: Might they eliminate their assessment bond where they were backed by certain property?

Mr. Daykin: Of course, they are not given the authority in here to levy assessments. It would have to be a "voluntary contract" basis, which again would be essentially revenue. Actually, I don't see that there's anything provided in here except the bond, which these governments could not already do under the Inter-Local Cooperation Act.

Chairman Gibson: If we took out (f) there, would that upset it too much? With the present attitude on these things we are leary of these things.

Mr. Daykin: If you took out the power to borrow money and issue bonds Actually, they could cooperate for any other purpose right now under existing law without this act.

Chairman Gibson: The only thing is they don't have standing in the statutes in this particular range right now, do they?

Mr. Daykin: Chapter 277 will allow inter-governmental contract -- they could set up a separate legal entity subject to the requirements of Chapter 277.

Senator Dodge: I would be interested to know who drafted the act?

Mr. Daykin: Senator Dodge, our office will have to take the blame for the form in which it appears in the bill. The model was given to me, I think, from some federal agency. It probably began in the Department of Agriculture somewhere -- the material was brought to me by Senator Titlow and a couple of gentlemen from the Nye area, the county area.

Senator Farr suggested to Chairman Gibson that a letter could be sent out to the interested parties in the counties informing that they already have the authority to do these things, except for the bonding authority, unless they can supply some justification. Mr. Daykin said that he had informed the gentlemen of this when they brought the draft in, but that they had made a point of the bonding authority.

Chairman Gibson asked that this bill be held for now, until Senator Titlow could provide further enlightenment on the matter.

SJR-12 Proposed by Committee on Health and Welfare.
 Urges Congress to refrain from interfering in state administration
 of welfare programs.

Chairman Gibson explained the purpose of this bill. He said that it's a federal-state affair. It is one of the recommendations of the Welfare Committee, subcommittee of the legislative commission.

Senator Monroe moved "Do Pass," seconded by Senator Dodge. The motion for passage was unanimous.

SB-75 Proposed by Senator Pozzi.
 Consolidates Ormsby County and Carson City into one municipal
 government.

Chairman Gibson said that there were a couple of questions that came up at the public hearing, and which he had checked with Mr. McDonald: (1) The question of the deletion of Ormsby County -- if we weren't in conflict with another provision in the constitution. Mr. McDonald said that that was acknowledged in the constitutional amendment, so there was no problem there; and (2) about the need to wipe Ormsby County out of the statutes completely. He suggested that they might put a paragraph in there somewhere that wherever the statutes referred to Ormsby County, that it meant Carson City, after such and such a date.

Mr. Daykin: First, to give you the constitutional background of it, the amendment which makes this consolidation possible provides that the legislature may consolidate the city which is the seat of government with the county in which that city is located, in one consolidating municipality. It does not specify the name of the consolidated municipality. But another provision of the constitution specifies the seat of government shall be at Carson City. Therefore, the consolidated municipality which contains the seat of government must, under the constitution, be known as Carson City. It can't be called anything else. Therefore, you could not consolidate this thing and call it Ormsby County and forget Carson City. You have to go the other way around. However, realizing that there is a considerable emotional impact, my informal suggestion to Senator Gibson was this: There is no reason why in this charter you constantly speak of the General Services District. And by that we mean the area outside the present city limits of Carson City. Now, there's no reason why we couldn't write it in here somewhere -- the Board of Supervisors may designate the General Services District as the Ormsby District, thus preserving the proper name Ormsby, or as associating it with what is now the unincorporated area of the county.

Senator Dodge: Well, don't you also add a county structure?

Mr. Daykin: No, you can't give it a county structure.

Senator Farr: When I was working in consolidation, mergers and et cetera, I had a real insight on this. The Urban Affairs in Washington has a statute definition of consolidation and as I recall, consolidation of two agencies, and then you can come up with your own name. Merging had a

different definition -- if you merge one smaller unit into a larger or vice versa, the name of the one you are merging into would remain. Now, do you think there is an area here that you would be able to devise in here a new name to consolidate two agencies, and in doing so you abolish their names except that the constitution provides that one of them shall be called such and such, but may you apply that by definition?

Mr. Daykin: No, I think, Senator Farr, of course in the first place the regulations of the Federal Government have nothing whatever to do with the case. Secondly, to quote Chief Justice Storey, "The constitution of the people speak and their words are to be interpreted according to their plain, ordinary meaning." When they provided for consolidation it meant exactly what we understand by that word. The combination of two local governments into one. Now, elsewhere the constitution provides that the seat of government, which is one of these consolidated entities, must be called Carson City. The consolidating entity is the seat of government, therefore, it must be called Carson City.

There was further committee discussion on this point. Chairman Gibson felt that they should come up with something that would preserve the name Ormsby. It was pointed out once again by Mr. Daykin that the General Services District could be changed to Ormsby District, but that Ormsby County could not be used because it implies a county, where a county would not exist. It was felt by the committee that this might be the answer to this particular problem.

Chairman Gibson then turned to Section 2.010, subsection 5 of this bill. This says that the legislature should set the salaries originally and as they currently exist, at \$2,400.00 for the supervisors and \$3,600.00 for the mayor. He also pointed out that it lists the salary that the office shall hold, but it doesn't say what his salary shall be to start with, or who sets it.

Mr. Daykin: The Board of Supervisors sets these salaries within the legislative range. It probably should be spelled out. I think the controlling provision here is subsection 4, of Section 2.090: "The board shall have such powers as are conferred upon the governing bodies of counties and cities by applicable laws which are not in conflict with the express or implied provisions of this charter." The Board of County Commissioners has the express power to set these salaries within the range.

Chairman Gibson suggested that they put in the salaries as they are now, what the range is and who sets it, and that it cannot be raised or lowered during the term of office. Senator Farr asked whether it made a difference if this were set by resolution or by ordinance?

Mr. Daykin: If you want to restrict them to doing it by ordinance you would have to write it in -- ordinarily they can act by resolution.

Chairman Gibson: I think they ought to set salaries by ordinance.

Mr. Daykin: This confines them, of course, to that method. Now, Senator

Gibson, as I go through this amendment, do you want me to go into all these other officers and set initial salaries?

Chairman Gibson: Yes, at what it is now.

The next question brought up on this bill was on page 22, lines 3 through 11, regarding the debt limit. Mr. Daykin said that he would go over this and try to clarify it. He said that the general limit for counties is 10%, and the limits for cities vary widely. He also noted that there is very little case law in Nevada on this, and that is why they are nervous about it. There was some general discussion on this problem in different areas of the state. Chairman Gibson then referred to a report he had from the City Manager. It showed that in the present city charter they have no debt limit, consequently, Chairman Gibson said they were going to impose a 10% debt limit. Senator Farr questioned as to whether or not it is wise to impose a debt limit on cities. Mr. Daykin said that the purpose of the city debt limit was not to protect the bond buyer, but to protect the taxpayer within the city.

Consideration was then given to Section 10.010, page 25. This section is in regard to the changing of ward boundaries.

Senator Monroe then pointed out that there had been a question raised at the public hearing regarding primary municipal election to be held in Carson City on May 6th, and wondered if this would be done in time? Chairman Gibson said that the question was whether the legislature should provide a referendum on the charter locally, and there was an argument against that to the effect that if they did so it would make it impossible for them to put it into effect this election -- that it would take a long time to go over it. He said that they would like to put this in motion -- if they can come to an agreement on the charter -- in this city election. Mr. Wright stated at the public hearing that it was the opinion of the Counsel Bureau that the legislature cannot submit this to referendum of the people locally -- or if required to go to referendum they have the petition route.

Mr. Daykin: They can demand a referendum on it by petition and then, of course, it would go on the ballot at the next general election. That's county-wise -- that's under the local referendum provisions, because this is a special law for municipal government. Ten per cent of the voters of the municipality can petition for a referendum on it and the new municipality votes on it.

Chairman Gibson: On page 19, we have a bill that puts that primary election on the last Tuesday in August rather than the first Tuesday in September.

Mr. Daykin: If that's passed, this should be conformed thereto.

Chairman Gibson: Would you want to put in here the primary election shall be held on the date on which state primary election is held -- or something to that effect?

Mr. Daykin: I think that might be appropriate.

Chairman Gibson: You wouldn't have a specific date here because I think we passed that, didn't we?

There was further discussion on this problem.

Senator Monroe brought up a question he had on page 11 about the adoption of the Uniform Code Ordinances where it says: "An ordinance adopting a uniform building . . ." and so forth, "printed in book form . . ." make such code or codes applicable to conditions in Carson City, and with such other changes as may be desirable, by reference thereto. Copies of such code or codes, either typewritten or printed, with such changes, if any, shall be filed for use and examination by the public in the office of the clerk at least 1 week prior to the passage of the ordinance adopting such code or codes." He wanted to know if that additional procedure is required by the other ordinances pertaining to adoption of ordinances?

Mr. Daykin: Now, all this says is that they don't have to publish the code in full in the ordinance. It doesn't change the procedure for adopting. There would be the usual notice -- notification of title. You see it says "an ordinance adopting a uniform building . . ." and so forth code. There has to be a verb in there somewhere -- "may adopt such code." It doesn't say how a council may adopt an ordinance -- that's spelled out elsewhere and provides for notice and publication. It says the "ordinance may adopt the code." This is standard language in the present county, city, town boards, and I think it's clear enough.

Senator Monroe: Well, I know what they're trying to do, but it seems to me that they set this apart from the procedure for the publication of the other ordinances.

Mr. Daykin: That procedure is invoked by the words "an ordinance." You can't have an ordinance unless you go through that procedure.

There was some discussion on the problem of the statutes providing for the creation of boards of health as set out in the Nevada Statutes. This question had been raised at the public hearing on this bill. Mr. Daykin explained that he didn't feel there needed to be further clarification on this because the Board of Supervisors "may provide for safeguarding public health, create a Board of Health and prescribe its powers and duties and then provide enforcement of regulations." He said this was proper statutory draftmanship -- the three general areas are specified -- and then the city acts within them. It was generally agreed that there was no need to spell this out in any further detail.

Chairman Gibson: That covers anything I had a note on and I think the Committee is going to have to decide whether or not we want to follow through at this time reviewing the local area of the charter and of course fix in with the change that was made in the constitution.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Patricia F. Burke

Patricia F. Burke,
Committee Secretary.

S. B. 173

SENATE BILL NO. 173—SENATOR FRANSWAY

FEBRUARY 11, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Permits formation of rodent control districts. (BDR 49-1103)



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

AN ACT relating to the control of rodents; permitting the formation of rodent control districts; providing a penalty; 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 555 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 SEC. 2. *The legislature declares that it is primarily the responsibility*
4 *of each owner or occupier of land in this state to control rodents on his*
5 *own land, but finds that in certain areas this responsibility can best be*
6 *discharged through cooperation in organized districts.*
- 7 SEC. 3. 1. *The board of county commissioners of any county shall*
8 *create one or more rodent control districts in that portion of the county*
9 *which lies outside any incorporated city or incorporated town if there is*
10 *filed a petition which:*
- 11 *(a) Designates the area to be included in the rodent control district,*
12 *either as the entire unincorporated area of the county or by sections or*
13 *parts of sections with appropriate township and range references; and*
14 *(b) Is signed by the owners of more than 50 percent in assessed valua-*
15 *tion, as shown by the current assessment roll of the county, of the lands to*
16 *be included in the rodent control district.*
- 17 2. *Before creating a rodent control district, the board of county com-*
18 *missioners shall hold at least one public hearing, of which they shall give*
19 *notice by publication, in a newspaper of general circulation in the county,*
20 *of at least one notice published not less than 10 days before the date of*
21 *the hearing. At this hearing, the board of county commissioners shall*
22 *entertain applications for the exclusion of lands, designated by sections or*
23 *parts of sections as prescribed in subsection 1, from the proposed district,*
24 *if any such application is made. The board of county commissioners shall*
25 *exclude any such lands as to which it is shown to their satisfaction that*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 61

ASSEMBLY BILL NO. 61—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 23, 1969

Referred to Committee on Government Affairs

SUMMARY—Authorizes state planning board to negotiate with bidders on construction projects. Executive estimate of cost: None. (BDR 28-139)

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

AN ACT relating to the state planning board; authorizing the board to negotiate with certain bidders on construction projects; 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 341.150 is hereby amended to read as follows:
 2 341.150 1. The state planning board shall furnish engineering and
 3 architectural services to all state departments, boards or commissions
 4 charged with the construction of any building constructed on state prop-
 5 erty or the money for which is appropriated by the legislature, except
 6 highway maintenance buildings. All such departments, boards or com-
 7 missions are required and authorized to use such services.
 8 2. The services shall consist of:
 9 (a) Preliminary planning.
 10 (b) Designing.
 11 (c) Estimating of costs.
 12 (d) Preparation of detailed plans and specifications.
 13 The board may submit preliminary plans or designs to qualified archi-
 14 tects or engineers for preparation of detailed plans and specifications if
 15 the board deems such action desirable. The cost of preparation of pre-
 16 liminary plans or designs, the cost of detailed plans and specifications, and
 17 the cost of all architectural and engineering services shall be charges
 18 against the appropriations made by the legislature for any and all state
 19 buildings or projects, or buildings or projects planned or contemplated
 20 by any state agency for which the legislature has appropriated or may
 21 appropriate funds. The costs shall not exceed the limitations that are or
 22 may be provided by the legislature.
 23 3. The board shall:

1 (a) Have final authority for approval as to architecture of all buildings,
2 plans, designs, types of construction, major repairs and designs of land-
3 scaping.

4 (b) Solicit bids for and let all contracts for new construction or major
5 repairs.

6 (c) *Have authority to negotiate with the lowest responsible bidder on*
7 *any contract to obtain a revised bid if:*

8 (1) *The bid is less than the appropriation made by the legislature for*
9 *that building project; and*

10 (2) *The bid does not exceed the construction budget for that build-*
11 *ing project as established by the board by more than 10 percent.*

12 (d) Have authority to reject any or all bids.

13 **[(d)]** (e) After the contract is let, have supervision and inspection
14 of construction or major repairs. The cost of supervision and inspection
15 shall be a charge against the appropriation or appropriations made by the
16 legislature for the building or buildings.

17 **[(e)]** (f) Have final authority to accept each building as completed
18 or to require necessary alterations to conform to the contract, and to file
19 the notice of completion.

20 - SEC. 2. This act shall become effective upon passage and approval.

A. B. 64

ASSEMBLY BILL NO. 64—COMMITTEE ON
HEALTH AND WELFARE

JANUARY 23, 1969

Referred to Committee on Health and Welfare

SUMMARY—Corrects internal references in statute relating to county medical assistance for indigents. (BDR 38-237)



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

AN ACT to amend NRS 428.090, relating to county medical assistance for indigents, by correcting and making specific internal references.

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

- 1 SECTION 1. NRS 428.090 is hereby amended to read as follows:
2 428.090 1. When any nonresident, or any other person not coming
3 within the definition of a pauper, shall fall sick in any county, not having
4 money or property to pay his board, nursing or medical aid, the board
5 of county commissioners of the proper county shall, on complaint being
6 made, give or order to be given such assistance to the poor person as
7 the board may deem just and necessary.
8 2. If such sick person shall die, then the board of county commis-
9 sioners shall give or order to be given to such person a decent burial.
10 3. The board of county commissioners shall make such allowance
11 for board, nursing, medical aid or burial expenses as the board shall
12 deem just and equitable, and order the same to be paid out of the
13 county treasury.
14 4. The responsibility of the board of county commissioners to pro-
15 vide medical aid or any other type of remedial aid under this section shall
16 be relieved to the extent of the amount of money or the value of services
17 provided by the welfare division of the department of health, welfare and
18 rehabilitation to or for such persons for medical care or any type of
19 remedial care under the provisions of [chapters 426 and 427 of NRS.]
20 NRS 428.150 to 428.360, inclusive.
21 SEC. 2. This act shall become effective upon passage and approval.

A. B. 185

ASSEMBLY BILL NO. 185—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 6, 1969

Referred to Committee on Government Affairs

SUMMARY—Provides for unmarked automobiles and for county to pay costs of attorney general's special investigator. (BDR 18-424)

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

AN ACT relating to the attorney general; providing for counties to pay costs of special investigators; providing for unmarked automobiles for special investigators; 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 228.130 is hereby amended to read as follows:
2 228.130 1. In all criminal cases where, in the judgment of the dis-
3 trict attorney, the personal presence of the attorney general or the pres-
4 ence of a deputy *or special investigator* is required in cases mentioned in
5 subsection 2, before making a request upon the attorney general for such
6 assistance the district attorney must first present his reasons for making
7 the request to the board of county commissioners of his county and have
8 the board adopt a resolution joining in the request to the attorney general.
9 2. In all criminal cases where help is requested from the attorney
10 general's office, as mentioned in subsection 1, in the presentation of
11 criminal cases before a committing magistrate, grand jury, or district
12 court, the board of county commissioners of the county making such
13 request shall, upon the presentation to the board of a duly verified claim
14 setting forth the expenses incurred, pay from the general funds of the
15 county the actual and necessary traveling expenses of the attorney gen-
16 eral or his deputy *or his special investigator* from Carson City, Nevada,
17 to the place where such proceedings are held and return therefrom, and
18 also pay the amount of money actually expended by such [officer] *person*
19 for board and lodging from the date such [officer] *person* leaves until the
20 date he returns to Carson City.
21 3. This section shall not be construed as directing or requiring the
22 attorney general to appear in any proceedings mentioned in subsection
23 2, but in acting upon any such request the attorney general may exercise
24 his discretion, and his judgment in such matters shall be final.

Zed

S. B. 228

SENATE BILL NO. 228—SENATOR POZZI

FEBRUARY 19, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides that public employees not be required to take examination when position is reclassified without change in duties. (BDR 23-454)

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

AN ACT relating to public employees; providing that public employees not be required to take an examination when their positions are reclassified without any material change in duties; 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 284.155 is hereby amended to read as follows:
 2 284.155 1. The chief shall prescribe a code of rules and regulations
 3 for the classified service, which, upon approval of the commission after
 4 public notice and opportunity for public hearing, shall have the force and
 5 effect of law.
 6 2. Rules concerning certifications, appointments, layoffs and reem-
 7 ployment shall be prescribed for positions involving unskilled or semi-
 8 skilled labor. These rules may be different from the rules concerning
 9 certifications, appointments, layoffs and reemployment for other positions
 10 in the classified service.
 11 3. Upon recommendation of the chief, amendments to rules and reg-
 12 ulations may be made in the same manner required for the adoption of
 13 rules and regulations.
 14 4. *No employee may, by regulation, be required to take an examina-*
 15 *tion upon having his position reclassified without any material change in*
 16 *duties.*
 17 SEC. 2. This act shall become effective upon passage and approval.

S. B. 146

SENATE BILL NO. 146—SENATOR TITLOW

FEBRUARY 10, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Establishes Central Nevada resource development authority. (BDR S-681)

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

AN ACT to establish the Central Nevada resource development authority; defining boundaries of the authority; providing for programs of human and renewable natural resource development; providing for a board of directors with certain powers, duties and functions; 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. This act shall be known as the Central Nevada Resource
2 Development Act.
- 3 SEC. 2. 1. The Central Nevada resource development authority is
4 hereby created.
- 5 2. The purpose of the authority is to develop and use the human and
6 renewable natural resources of Central Nevada to supply the existing and
7 potential market for agricultural products, scenic and historical attractions
8 and recreation opportunities.
- 9 SEC. 3. As used in this act, unless the context otherwise requires, the
10 words and terms defined in sections 4 to 6, inclusive, have the meanings
11 ascribed to them in such sections.
- 12 SEC. 4. "Area" means the geographical area of jurisdiction of the
13 authority and includes:
- 14 1. Esmeralda County;
- 15 2. That portion of Eureka County included in the Eureka soil con-
16 servation district;
- 17 3. That portion of Lander County and of Churchill County included
18 in the Austin soil conservation district; and
- 19 4. That portion of Nye County included in the Tonopah soil conser-
20 vation district north of the first tier of townships north of the Mount
21 Diablo base line.
- 22 SEC. 5. "Authority" means the Central Nevada resource development
23 authority.

S. J. R. 12

SENATE JOINT RESOLUTION NO. 12—COMMITTEE ON
HEALTH AND WELFARE

FEBRUARY 19, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Urges Congress to refrain from interfering in state
administration of welfare programs. (BDR. 1361)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.SENATE JOINT RESOLUTION—Memorializing the Congress of the United States
to refrain from interfering in the state administration of welfare programs.

1 WHEREAS, The costs of the various welfare programs are rapidly
2 increasing and such increases are due, in part, to the increased costs of
3 administering such programs; and

4 WHEREAS, The Federal Government in creating a new welfare program
5 or extending an existing program establishes requirements relating to the
6 administration of such programs and often requires that a special adminis-
7 trator be appointed for each program or subdivision of a program; and

8 WHEREAS, The State of Nevada has a small population and a relatively
9 small number of recipients of public assistance and therefore it is not
10 practical to require that Nevada establish the same pattern of administra-
11 tion as that necessary in a more populous state, and it is needlessly expen-
12 sive to require that Nevada appoint a special administrator for a program
13 when an administrator of an already existing program could administer
14 both programs effectively; now, therefore, be it

15 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
16 That the Congress of the United States is urged to interfere less and to
17 give the states more flexibility in the establishment of procedures and poli-
18 cies for the administration of welfare programs; and be it further

19 *Resolved,* That the Congress is urged to refrain from requiring the
20 appointment of special administrators for all welfare programs; and be it
21 further

22 *Resolved,* That a copy of this resolution be prepared and transmitted
23 forthwith by the legislative counsel to the President of the United States
24 Senate, the Speaker of the House of Representatives and to all members
25 of the Nevada congressional delegation.

S. B. 75**SENATE BILL NO. 75—SENATOR POZZI**

JANUARY 28, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Consolidates Ormsby County and Carson City into one
municipal government. (BDR S-22)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to Carson City; consolidating Ormsby County and Carson City into one municipal government to be known as Carson City; providing a charter therefor; 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. Ormsby County and Carson City are hereby consolidated
2 into one municipal government to be known as Carson City.
3 SEC. 2. The charter of Carson City is as follows. Each section of the
4 charter shall be deemed to be a section of this act for the purpose of any
5 subsequent amendment.

ARTICLE 1

6
7
8
9 Incorporation of City; General Powers; Boundaries,
10 Districts, Wards and Annexations

11
12 Section 1.010 Preamble: Legislative intent.

13 1. In order to provide for the orderly government of Carson City and
14 the general welfare of its citizens and to effect the consolidation of the
15 governments and functions of Carson City and Ormsby County, the legis-
16 lature hereby establishes this charter for the government of Carson City.
17 It is expressly declared as the intent of the legislature that all provisions
18 of this charter be liberally construed to carry out the expressed purposes
19 of the charter and that the specific mention of particular powers shall not
20 be construed as limiting in any way the general powers necessary to carry
21 out purposes of the charter.

22 2. Any powers expressly granted by this charter are in addition to
23 any powers granted to a city or county by the general law of this state
24 and all such powers may by reasonable classification be exercised in
25 either the urban services district or general services district, or both, as
26 such districts are defined in section 1.050. All provisions of Nevada

OUTSTANDING GENERAL OBLIGATION BONDS AS OF JULY 1, 1969

<u>COUNTY</u>		<u>VALUATION</u>	<u>\$42,354,305.00</u>	<u>DEBT LIMIT</u>	<u>10%</u>
Jail	1965	\$ 645,000.00			
Jail	1966	145,000.00			
Hospital	1966	1,280,000.00			
	Total	<u>\$2,070,000.00</u>	= 4.89 %		

<u>SCHOOL DISTRICT</u>		<u>VALUATION</u>	<u>\$42,354,305.00</u>	<u>DEBT LIMIT</u>	<u>15%</u>
Series	1952	\$ 60,000.00			
Series	1956	68,000.00			
Series	1958	140,000.00			
Series	1961	156,000.00			
Series	1963	462,000.00			
Series	1965	816,000.00			
Series	1967	800,000.00			
	Total	<u>\$2,502,000.00</u>	= 5.91 %		
	If Sold	900,000.00	-----Presently Authorized		
		<u>\$3,402,000.00</u>	-----Would = 8.03 %		

<u>CITY</u>		<u>VALUATION</u>	<u>\$28,710,795.00</u>	<u>DEBT LIMIT</u>	<u>NONE</u>
Swimming Pool	1956	\$ 11,000.00			
Maint. and Equip. Bldg.	1958	8,000.00			
Park	1963	48,000.00			
Storm Sewer	1966	88,000.00			
	Total	<u>\$ 155,000.00</u>	= 0.54%		

Sewer Bonds	1960	\$ 166,000.00	{ Although G.O. these are paid from Sewer Revenues
Sewer Bonds	1965	820,000.00	
		<u>\$1,141,000.00</u>	
			= 3.97 %