

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- March 10, 1969

The twenty-fourth meeting of the Committee on Federal, State and Local Governments was held on March 10, 1969, at 3:00 P.M.

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

Also present were:

Clarence J. Cassady	State Dairy Commission
Howard E. Barrett	Department of Administration
Jack W. Christner	Ormsby County Civil Defense
N. H. Carver	State Civil Defense
Ted H. Bergevin	Dir., Douglas County Off. of Emer. Operations
Hugo Wagner	Teamsters Local 533
Don Gurd	Laborers Local Union #169
James Reyman	Carson Junior High
Carl Bishop	Operating Engineers #3
John Byrne	Northern Nevada Building & Trades Council
Lou Paley	AFL - CIO

Chairman Gibson called the meeting to order at 3:00 P.M. Several bills were under consideration.

SB-281 Proposed by Senator Swobe.  
 Increases membership of committee on group insurance.  
 Executive estimate of cost: None.

Chairman Gibson then asked Mr. Barrett to give the committee his thoughts and opinions on this bill.

Mr. Barrett: This bill, I assume, was brought at the request of the University, because a University personnel person was at our last meeting of the group insurance committee, and was unhappy because the committee had taken an action that the University had not been aware of. And that action was that we decreased the benefits of the state employees group insurance program in order to stay within the amount of money that you have authorized us to spend for this.

The individual at that time indicated that he would like to be on the committee. I'm a member of that committee, and as a member of the committee, I would certainly have no objections to him being on the committee, but I think it would create a problem because I see no more reason why the committee should have a direct representative of the University than it should

have a direct representative of the Highway Department or the Employment Security or the NIC or any of the other large state agencies. I really think the problem can be solved simply by inviting them -- all our meetings are public -- and I think that by inviting the individual to come and sit with us and to make his comments any time he wants to about the actions that the committee proposes.

Senator Dodge questioned whether or not the classified employees of the University are members of the State Employees Association? Mr. Barrett said that there were some who were members, but he didn't know what their representation was. He also explained that the professional people at the University are covered by this insurance -- as it does all state employees -- including professional University employees. He pointed out that they rely on the State Employees Association to carry any matters back from the meetings to the state employees, and then anyone is welcome to come in to the meetings and make any comment they want to. He felt that this was probably the problem with the University -- that they are not active in the Employees Association.

Senator Bunker moved to table this bill at the present time, seconded by Senator Hecht. The vote for this action was unanimous.

SB-261 Proposed by Senators Slattery, Fransway, Farr and Titlow.  
Prohibits picketing and mass demonstrations which obstruct orderly procedures.

Chairman Gibson explained the purpose of this bill and then asked Mr. Paley for any comments he might have in this regard.

Mr. Paley: I am here representing the AFL-CIO. As this bill is drafted, we oppose it -- we oppose it in several areas. First of all, there are two public employees collective bargaining bills in the Upper House and perhaps there will be another one introduced. We're wondering, providing one of these pass, what effect this bill might have. As we see it, in the event this type of legislation would pass, it would prohibit them from even putting out the information pickets -- oftentimes a picket is put out for informational purposes to acquaint the people and to acquaint the public on just what the dispute is about -- not necessarily a strike.

We're also wondering too -- for instance we've had some problems at the University of Nevada Complex. . . . on jobs there that weren't quite right. We're wondering what effect this picketing would have inside the complex or any school that might be built because it is public property.

Senator Dodge: The bill does include picketing, "in such manner as to obstruct or unreasonably interfere with . . ." Now, are you saying that you object to this type of a restriction on picketing? Or do you think it's a problem of where you draw the line?

Mr. Paley: Sometimes a picket could be on the street or over an alley or a sidewalk and a person couldn't walk there, and it could

be obstructing. In this case the Judge may rule it's unreasonable. There is where the fine lines are drawn. We feel that the bill that just passed the Senate here two or three days ago, which allows you to prohibit mass demonstrations -- we feel that that should, as I read the bill, be adequate. We feel that the word "picketing" going in there is a certain kind of infringement in the area that we have, by law, been allowed to do.

Senator Hecht noted that he didn't think the bill was aimed necessarily at the AFL-CIO people, and Senator Dodge elaborated on this point -- that it envisioned the case where the pickets were walking around the entrance of Berkeley or something similar to this. Senator Farr then asked Mr. Paley if he would have any objection to including an amendment in this bill that this did not apply to organized unions? Mr. Paley said "local unions and their members." Chairman Gibson said that he was sure the introducers of this bill were not thinking of the conflict with organized labor in a casual sense. Mr. John Byrne, representing the Building and Trades Council of Northern Nevada, commented on this point, saying that they do not oppose the bill in principle, but felt that it should exclude organized labor.

Senator Monroe said that there should be added to this bill a provision regarding the non-application of these measures to any picketing labor union. Senator Dodge suggested that the language be explored further, and Chairman Gibson added that he felt that the language should be more narrowly defined so that it does not apply to labor management disputes related to a public purpose. Senator Farr agreed to work out these problems.

SB-257 Proposed by Committee on Judiciary.  
Facilitates service of oleomargarine in restaurant when specially requested.

Senator Dodge explained that he had called Mr. Cassady, the Director of the Nevada Dairy Commission, and asked him to attend the meeting. Senator Dodge pointed out that Senator Monroe had said it was not his intent to interfere with the normal policing of the requirement for posting in the event that substitute dairy products were served -- oleomargarine, et cetera, and that it looked to them, as they evaluated the bill, that it would not interfere with that. Mr. Cassady stated that he would have no objection to the bill as it is written. Senator Monroe then asked if Mr. Cassady felt that there should be a notation on the menus when the restaurants do this? Mr. Cassady said that he felt it would certainly not be detrimental to the bill, but even an addition to it. After some discussion it was decided that an amendment should be added to this bill regarding the requirement that it be on the menu. Senator Monroe agreed to work out this amendment and it was agreed that there was no conflict with AB-38.

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

SB-159 Proposed by Senator Farr.  
Changes civil defense and disaster agency to office of emergency operations; makes necessary adaptations in administrative procedure. Executive estimate of cost: \$1,000.

Senator Farr gave an explanation of some of the aspects of this bill, then introduced Mr. Carver, Director of Civil Defense in the State of Nevada. Chairman Gibson asked for an explanation of why the changes are desirable or necessary, and then to point out the specific changes in the bill.

Mr. Carver: Under the Civil Defense Act as we have it right now, the context is directed at civil defense based on Public Law 920, which deals primarily with nuclear warfare . . . . Under this emergency operations act, we have tried to direct the context to all types of disaster emergencies with civil defense defined as limited to nuclear attack, and that should also include chemical and biological. I think we have the true picture of the overall duties of the office, and from a public and private point of view, it makes more powerful the existence of this office.

The fact remains that we have been called upon. I was just down in Nye County and White Pine and Eureka Counties at the County Commissioners' request and this agency -- for better or worse -- the local directors cannot go directly to the Federal government for assistance. It is a challenge to the state offices, and I think -- this is a personal opinion -- but the minute you start talking about disasters when you're going out and trying to talk about training, the organization, and so on, it doesn't give a favorable image in civil defense.

Certainly in this state you are involved in emergencies. The frequency of these emergencies are more along the natural disaster lines, and we're talking about a possibility of warfare-type disasters on a far less frequent basis than when you have to become involved at local, state levels, federal level, than any other area. I've worked at it now for about five years while I was at the University of Nevada and in the state office as a training officer, and now as the director, and it's a difficult product to sell when you start using the word "disaster." It's sort of like asking the public to come around and pick out a headstone and then asking him, well, what would you like to put on it? I think from the viewpoint of what the people have come to expect, rightly or wrongly, the notice that you're trying to give, the connotation of civil defense and disaster is much harder to sell than emergency operations.

Chairman Gibson: At the present time these requests actually wind up with you -- so-called "emergency requests" as you indicated?

Mr. Carver: Yes, sir. In fact, we have one in Clark County right now -- on a couple of occasions there where they now have come in and asked us to assist them in getting some snow vehicles to get into Lee Canyon and Kyle Canyon. They've got about 12 to 13 feet of snow in there and they have problems. How do you define disaster? Red Cross may define it as one person and Small Business Administration says it has to be 25 homes or five businesses or any combination thereof. We did tie it up in this terminology "disaster." I think that emergencies broadens the picture.

Senator Farr: To bring on some discussion here relative to the bill -- when we get outside the realm of nuclear attack and radiological, which was in civil defense purchasing and that type thing -- do we have a continuity of government now under the civil defense director outside of those areas beyond the capability of local government to handle themselves? Do we have anything set up with the local government, for example, when the emergency is beyond the local control, that's when you would be called in for assistance? Does this set up a proper continuity of government to handle that?

Mr. Carver: Yes, sir, I believe so. Here is the context under which we are operating in this State. I would never go into any county unless requested. When Ormsby County asks for assistance, or Clark County asks for assistance or as it happened in these other cases, for instance, may be proper, the minute I learn of these things I call the local director because in some cases he hasn't heard about it yet. It's the case of some individual calling the Governor's office or the Sheriff's office, and the Sheriff's office calling the Governor's office -- and so I always (I can state it unequivocally) call the local director and see if they can be of assistance. By no means in this bill are they trying to take over the prerogative of local government.

Senator Farr then referred to Section 3, subsection 2, regarding the definition of "emergency operations" and asked if this was to set up the total mechanical function to fulfill those definitions when the local people cannot, in themselves, care for such emergencies as outlined in this subsection?

Mr. Carver: Yes, sir, to do with the state's capabilities. There are state statutes that provide for emergency funds in this case -- you have to go to the agencies that would probably have the primary responsibility. For example, the flood, we'd say Conservation, snow fall, the Highway Department -- those state agencies which have the knowledge, the training and capability to assist the county with their problems, because there is a limitation under this Federal assistance which I would like to point out.

Before there can be a declaration of a major disaster, in which you can bring in Federal assistance, there are two prerequisites: (1) the state must provide that all the governments within the state have expended at least \$250,000.00 within the last 12 months; and (2) that the Governor must declare that it is completely beyond the capabilities of local and state governments to cope with the situation. Now, this is why when you're talking about the situations in this case we have here now in White Pine -- they cannot qualify under any sense of the word as major disasters because the state and all the governments within the state have spent less than \$150,000.00 -- and this figure varies. For instance, California can't go in and make a major disaster declaration unless it's based on a minimum of \$500,000.00.

Senator Farr: On page 5, you also have, "To designate the location of and establish with appropriate supporting facilities and communications an emergency operations center from which the governor may exercise

"centralized direction and control of all organizations for emergency operations, including, but not limited to the functions of warning, contact with the emergency operations centers of political subdivisions," et cetera. Do you now have that authority and those established facilities under civil defense?

Mr. Carver: I hope so sir -- there is a state emergency operation center in the basement of the Blasdel Building. The Federal government has put in a considerable amount of money under the national warning system -- we have gone from three points some five years ago, but we now have 25 points with two more established and Esmeralda County has also requested it and Lincoln County is trying to qualify for it. So we have the national communications warning system which is a landmark system, outlined between state government and Federal government. We have a NACOM II, which is a radio-teletype backup, which is in the basement of the Blasdel Building; we have NAWAS, which is a national warning system, and that is established in all but four counties.

Senator Farr: What you're saying is that there would be no additional cost to add to the emergency operations that you have now set up -- you could include the fire, the snow incident that you have just mentioned, and floods and those resources and use this emergency facility?

Mr. Carver: Yes, sir. In other words, this is the spot where the maintenance and the continuity of state government -- there is an emergency generator down there; there are emergency communications.

Senator Dodge: On page 4 you're re-writing some language there at the bottom of the page giving an authority to "review and approve the emergency operations plans and programs of the political subdivisions . . ." The old language said that the local plans should be integrated and coordinated with the civil defense plan program of the state to the fullest possible extent. Now, when you made a statement before that that this intent was not in any way to be dictating to the local communities about these plans, but in fact, what happens if you don't approve the emergency plan? What's the reason for the change in the language?

Mr. Carver: To require an emergency operations plan. In other words, to include a natural disaster plan without restricting it strictly to the nuclear threat -- broad enough to include a natural disaster plan.

Senator Dodge: Does that plan that you're trying to work out provide for the filling of vacancies in essential offices?

Mr. Carver: No, sir -- this is what I'm talking about: the primary concern is locating shelters, stocking shelters, marking shelters, providing a plan under the annexes for your fire fighting, your law enforcement agencies and so on -- coordinating them into a coordinating body, for instance. In other words, you try and get these people here where you have the communications -- the people that have the knowledge and capabilities say, of directing emergency operations, because any time you have an emergency there is confusion and lack of communication contributes greatly to this confusion. So you try

to assemble here in time of emergency, a body of the people that have had experience in these areas, and which they can primarily provide for logistical support for the operating agency which is actually out on the spot -- on the scene.

Senator Dodge: In the middle of page 9, you provide that, "Each local organization for emergency operations shall have a body of the political subdivision and who shall have direct responsibility for the organization, administration. . ." and so on. Are these some new people -- are we building up a complete new structure here in Nevada -- administrative structure for this thing?

Mr. Carver: All counties have appointed a civil defense director -- not all counties are on what we call P and A -- Personnel and Administration where they are receiving Federal contributions. Every county already has a civil defense director. Now, depending upon the individual himself and the county commissioners decide on their organization, which is volunteer in practically every case except -- aside from the secretary -- except from Washoe and Clark County. Clark County has an organization made up of 15 people -- Washoe seven people. In the other counties, there is a director, who may or may not be paid, may or may not have a secretary. For instance, their operations officer, their training officers and communications officers, and so on, those are all volunteers in every case.

Senator Dodge: Is this going to broaden the responsibility that you have under this law to develop and supervise these plans and coordinate these emergency operations around the state beyond the civil defense concept?

Mr. Carver: Yes, sir, in the technical sense of the word from this viewpoint and this is probably not the answer you are looking for, but I will be trying to encourage this development of emergency plan particularly in the natural disaster area. Now, realize this -- I don't have any authority over anyone -- this is till county government and state government -- I can no more go in and tell (including under this thing here) a local civil defense director what to do, than I can fly a kite. I can go into his county only when he requests assistance, any more than the Federal government can direct the sovereign State of Nevada it will or won't do something.

Senator Farr: Aren't you defined as the coordinator in your definition?

Mr. Carver: I thought about this afterwards, and I wish I could change the word "director" to "coordinator." But really you don't direct anything -- you try to coordinate and cooperate -- this is the basis of the whole program.

Senator Monroe asked a question at this point with regard to page 11, Section 13, Subsection 2 of the bill on federal contributions.

Mr. Carver: Yes, any time you accept Federal contributions there are certain regulations they have concerning these things and you either

have your choice of complying or not complying. In other words, if you want a \$19,000 communications project, there are certain criteria that they set up in this communications project. You have to make a complete inventory of all the communications say in that area -- you have to show where your deficits are -- you have to show that you have FCC clearances and frequencies and so on.

Senator Monroe: Where do they get into the fire fighting act -- the emergency operations -- where do they get into the fire fighting?

Mr. Carver: Only in what is actually existing there. In other words, like in Elko County -- they already have their local and state and federal agreement there . . . .

The Ash Canyon fire where they want some law enforcement -- they wanted the National Guard to come in -- the people fighting the fire -- all they had to do was say we want this and this and this. When they said well, we are evacuating families this opened up the fact that there were going to be perhaps housing requirements. So I immediately got on the phone and I called the American Red Cross and learned the fact that there would be some evacuations -- might have the requirement to put people in motel rooms and feed them -- what could they do to assist and they were standing by. They said all right, we'd like an aid station up here -- I called the American Red Cross and the American Red Cross called their disaster chairman down here and they set up an aid station. The request came in they wanted the National Guard to be prepared to feed about 1,000 people. Rather than the firemen out there having to try and contact each of the agencies, we are trying to set up a resources here that will take care of those logistical things and coordinate and take this responsibility off of the agency having the primary responsibility.

Actually, some of it is going to take care of itself, but any time you get involved in emergencies there is enough to do without having to try to carry out your responsibilities plus carrying out your logistical problems.

Mr. Jack Christner, Director of Civil Defense in Ormsby County, stated that he felt there was a real need for a centralized emergency operation office -- a state office to call for help.

At this point Mr. Ted H. Bergevin, Director of the Douglas County Office of Emergency Operations, read a statement concerning the functions and operations of his office as it now stands, and concluded that they have found it to be a very worthwhile thing. There was some discussion following this with Senator Farr and Mr. Carver concluding that this bill was actually changing the name and broadening the concept of responsibility to support these functions -- that the primary purpose is to tie into these emergency operations and coordinate the various agencies.

Senator Dodge suggested that the committee do some inquiring into the subdivisions to see if they want this, with Chairman Gibson agreeing that



this would be a good idea, and that he felt the change in terminology from civil defense to emergency operations would be appropriate. It was agreed that this bill would be held for the time being in order to make the inquiries and do further work on it.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Patricia F. Burke*  

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Patricia F. Burke,  
Committee Secretary

**S. B. 257**

**SENATE BILL NO. 257—COMMITTEE ON JUDICIARY**

**FEBRUARY 21, 1969**

Referred to Committee on Federal, State and Local Governments

**SUMMARY**—Facilitates service of oleomargarine in restaurant when specially requested. (BDR 51-1466)



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

AN ACT relating to substitute dairy products; facilitating their service on request; 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 584.178 is hereby amended to read as follows:  
2 584.178 1. No operator, owner or proprietor of any place of busi-  
3 ness which sells prepared food for consumption either on or off the  
4 premises may serve any substitute dairy product unless:  
5 (a) There is displayed in a prominent place in each room a sign in  
6 black letters not less than 4 inches high upon a white background bearing  
7 the words, "..... served here instead of  
8 (Name of substitute)  
9 ....."; or  
10 (Genuine dairy product)  
11 (b) There is contained in each menu used in such place of business a  
12 statement printed in not less than 8-point type containing the words,  
13 "..... served here instead of ....."  
14 (Name of substitute) (Genuine dairy product)  
15 2. This section does not apply to schools, hospitals, orphanages,  
16 licensed rest homes, foster homes, licensed day nurseries or any chari-  
17 table institution which serves such food free of charge.  
18 3. *This section does not apply to the operator, owner or proprietor of*  
19 *any place of business which sells prepared food for consumption either*  
20 *on or off the premises who keeps oleomargarine for sale or use only when*  
21 *requested by a patron.*  
22 SEC. 2. This act shall become effective upon passage and approval.