

Assembly
GOVERNMENT AFFAIRS COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 11, 1971

PRESENT: SMITH, RONZONE, FRAZZINI, LAURI, DINI, HAWKINS,
BRYAN, BRANCH

ABSENT: GETTO, EXCUSED

ALSO PRESENT: ROBERT GAGNIER, EXECUTIVE DIRECTOR
STATE OF NEVADA EMPLOYEES ASSOCIATION

The meeting was called to order by Chairman Smith.

ACR 16 - Urges equal opportunity for on-the-job training
for all state employees.

Mr. Gagnier explained that this resolution was drafted because some state employees felt the training available for state workers was aimed at supervisory and higher grade employees and at minority or disadvantaged employees and does not at present provide the opportunity for training for the lower grade employees to advance in their jobs.

Chairman Smith asked if the Employees Association was prepared to present guide lines for the training they felt was needed.

Mr. Gagnier stated that they were working on this project but at present did not have any to offer the committee.

Assemblyman Lauri asked if this resolution was to be accompanied by legislation.

Mr. Gagnier explained that a bill would be introduced at the request of Governor O'Callaghan in the future.

Chairman Smith stated he objected to the fact that the resolution says that the Legislature is aware that not all state employees are given an equal opportunity for on-the-job training, because he, for one is not aware of this fact. Chairman Smith suggested that lines 8 thru 13 be deleted. Assemblyman Bryan moved "DO PASS AS AMENDED". Assemblyman Lauri seconded the motion. The motion carried.

AB 35 - Includes purchaser of land as owner for purposes of formation, annexation and dissolution of county fire protection districts.

Assemblyman Bryan stated that he had not been able to draft an amendment to this bill which would include all the people who bought land under a contract of sale in the category of owners.

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Assemblyman Hawkins moved to indefinitely postpone AB 35.
Assemblyman Frazzini seconded the motion.
The motion carried unanimously.

AB 152 - Prohibits appointment of persons who recently
chnaged party registration to party-oriented state boards.

Assemblyman Branch moved "DO PASS"
Assemblyman Lauri seconded the motion.
The motion was unanimoulsy carried.

AB 192 - Authorizes Secretary of State to accept and spend
grants for the division of Archives.

There was some discussion on this matter as to amending this
bill to prohibit the Secretary of State from accepting any
gifts which would require upkeep and expensive maintainance
by the State. However, it was the feeling of the committee
that such desisions should be left to the judgement of the
Secretary of State.

Assemblyman Bryan moved "DO PASS"
Assemblyman Branch seconded the motion.
The motion carried unanimously.

AB 216 - Prohibits smoking in public buildings and requires notice
to be posted.

Keith Hendricks spoke on this bill stating that he and other
fire-fighting officials felt that the enforcement of such
legislation would be most expensive and require extra firemen.
Assemblyman Hawkins expressed the thought that just because
a law is un enforcible, it should not be passed. She said that
such a law could be enforced by every citizen.
Assemblyman Lauri questioned the reason for such legislation.
He asked if the legislation was to stop people from smoking or
to protedt public property.

Assemblyman Lauri moved that Ab 216 be indifinitely postponed.
Assemblyman Ronzone seconded the motion.
The motion carried.

AJR 14 - Memorializes Congress to increase junk mail rates.

Assemblyman Dini moved "DO PASS"

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Assemblyman Bryan seconded the motion.
The motion carried unanimously.

The meeting was adjourned.



WILLIAM E. HANCOCK
SECRETARY AND
MANAGER

STATE OF NEVADA
PLANNING BOARD

1-78

MEMBERS

E. H. FITZ, CHAIRMAN
PETER ECHEVERRIA
GENE F. EMPEY
WILLIAM G. FLANGAS
FRED D. GIBSON
SAM KRUG
ALEX K. SAMPLE, JR.
I. J. SANDORF
JOE SHEEHY

Legislative Building, Room 306

CARSON CITY, NEVADA 89701
(702) 882-7445

February 11, 1971

IN REPLY REFER TO SUBJECT

RE Assembly Bill No. 78

Assemblyman R. Hal Smith, Chairman
Assembly Government Affairs Committee
Assembly Chambers
Legislative Building
Carson City, Nevada

Dear Mr. Smith:

I thought you might be interested in the attached Opinion No. 536 from the Attorney General's office which, as part of its conclusion, states that the State Planning Board should cooperate fully with regional planning commissions.

It is my understanding that this, in essence, is the intent of A. B. 78.

Very truly yours,

William E. Hancock, A. I. A.
Manager

WEH:km
Enc.



STATE OF NEVADA
DEPARTMENT OF ATTORNEY GENERAL
CARSON CITY, NEVADA 89701

HARVEY BURKESSON
ATTORNEY GENERAL
1-73

September 12, 1968

OPINION NO. 536

Regional Planning Commissions - State Planning Board - The powers and duties of regional planning commissions do not extend to public buildings situated on state property; authority over such buildings rests with the State Planning Board; the authority of the State Planning Board extends to public school buildings; the State Planning Board should cooperate fully with the regional planning commission.

Mr. William E. Hancock
Manager, State Planning Board
Carson City, Nevada 89701

Dear Mr. Hancock:

You have asked this office to define and differentiate between the powers and duties of regional planning commissions and those of the state, acting through its State Planning Board.

Analysis

The creation, powers, and duties of regional planning commissions are set forth in NRS 278.090 - 278.260, as a part of Chapter 278 of the Nevada Revised Statutes entitled: "City, County and Regional Planning and Zoning." It will be noted that participation by the State is restricted by NRS 341.180.2 to cooperation with municipal, county or other local planning commissions for the purpose of coordination between the State and the local plans and developments.

NRS 278.020 provides that for the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures. This applies, of course, to all planning commissions established according to law, but just as the governing bodies of these communities cannot exert authority over the State, neither can the planning commissions established by such governing bodies. The authority is restricted to the area over which the governing bodies have control, and does not extend to property owned by the State.

Mr. William E. Hancock
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State representatives are not included on membership of regional planning commissions established under NRS 278.090. Under NRS 278.150, the regional planning commission is authorized to prepare and adopt a master plan for the development of the city, county, or region. This does not refer to, nor does it include, State owned property.

One of the subject matters of a master plan is stated in NRS 278.160.1(f), indicating the master plan shall show the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof. This, of course, refers to the public buildings within the jurisdiction of the regional planning commission, and cannot, under any stretch of the imagination, be extended to include buildings planned by, and sitting on land owned by the State.

NRS 278.180 provides for notification by the commission to the governing school boards in the regional planning district of the formulated plans, in order to aid the boards in adopting school sites which will fall within the requirements of such plans.

The Legislature has selected the State Planning Board to oversee the planning, designing, and architecture of capital improvements on State property, NRS 341.150. NRS 341.153.2 provides:

"The legislature therefore declares it to be the policy of this state that all construction of public buildings upon property of the state or held in trust for any division of state government be supervised by, and final authority for its completion and acceptance vested in, the state planning board as provided in NRS 341.150. "

The question then arises as to the powers of the State Planning Board as to school buildings within a regional zoning area. Under NRS 393.110, a board of trustees of any school district, before letting contracts for the erection of any school building, shall submit plans therefor to, and obtain the written approval of the same by, the state planning board. We see no difficulty in this arrangement in view of NRS 341.180, which calls for cooperation between the State and the regional planning commission. Every effort should be made in the interest of the public to resolve any differences that might arise between the State and the regional planning commission.

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Conclusion

It is therefore the opinion of this office that the powers and duties of regional planning commissions do not extend to public buildings situate on state property; that authority over such buildings rests with the State Planning Board; that the authority of the State Planning Board extends to public school buildings; and that with reference to public school buildings the State Planning Board should cooperate fully with the regional planning commission.

Respectfully submitted,


HARVEY DICKERSON
Attorney General

OPINION NO. 68-536 REGIONAL PLANNING COMMISSIONS; STATE PLANNING BOARD—The powers and duties of regional planning commissions do not extend to public buildings situate on state property; authority over such buildings rests with the State Planning Board; the authority of the State Planning Board extends to public school buildings; the State Planning Board should cooperate fully with the regional planning commission.

Carson City, September 12, 1968

Mr. William E. Hancock, Manager, State Planning Board, Carson City, Nevada 89701

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CONCLUSION

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Respectfully submitted,

HARVEY DICKERSON
Attorney General
