

Senate

1-111

FEDERAL, STATE AND LOCAL GOVERNMENTS COMMITTEE

Minutes of Meeting -- February 12, 1971

The eighth meeting of the Committee on Federal, State and Local Governments was held on February 12, 1971.

Committee members present: James I. Gibson  
Warren L. Monroe  
Carl F. Dodge  
Lee Walker  
Stan Drakulich  
Coe Swobe

Also present were:

Curt Blyth, Nevada Municipal Association  
Jan MacEchern, League of Women Voters  
J. P. Cunningham, Nevada Association of County Commissioners

Press representatives

Chairman Gibson called the meeting to order at 11:30 A.M. Mr. Curt Blyth had asked if he could speak to the committee regarding proposed legislation. He stated that the Nevada Municipal Association had adopted certain resolutions at their last annual conference in November in Boulder City. As the result of the adoption of those resolutions requests were made to the Legislative Counsel Bureau for bill drafting.

Mr. Blyth then presented the proposed legislation for consideration by the committee, and requested that the committee introduce them (copies attached). There was some discussion and questions concerning each of them. Chairman Gibson stated that it should be understood that introduction of these bills by the committee in no way commits them to support the legislation.

Senator Dodge moved that "we introduce these bills as a committee," seconded by Senator Swobe. The motion carried.

AB-44 Permits boards of county commissioners to fix meeting dates.

Mr. Jack Cunningham of the Nevada Association of County Commissioners explained the need for AB-44. He said that this is really a "housekeeping" type bill, which will allow the county commissioners to take action on a day other than the 5th day of each month. As it presently stands the commissioners have to hold over for a month before action can be taken, so this would in effect make it legal for them to hold meetings on other days in the month.

Senator Swobe moved "Do Pass," seconded by Senator Walker. The motion carried.

SB-69 Harmonizes provisions of survey law.

Chairman Gibson explained that he had been contacted by certain individuals in the Highway Department who are engineers, and there is considerable apprehension over the effect of this act. He further explained part of the effect of this bill is as follows: (1) Will set up a situation where only a college degree graduate may be considered for professional engineer registration; and (2) rules out the word "engineering" in titles of companies. Mr. Jack Parvin has also contacted Chairman Gibson and said that this is not an engineering society bill -- they are, in fact, opposed to this legislation.

The committee deferred action until witnesses could be heard on the matter.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Mary Jean Pondi,  
Committee Secretary

SUMMARY--Proposes to amend Nevada constitution by raising limit on total tax levy. (BDR C-1171)

ASSEMBLY JOINT RESOLUTION--Proposing an amendment to section 2 of article 10 of the constitution of the State of Nevada, relating to the tax levy limit by excepting certain tax levies.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 10 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. The total tax levy for all public purposes including levies for bonds, within the state, or any subdivision thereof, shall not exceed five cents on one dollar of assessed valuation [.] , except where a levy for the payment of general obligation bond principal or interest or both is made, upon such prior voter approval as is provided by law in such cases.

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SUMMARY--Permits closed meetings of local government employers with their management representatives. Fiscal Note: No. (BDR 23-1165)

AN ACT permitting closed meetings between a local government employer and his management representative.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 288.220 is hereby amended to read as follows:

288.220 The following proceedings, required by or pursuant to this chapter, are not subject to any provision of chapter 241 of NRS:

1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.
2. Any meeting of a mediator with either party or both parties to a negotiation.
3. Any meeting or investigation conducted by a factfinding panel.
4. Any meeting of the governing body of a local government employer with its management representative or representatives.

Sec. 2. This act shall become effective upon passage and approval.

(3)  
SUMMARY--Removes limitation on apportionment of county road fund to incorporated cities. Fiscal Note: No. (BDR 35-1179)

AN ACT relating to the county road fund; removing the limitation on the apportionment of such fund to incorporated cities; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 403.450 is hereby amended to read as follows:

403.450 1. To provide funds for paying the expenses of road work, the several boards of county commissioners shall, from time to time upon the request of the city council, apportion to each incorporated city within the respective counties such proportion of the general road fund of the county as the value of the whole property within the corporate limits of such city or cities, as shown by the last assessment roll, shall bear to the whole property in the county, inclusive of property within the incorporated cities.

2. [The apportionment of moneys to cities as provided in subsection 1 shall not exceed an amount greater than 10 percent of the total amount levied and collected for general road purposes within the county, exclusive of funds for the payment of the principal and interest of bonds for road and street purposes.

3.] All such moneys so apportioned shall be expended upon the streets, alleys and public highways of such city or cities under the direction and control of the city council.

SUMMARY--Increases vehicle privilege tax and provides for apportionment of proceeds between cities and counties. Fiscal Note: No. (BDR 32-1173)

AN ACT relating to the vehicle privilege tax; increasing the amount of such tax and providing for the apportionment of the proceeds between cities and counties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 371.040 is hereby amended to read as follows:

371.040 The annual amount of the privilege tax shall be [4] 5 cents on each \$1 of valuation of the vehicle as determined by the department.

Sec. 2. NRS 482.180 is hereby amended to read as follows:

482.180 1. There is hereby created in the state treasury a fund which shall be known as the motor vehicle fund. The state treasurer shall deposit all money received by him from the department or otherwise under the provisions of this chapter in the motor vehicle fund.

2. Funds for the administration of the provisions of this chapter shall be provided by direct legislative appropriation from the state highway fund, upon the presentation of budgets in the manner required by law. Out of such appropriation the department shall pay every item of expense.

3. The department shall certify monthly to the state board of examiners the amount of privilege taxes collected for each county by the department and its agents during the preceding month, and such funds shall be paid monthly to each county assessor in the same manner as other claims against the state are paid. Privilege taxes collected on vehicles subject to the provisions of chapter 706 of NRS and engaged in interstate or intercounty operation shall be distributed among the counties in the following percentages:

|                               |                            |
|-------------------------------|----------------------------|
| Carson City..... 1.07 percent | Lincoln..... 3.12 percent  |
| Churchill..... 5.21 percent   | Lyon..... 2.90 percent     |
| Clark.....22.54 percent       | Mineral..... 2.40 percent  |
| Douglas..... 2.52 percent     | Nye..... 4.09 percent      |
| Elko.....13.31 percent        | Pershing..... 7.00 percent |
| Esmeralda..... 2.52 percent   | Storey..... .19 percent    |
| Eureka..... 3.10 percent      | Washoe.....12.24 percent   |
| Humboldt..... 8.25 percent    | White Pine... 5.66 percent |
| Lander..... 3.88 percent      |                            |

4. Each county assessor and the assessor of Carson City shall distribute such funds [in the same manner, to the same recipients, and in the same ratio, as personal property taxes were distributed in the previous fiscal year, but the] as follows:

(a) To each incorporated city in the county, a proportion of such funds equal to the ratio which the assessed valuation of all property in such incorporated city bears to the total assessed valuation of all property in the county; and

(b) To the county, the remaining portion of such funds.

5. The State of Nevada shall not be entitled to share in any such distribution. As commission to the state for collecting the privilege taxes on vehicles subject to the provisions of chapters 482 and 706 of NRS the department shall retain 1 percent from Carson City and counties acting as agents of the department and 6 percent from counties where the department has established branch offices. The department shall be held liable for checks dishonored upon presentment for payment which have been received in payment for such taxes as provided in NRS 482.183.

[5.] 6. When the foregoing requirements have been met, the state controller shall transfer monthly to the state highway fund any balance in the motor vehicle fund.

SUMMARY--Allows additional exceptions to competitive bidding requirements for local governments. Fiscal Note: No. (BDR 27-1176)

AN ACT relating to local government purchasing; providing additional exceptions to the competitive bidding requirements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 332 of NRS is hereby amended by adding thereto a new section which shall read as follows:

If the chief administrative officer of the local government determines that supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and if a majority of the governing body at a regular or special meeting concurs in such determination, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this chapter.

Sec. 2. NRS 332.040 is hereby amended to read as follows:

332.040 1. Except as otherwise provided by law, in letting all contracts where the estimated aggregate amount required to perform the contract exceeds [\$2,500,] \$5,000, the governing body shall advertise such contract or contracts [twice within a period of 10 days, with at least 5 days intervening between such advertisements.] once not less than 7 days nor more than 15 days before the date of acceptance of bids.

2. Such advertisement shall be by notice to bid to be published in a newspaper published and having general circulation within the county wherein the local government, or a major portion thereof, is situated. If no such newspaper is published in the county, then publication shall be in any newspaper published in the state having general circulation in the county.



3. Such notice shall state:

- (a) The nature, character and object of the contract.
- (b) If plans and specifications are to constitute part of the contract, where such plans and specifications may be seen.
- (c) The time and place where the bids will be received and opened.
- (d) Such other matters as may properly pertain to giving notice to bid.

[4. No bid may be opened for a period of at least 4 days after the last publication.]

Sec. 3. NRS 332.050 is hereby amended to read as follows:

332.050 Except as otherwise provided by law, a governing body may let a contract of any nature without advertising if:

- 1. The estimated amount required to perform the contract is greater than [\$1,000] \$2,500 but does not exceed [\$2,500.] \$5,000.
- 2. Informal requests for bids have been submitted to at least three persons who are capable of performing the contract, unless the item required is a sole source item.

Sec. 4. NRS 332.060 is hereby amended to read as follows:

332.060 1. Except as otherwise provided by law, a governing body or its authorized representative may enter into a contract of any nature without advertising or requesting bids when the estimated amount required to perform the contract is [\$1,000] \$2,500 or less.

2. Nothing in this section shall prohibit a governing body from advertising for or requesting bids.

Sec. 5. NRS 332.080 is hereby amended to read as follows:

332.080 When a governing body or its authorized representative has advertised for or requested bids in letting a contract, the award shall be made to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder will be judged on the basis of price, performance to specifications, bidders' qualifications,

quality and utility of services, supplies, materials or equipment offered and their adaptability to the required purpose, and the best interest of the public, each of such factors being considered.

Sec. 6. NRS 332.140 is hereby amended to read as follows:

332.140 Contracts which by their nature are not adapted to award by competitive bidding, such as contracts for items which may only be purchased from a single source, contracts for additions to and repairs and maintenance of equipment owned by the local government which may be more efficiently added to, repaired or maintained by a certain person, [and] contracts for equipment which, by reason of the training of the personnel of or an inventory of replacement parts maintained by the local government is compatible with the existing equipment owned by the local government, and contracts for any insurance, shall not be subject to the competitive bidding requirements of this chapter.

Sec. 7. This act shall become effective upon passage and approval.

SUMMARY--Provides for coverage of all mayors under public employees' retirement system. Fiscal Note: No. (BDR 23-966)

AN ACT relating to the public employees' retirement system; providing for the inclusion of all mayors in the system; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 286.470 is hereby amended to read as follows:

286.470 1. Notwithstanding the provisions of NRS 286.320, service as a commissioner of a county participating in the system, or as a councilman or mayor of an incorporated city participating in the system, shall be service to be credited for retirement under this chapter and service credit shall be granted for the entire tenure of office, provided:

(a) That the average monthly salary of a member applying for retirement, including, as any part of his total service, service in the foregoing capacities, shall be calculated upon the basis of all sums earned in covered employment throughout the total service of the individual. When service in any of the foregoing capacities shall be in excess of 3 consecutive years, the salary for the entire service in such capacity shall be deemed to be the average salary received in the 3 highest salaried consecutive years.

(b) That service in any of the foregoing capacities [ , prior to July 1, 1955,] cannot be credited for retirement until the individual member and the public employer have paid to the public employees' retirement fund and the public employees' retirement administrative fund such sums as would have been paid by the individual and the public employer on behalf of the individual, had membership in the system been granted since July 1, 1948, or such date as the county or incorporated city may have entered the system. If the public employer fails or refuses to pay its share of the sums due under this paragraph, the individual member may

pay the public employer's share as well as his own share of such sums. He shall be granted the same privileges of payment under the same conditions applicable to the repayment of previously withdrawn contributions by other members of the system. A person who, while a mayor of an incorporated city participating in the system, was by law excluded from membership in the system may, after the effective date of this act, reinstate such service as mayor whether or not he is holding office as mayor on the effective date of this act.

2. Current contributions shall be paid [from and after July 1, 1955,] by persons in the foregoing capacities in a manner to be prescribed by the board.

3. Members of the system who have served in the foregoing capacities and who have reached retirement age may waive service in such capacities, at their election, at the time of retirement and elect to have their allowances computed in the same manner as those of other members of the system and under the same provisions as are applicable to other members of the system.

4. The provisions of this chapter and the rules and regulations of the board, when not contradictory to the provisions of this section, shall apply equally to persons in the foregoing capacities.

Sec. 2. This act shall become effective upon passage and approval.

SUMMARY--Exempts from taxation premiums received under policy of insurance issued to unit of local government.  
Fiscal Note: No. (BDR 57-1178)

AN ACT relating to the insurance premium tax; exempting from such tax all premiums received under any policy of insurance issued to any unit of local government; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 686.010 is hereby amended to read as follows:

686.010 1. Every insurance or annuity company or association of whatever description, except fraternal or labor insurance companies, or societies operating through the means of a lodge system or systems, insuring only their own members and their families, including insurance on descendants of members, doing an insurance or annuity business in this state, shall annually pay to the commissioner a tax of 2 percent upon the total premium income, including membership fees, payments on annuities or policy writing fees, from all classes of business covering property or risks located in this state during the next preceding calendar year, less [return premiums and premiums received for reinsurance on such property or risks.] :

(a) Return premiums;

(b) Premiums received for reinsurance on such property or risks; and

(c) All premiums received under any policy of insurance issued to any unit of local government, or agency thereof, in this state.

2. Funds accepted by a life insurer under an agreement which provides for an accumulation of funds to purchase annuities at future dates may, for the purposes of the tax imposed by this section, be considered as total premium income either upon

receipt or upon the actual application of such funds to the purchase of annuities. Any interest credited to funds accumulated while under the latter alternative shall also be included in total premium income. Any funds taxed upon receipt, including any interest later credited thereto, shall not be subject to taxation upon the purchase of annuities. Each life insurer shall signify on its premium tax return to be filed in the calendar year 1969 its election between such two alternatives, and such election shall also apply to the premium tax returns filed in the three immediately preceding calendar years. An insurer shall not change such election without the consent of the commissioner. Any such funds taxed as total premium income are, if the funds are withdrawn before their actual application to the purchase of annuities, eligible to be included as return premiums under the provisions of subsection 1.

3. When by or pursuant to the laws of any other state or foreign country any premium or income or other taxes, or any fees, fines, penalties, licenses, deposit requirements or other material obligations, prohibitions or restrictions, are imposed upon Nevada insurers doing business, or which might seek to do business in, such other state or country, or upon agents of such insurers, which are in the aggregate in excess of such taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions directly imposed upon similar insurers of such other state or foreign country under the statutes of this state, so long as such laws continue in force or are so applied, the same obligations, prohibitions and restrictions of whatever kinds shall be imposed upon similar insurers of such other state or foreign country doing business in Nevada. Any tax, license or other obligation imposed by any city, county or political subdivision of a state or foreign country on Nevada insurers or

their agents shall be deemed imposed by such state or foreign country within the meaning of this subsection. The provisions of this subsection shall not apply to ad valorem taxes on real or personal property or to personal income taxes.

4. For the purposes of this section the domicile of an alien insurer shall be the state in which is located its principal place of business in the United States.

5. All domestic insurance or annuity companies doing business in states in which such companies are not licensed and do not pay a premium tax shall pay the tax on such business to the State of Nevada.

6. As used in subsection 1, "total premium income" does not include premiums or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404 or 501 of the United States Internal Revenue Code as now or hereafter amended or renumbered from time to time.

SUMMARY--Includes employees of Nevada Municipal Association in public employees' retirement system. Fiscal Note: No. (BDR 23-1189)

AN ACT relating to the public employees' retirement system; adding employees of the Nevada Municipal Association to the definition of employees who are entitled to coverage; adding the association to the definition of "public employer"; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 286.040 is hereby amended to read as follows:

286.040 1. As used in this chapter, "employee" means:

(a) A public officer of the State of Nevada or its political subdivisions.

(b) Any person employed by a public employer whose compensation is provided by the public employer and who is under the direction or control of officers of the public employer.

(c) Any person employed by the Nevada Municipal Association.

2. "Employee" does not include independent contractors or persons rendering professional services to an employer on a fee, retainer or contract basis.

3. The board shall determine who are employees under this definition.

Sec. 2. NRS 286.070 is hereby amended to read as follows:

286.070 1. As used in this chapter, "public employer" means the state, one of its agencies or one of its political subdivisions, irrigation districts created under the laws of the State of Nevada, and the Las Vegas Valley Water District, created pursuant to chapter 167, Statutes of Nevada 1947, as amended, [and] a nonprofit corporation to which a public hospital has been conveyed or leased pursuant to NRS 450.500 [.] and the Nevada Municipal Association.

2. State agencies are those agencies subject to state control and supervision, including those whose employees are governed by chapter 284 of NRS, unless specifically exempted therefrom, and those which deposit funds with the state treasurer.



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 44

ASSEMBLY BILL NO. 44—WASHOE—STOREY  
DISTRICTS' DELEGATION

JANUARY 25, 1971

Referred to Committee on Government Affairs

SUMMARY—Permits boards of county commissioners to fix meeting  
dates. Fiscal Note: No. (BDR 20-34)



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

AN ACT relating to meetings of boards of county commissioners; permitting the  
exact day or days to be fixed by ordinance; and providing other matters prop-  
erly relating thereto.

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

- 1 SECTION 1. NRS 244.085 is hereby amended to read as follows:
- 2 244.085 The meetings of the [board] *boards* of county commis-
- 3 sioners shall be held at the county seats of their respective counties [on
- 4 the 5th day of each calendar month; provided:
- 5 1. That when such day falls upon a Sunday or legal holiday, the
- 6 board shall meet upon the next succeeding judicial day.
- 7 2. That the] *at least once in each calendar month, on a day or days*
- 8 *to be fixed by ordinance, provided that:*
- 9 1. *Such day does not fall on Saturday or on any nonjudicial day, in*
- 10 *which event the meeting shall be held on the next judicial day.*
- 11 2. *The first meeting of the board in odd-numbered years shall be*
- 12 *held on the 1st Monday in January.*
- 13 3. *Such meeting day or days as fixed by ordinance shall remain*
- 14 *unchanged, unless notice of a proposed change is published once a week*
- 15 *for 3 consecutive weeks in a newspaper of general circulation in the*
- 16 *county.*
- 17 SEC. 2. This act shall become effective upon passage and approval.

Original bill is on file at  
the Research Library.