

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- April 15, 1969

The forty-first meeting of the Committee on Federal, State and Local Governments met on the 15th day of April, 1969, at 3:00 P.M.

Committee members present: James Gibson, Chairman
 Warren Monroe
 Marvin White
 Carl F. Dodge
 Vernon Bunker
 F. W. Farr
 Chic Hecht

Others present were:

Noel A. Clark	Public Service Commission
Gene Milligan	Public Service Commission
Tom Bell	Hughes Tool Company
Clark Guild, Jr.	Attorney
Gary Stone	Gardnerville Subconservancy District
James Robertson	Mayor, Carson City
John Meder	County Commissioner
Assemblyman Getto	
Assemblyman Homer	

Press representatives

AB-354 Proposed by Committee on Commerce.
 Makes regulatory changes relating to public utilities.

Mr. Clark stated that the purpose for this bill is a clarification of the act -- presently the Public Service Commission has authority on oil pipe lines in intra-state commerce only, however there is no provision in there for obtaining a certificate of public convenience and assessments. He then went on down through the bill section by section explaining the intent of each one. Many of the sections in NRS are in conflict with the National Code which the Commission has already adopted, and in order for clarification of the statutes and a uniform electrical code throughout the country it is their intent and the purpose of this act to continue using the National Electrical Code which is much more comprehensive.

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

AB-720 Proposed by Committee on Commerce.
Establishes new procedure in assessing certain utilities, approving the transfer of a certificate of public convenience and giving notice of a revocation hearing by the public service commission. Executive estimate of cost: None.

Mr. Clark noted the amendments to this bill going through each one and explaining the purpose. Mr. Bell also spoke on this bill and referred to page three, stating that it does not create a new tax. Mr. Clark Guild commented on page 6 and Section 14 of this bill.

Following further discussion, Senator Dodge moved Amend and Do Pass, seconded by Senator White. Vote for this action was unanimous.

AB-721 Proposed by Committee on Commerce.
Authorizes public service commission to collect certain filing fees. Executive estimate of cost: No cost.

Mr. Clark stated that the reason for proposing this legislation was that upon receipt of an application for either a certificate, a motor carrier permit, rate application or any other proceeding before the commission they publish a news release -- sometimes it is printed in its original context, and sometimes it is changed somewhat by the newspaper and does not portray the true conditions of the notice. It is intended by this bill that every item that comes in of initial notice will be published in a paid ad and that all hearings will be published in a paid ad, so that they may control the time and the language of the publication. They feel that this is in the public interest.

Mr. Clark then suggested an amendment on line 14, right after "\$10" that additional language should be put in: "where multiple page filings are involved the fee shall not exceed the cost of notification and publication."

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

AB-722 Proposed by Committee on Commerce.
Alters provisions relating to hearing of complaints against public utilities. Executive estimate of cost: No cost.

Mr. Clark went over the proposed amendments to this bill concluding that the total amendments are based on and use the language of the federal act.

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

AB-138 Proposed by Messrs. Smith, Swallow, Lowman, Espinoza and Reid.
Permits certain library and school district purchases by informal bids. Executive estimate of cost: None.

Mr. Getto stated that he has reservations concerning this bill, and particularly on section 1, subsection 1. Following discussion, it was decided that further work would have to be done on amendments, before any action can be taken.

AB-718 Proposed by Committee on Agriculture.
Permits water conservancy subdistricts to levy and collect taxes for construction, operation and maintenance of works of such subdistricts.

Mr. Stone, manager of the Gardnerville Subconservancy District, stated that this bill had been introduced at the request of his board of directors, and that they are the only subconservancy district in the State of Nevada. Therefore, this is a purely local bill. He added that there was a great deal of support for this legislation from various other agencies and local business people in Douglas county. Mr. Stone also noted that they are now limited by existing language to only expending funds for purposes of administration and operation, and with the inclusion of this additional language in the law they will have the opportunity to perform such tasks as channel maintenance work, et cetera.

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


AB-277 Proposed by Committee on Government Affairs (By request).
Permits local governing boards to sit as zoning regulation adjustment boards.

Mr. Homer explained that this is permissive legislation for certain local governing bodies to sit as zoning regulation adjustment boards. In towns that have zoning boards and should they rule against someone, they have no recourse but to go outside of the local governing bodies to district court -- in counties such as Ormsby County they feel this act would keep it closer to the elected officials, and they feel that they would like to take over this responsibility themselves. Mayor Robertson and Mr. Meder both commented on this bill.

Following discussion, Senator Monroe moved Do Pass, seconded by Senator White. Vote for passage was unanimous.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Patricia F. Burke,
Committee secretary

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 354

ASSEMBLY BILL NO. 354—COMMITTEE ON COMMERCE

FEBRUARY 18, 1969

Referred to Committee on Commerce

SUMMARY—Makes regulatory changes relating to public utilities. (BDR 58-790)

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

AN ACT relating to public utilities; requiring oil pipeline carriers to obtain certificates of public convenience and necessity; repealing provisions relating to public utility and carrier franchises by local governments; 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 708 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 SEC. 2. *It is unlawful for any oil pipeline carrier to operate as a car-*
4 *rier in intrastate commerce within this state without first having obtained*
5 *a certificate of public convenience and necessity from the commission.*

6 SEC. 3. 1. *Upon the filing of an application for a certificate of public*
7 *convenience and necessity, the commission shall fix a time and place for*
8 *hearing thereon, and shall proceed in the manner according to the provi-*
9 *sions of the laws of this state made applicable thereto.*

10 2. *Before granting a certificate of public convenience and necessity*
11 *to an applicant, the commission shall take into consideration:*

12 (a) *Other authorized facilities in the territory for which a certificate is*
13 *sought;*

14 (b) *The public necessity and convenience to be accorded by the service*
15 *offered by such applicant; and*

16 (c) *Whether the applicant is fit, willing and able to perform the services*
17 *of a common carrier.*

18 3. *The commission may, under such rules of procedure governing the*
19 *application therefor as it may prescribe, issue a certificate of public con-*
20 *venience and necessity to an oil pipeline carrier, or issue it for the partial*
21 *exercise only of the privilege sought, and may attach to the exercise of*
22 *the rights granted by such certificate such terms and conditions as, in its*
23 *judgment, the public convenience and necessity may require.*

24 SEC. 4. NRS 708.050 is hereby amended to read as follows:

1 708.050 1. The right to lay, maintain and operate pipelines, together
2 with telephone and telegraph lines incidental to and designated for use
3 only in connection with the operations of such pipelines, along, across
4 or under any public stream or highway in this state, is hereby conferred
5 upon all persons, firms, partnerships, joint-stock associations, or other
6 associations or corporations coming within any of the definitions of
7 common carrier pipelines contained in NRS 708.020 [

8 2. Any person, firm, partnership, joint-stock association, or other
9 association or corporation may acquire the right to construct pipelines and
10 such incidental telegraph and telephone lines along, across or over any
11 public road or highway in this state by filing with the commission an
12 acceptance of the provisions of this chapter, expressly agreeing in writing
13 that in consideration of the rights so acquired it shall be and become a
14 common carrier pipeline, subject to the duties and obligations conferred
15 or imposed in this chapter. This right to run along, across or over any
16 public road or highway can only be exercised upon the condition that the
17 traffic thereon shall not be interfered with, and that such road or highway
18 shall be promptly restored to its former condition of usefulness, and the
19 restoration thereof shall be subject also to the supervision of the boards of
20 county commissioners of the counties through which such pipelines may
21 be run.

22 3.] , which have obtained a certificate of public convenience and
23 necessity as provided in sections 2 and 3 of this act.

24 2. In the exercise of the privileges herein conferred, such pipelines
25 shall compensate the county or counties for any damage done to such
26 public road or highway in the laying of pipelines, telegraph or telephone
27 lines, along or across the same.

28 [4.] 3. Nothing herein shall be construed:

29 (a) To grant any pipeline company the right to use any public street or
30 alley of any incorporated city or town, except by express permission from
31 the city or governing authority thereof.

32 (b) To permit any company to use any street or alley of an unincor-
33 porated town, except by express permission of the board of county com-
34 missioners of the county in which such town is situated.

35 SEC. 5. NRS 704.650, 704.690, 704.700, 704.710, 704.720, 704.-
36 730, 704.740, 704.750, 704.760, 704.770, 704.780, 704.790 and
37 708.030 are hereby repealed.

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 720

ASSEMBLY BILL NO. 720—COMMITTEE ON COMMERCE

MARCH 19, 1969

Referred to Committee on Commerce

SUMMARY—Establishes new procedure in assessing certain utilities, approving the transfer of a certificate of public convenience and giving notice of a revocation hearing by the public service commission. Executive estimate of cost: None. (BDR 58-585)

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

AN ACT relating to public utilities; providing a method of assessing a utility conveying its assets or certificate of public convenience and necessity; clarifying the provision on free or reduced transportation charges; permitting the public service commission of Nevada to make regulations; establishing procedures for the transfer of a certificate and giving notice of a revocation hearing; providing penalties; 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 704.020 is hereby amended to read as follows:
 2 704.020 1. As used in this chapter, "public utility" shall mean and
 3 embrace:
 4 (a) Any person, partnership, corporation, company, association, their
 5 lessees, trustees or receivers (appointed by any court whatsoever) that
 6 now, or may hereafter, own, operate, manage, or control any railroad or
 7 part of a railroad as a common carrier in this state, or cars or other equip-
 8 ment used thereon, or bridges, terminals, or sidetracks, or any docks or
 9 wharves or storage elevators used in connection therewith, whether owned
 10 by such railroads or otherwise.
 11 (b) Any person, partnership, corporation, company or association
 12 owning or operating automobiles, auto trucks or other self-propelled vehi-
 13 cles engaged in transporting persons or property for hire over and along
 14 the highways of this state as common carriers.
 15 (c) Express companies, telegraph and telephone companies.
 16 (d) Any plant, property or facility furnishing facilities to the public for
 17 the transmission of intelligence via electricity. The provisions of this para-
 18 graph do not apply to interstate commerce.
 19 (e) Radio or broadcasting instrumentalities providing common or con-
 20 tract service and [airship] *aircraft* common and contract carriers.

Original bill is 8 pages long.
 Contact the Research Library for
 a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 721

ASSEMBLY BILL NO. 721—COMMITTEE ON COMMERCE

MARCH 19, 1969

Referred to Committee on Commerce

SUMMARY—Authorizes public service commission to collect certain filing fees.
Executive estimate of cost: No cost. (BDR 58-1861)

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

AN ACT relating to the public service commission of Nevada; authorizing such commission to collect certain filing fees; 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 704 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The commission shall collect from any person, partnership, corpo-*
4 *ration, company, association, lessee, trustee or receiver (appointed by any*
5 *court whatsoever) a fee for the filing of any official document as provided*
6 *for in chapters 318, 704, 705, 706, 707 and 708 of NRS, or which may*
7 *be required by any rule or regulation of the commission. Such fees shall*
8 *not exceed:*
9 (a) *For applications, \$200.*
10 (b) *For petitions seeking affirmative relief, \$200.*
11 (c) *For each tariff page which requires public notice and is not attached*
12 *to an application, \$10.*
13 (d) *For all other miscellaneous papers or documents not otherwise*
14 *provided for which require public notice, \$10.*
15 2. *The commission shall not charge a fee for the filing of complaints,*
16 *and if any application paper or document is rejected by the commission*
17 *for the reason that it is incomplete or inappropriate, the filing fee shall*
18 *be returned.*
19 3. *All moneys collected by the commission pursuant to this section*
20 *shall be deposited in the state treasury to the credit of the public service*
21 *commission regulatory fund.*

(3)

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 722

ASSEMBLY BILL NO. 722—COMMITTEE ON COMMERCE

MARCH 19, 1969

Referred to Committee on Commerce

SUMMARY—Alters provisions relating to hearing of complaints against public utilities. Executive estimate of cost: No cost. (BDR 58-582)

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

AN ACT relating to public utilities; changing the provisions relating to the hearing of complaints against public utilities; providing penalties; 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 704.039 is hereby amended to read as follows:
 2 704.039 Moneys in the public service commission regulatory fund
 3 shall be used only to defray the costs of:
 4 1. Maintaining a competent staff and equipment to regulate ade-
 5 quately all public utilities subject to the provisions of NRS 704.033 to
 6 704.039, inclusive.
 7 2. Participating in all rate cases involving such utilities.
 8 3. Investigations, inspections, audits, [and] reports *and publication*
 9 *of notices* in connection with such regulation and participation.
 10 4. All salaries, travel expenses and subsistence allowances of com-
 11 mission members and staff.
 12 SEC. 2. NRS 704.110 is hereby amended to read as follows:
 13 704.110 1. Whenever there shall be filed with the commission any
 14 schedule stating a new *or revised* individual or joint rate, fare or charge,
 15 or any new *or revised* individual or joint regulation or practice affecting
 16 any rate, fare or charge, *or any schedule resulting in a discontinuance,*
 17 *modification or restriction of service,* the commission shall have, and it is
 18 hereby given, authority, either upon complaint or upon its own [initia-
 19 tive] *motion* without complaint, at once, and if it so orders, without
 20 answer or formal pleading by the interested utility or utilities, [but] *to*
 21 *enter upon an investigation or,* upon reasonable notice, to enter upon a
 22 hearing concerning the propriety of such rate, fare, charge, classification,
 23 regulation, *discontinuance, modification, restriction or practice.*
 24 2. Pending such *investigation or* hearing and the decision thereon, the

Original bill is 4 pages long.
 Contact the Research Library for
 a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 718

ASSEMBLY BILL NO. 718—COMMITTEE ON AGRICULTURE

MARCH 19, 1969

Referred to Committee on Agriculture

SUMMARY—Permits water conservancy subdistricts to levy and collect taxes for construction, operation and maintenance of works of such subdistricts. (BDR 48-1804)

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

AN ACT relating to water conservancy subdistricts; permitting such subdistricts to levy and collect taxes for the construction, operation and maintenance of the works of such subdistricts and for legal services to protect the rights of subdistricts; 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 541.150 is hereby amended to read as follows:
 2 541.150 1. Subdistricts may be organized upon the petition of the
 3 owners of real property within, or partly within and partly without, the
 4 district, which petition shall be in substantially the same form and shall
 5 fulfill the same requirements concerning the subdistricts as the petition
 6 outlined in NRS 541.050 is required to fulfill concerning the organization
 7 of the main district. The petition shall also contain a statement of the
 8 minimum quantity of water which the subdistrict proposes to acquire from
 9 the district for perpetual use and the court shall, prior to the entry of its
 10 decree organizing a subdistrict, require that the petitioners attach to the
 11 petition written evidence of the consent of the board of directors of the
 12 water conservancy district to furnish to such subdistrict the perpetual use
 13 of water for the purpose therein specified.
 14 2. Petitions for the organization of subdistricts shall be filed with the
 15 clerk of the court and shall be accompanied by a bond as provided for in
 16 NRS 541.060. The procedure for the organization of subdistricts shall be
 17 the same as for the organization of districts.
 18 3. A subdistrict shall be a separate entity within the district and shall
 19 have authority to contract with the district for the furnishing of water
 20 and for other purposes.
 21 4. Within 30 days after entering the decree incorporating a sub-
 22 district, the court shall appoint a board of directors of the subdistrict
 23 consisting of not exceeding seven persons who are owners of real property

1 in the subdistrict, and who may be directors of the district. The provisions
2 of NRS 541.100, except as to the number of directors, shall be applicable
3 to subdistricts. The board of directors of a subdistrict shall have all of
4 the powers, rights and privileges granted to a district board under the
5 provisions of this chapter, including specifically, but not limited to, the
6 right of the subdistrict board to levy and collect taxes and assessments
7 referred to in NRS 541.140, 541.160 and 541.240 to carry out its
8 separate purposes. Such taxes and assessments may be levied and col-
9 lected by the subdistrict notwithstanding the fact that taxes and assess-
10 ments are being levied and collected by the district in which such
11 subdistrict may lie, to carry out the district purposes; but the only purpose
12 for which a subdistrict may levy and collect taxes pursuant to NRS 541.-
13 160 shall be to pay the expense of its organization and administration,
14 *to pay the cost of construction, operating and maintaining the works of*
15 *the subdistrict, and for surveys and plans, and for legal services to protect*
16 *the rights of the subdistrict, and such taxes shall not exceed 10 cents on*
17 *\$100 assessed valuation of the property within the subdistrict.*

A. B. 277

ASSEMBLY BILL NO. 277—COMMITTEE ON GOVERNMENT
AFFAIRS (By request)

FEBRUARY 13, 1969

Referred to Committee on Government Affairs

SUMMARY—Permits local governing boards to sit as zoning regulation
adjustment boards. (BDR 22-851)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to zoning regulations in counties and cities; permitting the local governing board to sit as the board of adjustment; 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 278.280 is hereby amended to read as follows:
2 278.280 1. [The manner of appointment and compensation of mem-
3 bers shall be provided by ordinance. The members of the board of adjust-
4 ment shall hold no other public office except that one of the members
5 may also be a member of the planning commission.
6 2. The governing body shall fix the terms of office of the members
7 of the board of adjustment and the terms shall be so arranged that one
8 will expire each year.
9 3. Members] *Any ordinance enacted under NRS 278.270 may pro-
10 vide that the board:*
11 (a) *Be composed of the members of the governing body; or*
12 (b) *Be composed of five members to be appointed.*
13 2. *Any such ordinance providing for the appointment of members*
14 *shall prescribe:*
15 (a) *The manner of appointment and compensation of the members.*
16 (b) *The terms of the members, which shall be arranged so that no more*
17 *than one will expire each year.*
18 3. *If the members of the board are appointed, no such member may*
19 *hold another public office except that one member may also be a mem-*
20 *ber of the planning commission.*
21 4. *Members who are appointed may be removed after a public hear-*
22 *ing for inefficiency, neglect of duty or malfeasance of office.*
23 [4.] 5. *Vacancies shall be filled for the unexpired term of any*
24 *member appointed whose term becomes vacant.*