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Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- March 12, 1971

The twenty-second meeting of the Committee on Federal, State and Local Governments was held on the 12th day of March, 1971 at 1:00 P.M.

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

Also present were:

Archis Pozzi, Senator
John Foley, Senator
Norman Ty Hilbrecht, Assemblyman
Procter Hug, Sr., Senator
Malvene Rowe, League of Women Voters
Wally White, Incline Village General Improvement District
Les Berkson, Attorney, Incline Village
J. C. Cathcart, Procurement Officer, City of Las Vegas
J. T. Klenke, Director of Purchasing, Clark County School District
John Meder, Board of Supervisors, Carson City
Roy Robinette, Tahoe
Tom Mulroy, Clerk's Office, Washoe County
Alex Koon, Chief Deputy Clerk of Washoe County

Chairman Gibson called the meeting to order at 1:00 P.M. Several bills were before the committee for consideration.

SB-316 Creates presidential primary election.

Senator Foley testified before the committee as the introducer of this legislation. He stated that this bill is the same bill that is in the assembly except it changes the date of the primary to a May date. His theory in changing that date is that this is close to the time of the Oregon and California primaries, but would precede these primaries by several weeks. Candidates would necessarily be coming west to enter these primaries and it would be very easy for them to include Nevada, and we would probably draw most, if not all, of the major contenders.

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Nevada offers something to most of the candidates that other states do not offer, and that is the fact that our state has voted with the winning presidential candidate since before the turn of the century. Nevada is a good state for the candidates to sample the feeling of the people.

Now, what does Nevada get out of it? Senator Foley feels it is a very important thing in the lives of young people to be able to meet the candidates and see them firsthand. Also, there would be a considerable amount of money spent for television and newspaper advertising, the accommodations in our tourist industry, and the wide-spread publicity that this would give us all over the nation are important considerations. Another factor is that this would be a very good way of putting many questions and propositions on the ballot -- bonds and the type of thing that tends to clutter up the general election ballots. There was a great deal of criticism in Southern Nevada in the last general election of the time necessary to put all these different things on the ballot. This would be a proper place to take care of them.

Assemblyman Hilbrecht also addressed himself to SB-316. He stated that he would like to voice his support for this bill. He pointed out that it is substantially identical to the Assembly bill except as to dates. This bill is the work product of a study which the legislature ordered a number of years ago. This bill has undergone scrutiny for several years with an eye toward finding defects in it, and that search proved unfruitful. Mr. Hilbrecht feels now that this bill is a pretty sound piece of legislation mechanically. There are some features in this bill which make it superior to the earlier measures with respect to changing the date to a later time.

Mr. Hilbrecht also pointed out that there is no question that delegates selected under this bill would qualify delegates under any standard that was promulgated by the McGovern Commission. This commission provides that the delegates to the national convention representing each party have to be selected in a fashion such that there is a direct electoral chain to the lowest feasible level in the state (precinct level). Alternatively, we would have to modify our law to provide that not only county delegates are selected at the mass meetings in precincts, but also state convention delegates would have to be selected at that time.

Senator Monroe brought up the problem of cost. Mr. Hilbrecht pointed out that with realizing that the counties are already going to expend a certain large amount of money on June 8th in the municipal elections, they fixed a realistic figure by requiring that local communities contribute what they would have to contribute for their part of the election anyway. If you do the same thing with the primary you will find that the real cost would be a good deal less than \$140,000.

Mr. Mulroy of Washoe County, stated that he would leave the wisdom of holding a presidential primary to the legislature. However, with regard to the mechanics of it there are many plus factors for this bill -- it might be a trend for the future, and he would hope that it passes.

Malvene Rowe, representing the League of Women Voters, read a statement to the committee in support of SB-316. (A copy of that statement is attached hereto as Exhibit "A".)

SB-207 Allows additional exceptions to competitive bidding requirements for local governments.

The committee heard from Mr. Klenke of the Clark County School District, Director of Purchasing, and from Mr. Cathcart, Procurement Officer for the City of Las Vegas, on the merits of SB-207. Mr. Cathcart explained that he had been a subcommittee chairman to study the procurement laws and that Mr. Klenke was one of the members of the committee. The committee with the help of professional purchasing people looked at the total state laws and local government purchasing laws.

Mr. Klenke said that basically what the school people are concerned with is the change in the amount that is required to formally and informally bid. There has been a problem in their school with rioting, and as the law is written now, when this happens they are hampered because of the \$2500 limit. They have to formally bid and because of the time elements they have been hampered on occasions where they have had to close down part of the school.

Also, Mr. Klenke said that one of the largest high schools in Clark County has been closed down now for better than a week because of a burned out transformer. They cannot buy a new transformer unless they go through the bidding procedures.

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With reference to page 2, line 40, and the new language on "contracts for insurance" Mr. Klenke read into the record part of an opinion issued by the Attorney General on group insurance in political subdivisions and competitive bidding. (A copy of this opinion is attached hereto as Exhibit "B".) He urged the passage of this bill.

SCR-12 Directs legislative commission to study public purchasing laws, practices and procedures.

Mr. Klenke commended Senator Monroe for the introduction of SCR-12, stating that he felt it was way overdue. He offered his services to the state as advisor to work out the inequities in the laws on purchasing. He and Mr. Cathcart both would lend their support to this proposal.

SB-355 Reconciles certain preferential bidding provisions relating to public purchasing.

This bill adds four words to the statutes -- on page 1, line 5, of the bill "to be paid for from public funds." Mr. Cathcart was in favor of adding these words to this statute. There is another bill yet to be introduced, AB-526, which is trying to get all entities in every political subdivision that have the right to receive money from ad valorem taxes to be bound by the purchasing acts. There are some entities that are not bound to anything and can go out and spend without formal bidding procedures with taxpayers funds. They feel that they should be controlled some way in this category -- this is applicable to local improvement districts, county hospitals, water conservation districts, improvement control districts and so on.

There is also another assembly bill, AB-538, which makes this particular chapter, NRS 334 (preferential law) more unworkable. This is true from a contractors point of view, as well as the city, county and state. It is a very ambiguous law. Mr. Cathcart is in favor of completely revising this chapter.

SB-173 Provides alternative annexation procedure for general improvement districts; increases certain interest rates.

Mr. Wally White, representing the Incline Village General Improvement District, stated that this bill was prepared for them by their legal counsel and was originally introduced

into the assembly as AB-160. There have been a good many revisions in this bill and it is now numbered AB-264, which is now up for vote in the assembly.

SB-173 is an amendment to Chapter 318. This is actually an initiation of an annexation procedure by the district. Although their board initiated this bill, it is not of particular benefit to them. What they want to do is help the Tahoe area -- they have a public service and their system is the one that they use. They are trying to provide a vehicle so that they can carry out the federal and state program and provide service.

In response to a question from Chairman Gibson on AB-264, Mr. White stated that this bill does include the concept they want and that if this bill passes, this committee should then consider AB-264 rather than SB-173.

Additionally, now there has been added a Section 6 -- it is illegal and presents many problems. The Assembly will pass this with the understanding that when it comes over here it should be removed. Mr. Robinette spoke briefly and concurred with Mr. White that Section 6 of AB-264 should come out -- it is unconstitutional and presents many problems. He would urge that this committee kill SB-173 and give consideration to AB-264.

SB-163 Makes technical amendments in Carson City charter.

Senator Pozzi spoke briefly and then introduced John Meder, who is on the Board of Supervisors for Carson City, to explain this proposal.

Mr. Meder went through the bill with the committee going over the proposed amendments. He agreed that it would be all right to delete the property description in this charter in line with what had been done in the other city charters and also the reference to setting salaries. Chairman Gibson said that he would go over this with Mr. McDonald and that their thinking would have to be resolved with regard to Carson City as they are a "hybrid" with a different setup.

SB-33 Makes certain changes in procedural requirements for annexation.

Senator Dodge said that he had introduced this bill as the result of a problem which arose in connection with a current annexation proposal west of the city of Fallon. It is about

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a 180 acre parcel and they had problems trying to get 50% of the land area. They ran into a situation where the county fairgrounds took up a lot of the area, as well as the county road and the state highway. So, he thought they should exclude lands held by public bodies in that requirement for the 50% of the total land area. Senator Dodge said that all he is interested in here is the initial petitioning procedure.

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

SJR-21 Proposes to amend the Nevada constitution by requiring that governor and lieutenant governor be elected jointly as a team.

Senator Swobe moved to "Hold," seconded by Senator Monroe. The motion carried.

AB-310 Extends filing deadline for corrected application for permit to appropriate public waters.

Chairman Gibson referred to a letter from Mr. Westergard of the Department of Conservation and Natural Resources with reference to AB-310. (A copy of this letter is attached hereto as Exhibit "C".) Action on this will be taken at a later date.

The committee then took further action as follows:

SB-316 Senator Monroe moved "Hold," seconded by Senator Swobe. The motion carried.

SB-207 Senator Drakulich moved "Hold," seconded by Senator Swobe. The motion carried.

SB-355 Senator Swobe moved "Do Pass," seconded by Senator Monroe. The motion carried.

SB-173 Senator Monroe moved to "Hold," seconded by Senator Swobe. The motion carried.

SB-163 Senator Dodge moved "Amend and Do Pass," seconded by Senator Swobe. The motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Pondi, Committee Secretary

LEAGUE OF WOMEN VOTERS OF NEVADA

STATEMENT TO THE SENATE COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

re: S.B. 316 - Creates presidential primary election

I am Mrs. Malvene Rowe, of Las Vegas, representing the League of Women Voters of Nevada.

In the interest of presenting some background on the presidential primary in Nevada for those of you who may not have had the time to dig into its history, I am beginning with a short resume of what has gone before.

When the League elected to study a presidential primary system for Nevada in 1961, we found the idea was not a new one for this state. Back in 1912 the Democratic Party held a presidential primary in connection with its May primary election which selected 196 delegates to the Fallon convention of that year. Actually, there was no legal provision in the statutes as the provision in Chapter 165 of Nevada Statutes, 1911, made reference to authority granted under Chapter 188, Nevada Statutes, 1883, which chapter had been repealed by that same Legislature. The primary process was used only in that one year by the one party, and little more was heard of the idea until 1952. Political feeling was running high with Eisenhower and Taft the leading contenders in one party and Stevenson and Kefauver in the other. The Democratic platform that year endorsed a presidential primary for Nevada.

In 1953, 41 years after the one-time use, the Legislature enacted such a law, but unfortunately it was hastily drafted and lifted largely from the California statute. So many conflicts became evident within the act itself and with existing Nevada primary statutes that it was repealed in 1955, without ever having been used. The Legislature did, however, direct the Legislative Counsel Bureau "to study presidential primaries." That study was not completed until 1958 when the Bureau issued Bulletin #32, containing background information and provisions for a model law. No action is recorded on the study in the 1959 regular or the 1960 special sessions, but in 1961 a bill was introduced which died in committee.

After two years of study and discussion, the League, in 1963, arrived at a position of support for a presidential primary system in Nevada if it met certain stated criteria. If you have in your file this 4-page statement of League positions and priorities (one was given each legislator), you will see the criteria are enumerated at the top of page 4. I will comment on each one as it relates to SB 316.

The first two, that the primary be "closed" and that it be a "preferential" type, present no problem. Nevada has only closed primaries--meaning, of course, that only voters registered in their respective political parties can vote in that party's primary. This is in contrast to those few states where it is legal for a voter to choose on election day in which party primary he wishes to cast his vote. The preferential primary means that the names of the presidential nominees themselves be listed on the ballot. This is in contrast to those states where the voter casts his ballot for electors who may or may not be pledged to a particular candidate.

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In relation to our third criteria, that all major candidates should appear on the ballot and provision made for eliminating false candidates, we feel the procedures in SB 116 are most adequate. And in regard to the date, we find the third Tuesday in May much more preferable than the second Tuesday in March, as proposed in AB 185, similar in every respect to SB 116 except the date of the primary.

Judging from past presidential years, some of the strongest potential nominees are not in the race by the second Tuesday in March. The so-called draft provision in Section 11 of the bill, whereby the Secretary of State is required to enter the names of any presidential candidate "which has been entered in one or more presidential primaries in other states..." (even though neither the candidate himself or a committee working in his behalf has entered his name in this state) can be of little meaning if the election is too early. This is the exact wording of the model law but that law states the first Tuesday in June as primary day.

When substantially this same bill was introduced last session, the date it originally carried, as we recollect, was the first Tuesday in June. This seems to be ideal to the League, for it would give the voter a choice of most, if not all, of the principal contenders competing in the national conventions. Also, the Legislative Counsel study says that a late entry frequently represents the popular drafting of a non-professional politician of unusual national popularity. This may be resolved by having provisions in the law for a write-in vote and holding the primary immediately prior to the conventions. It goes on to recommend "as late a date as possible for holding a presidential primary."

If it is our intention not to displace New Hampshire as the first primary state, why not be the last in order to include a possible complete slate of contenders? If Nevada were the last, it could become nationally significant and draw great attention. Hasn't the record shown that Nevada usually votes the winner in presidential elections?

As to League criteria #4 and #5, that the primary should be proportional-representative type and that provision should be made for a flexible procedure for binding delegates at convention, we think AB 316 satisfactorily meets both.

Your attention is also called to Sec. 18, para 5, page 6, which states that "in all other respects the ballots conform as closely as possible to the ballots used in other primary elections." We would recommend that the model law be followed here and add the provision for a write-in vote, in order to provide every possible way for all candidates to be considered. The model for this provision may be found on Page 58, para 5c of the study, and in the model law itself on Page 80.

The League of Women Voters believes that a presidential primary provides the electorate with a meaningful and direct opportunity to participate in choosing the President. We prefer the date chosen in SB 316 over that of AB 185 and urge a "do pass" on this bill.

Thank you for this opportunity to give comment.



STATE OF NEVADA
DEPARTMENT OF ATTORNEY GENERAL

CARSON CITY, NEVADA 89701

January 22, 1970

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HARVEY DICKERSON
ATTORNEY GENERAL

OPINION NO. 633
(As amended)

Political Subdivisions - Group Insurance--
Group Insurance Policies purchased by po-
litical subdivisions are not within the pur-
view of NRS 332.040, and may be secured
without competitive bidding.

Hon. Chic Hecht,
State Senator,
413 Fremont Street,
Las Vegas, Nevada. 89101

Dear Senator Hecht:

Early this year you requested an opinion from this office as to whether contracts for group insurance between insurance companies and local political subdivisions required bidding.

In an opinion written by this office under date of January 7, 1970, it was held that bidding was necessary. I have gone into the law of other states covering this problem and I have come to the conclusion that the opinion should be amended and rewritten.

Analysis:

NRS 332.040 requires that contracts exceeding \$2500 shall be bid before an award is made. However, NRS 332.140 infers that contracts which by their nature are not adapted to award by competitive bidding are an exception to the general rule.

The sale of group insurance involves a service and not a product. In Lynd v. Heffernan, 146 N. Y. S. 2d 113, a case involving a policy of fire insurance, the Court held that the relationship between an insurance broker and his client is a relationship of personal trust and confidence, calling for a rendition of personal services of a type uniformly held to fall outside the scope of competitive bidding, citing 44 ALR 1150, 142 ALR 542.

Exhibit "B"

Hon. Chic Hecht,
January 22, 1970,
Page Two.

As pointed out in leading cases in various jurisdictions the insurance company does more than write a policy. The drafting of such a contract involves frequent and efficient inspection of the needs of the insured, and prompt, honest and efficient service in the settlement of claims. All insurance companies are different both as to policy and to the terms of their policies. Thus the selection of an insurance company and the necessary adoption of a policy meeting the requirements of the political subdivision should not be restricted.

Group insurance is the coverage of a number of individual persons by one comprehensive policy for the primary purpose of protecting and providing for the employees. The governing board of the procuring agency is only involved to the extent of securing the most advantageous policy in line with the needs of the covered group. Thus to impose on the political subdivision the requirement of securing the insurance which costs the least may well result in a policy which does not, in all respects, meet defined requirements.

NRS 287.010 gives the governing body of a political subdivision the power to purchase group policies of life, accident or health insurance, and to defray part or all of the cost of the premiums.

Conclusion:

It is the opinion of this office that group insurance policies purchased by political subdivisions are not within the purview of NRS 332.040, and may be secured without competitive bidding.

Respectfully submitted,
Harvey Dickerson
HARVEY DICHERSON
Attorney General

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

2-100

OFFICE MEMORANDUM

To: Senator Gibson, Chairman Senate Committee on Federal, State, and Local Governments
Date: March 12, 1971
From: Roland D. Westergard *Roland*
Subject: A.B.-310 - Extends filing deadline for corrected applications for permit to appropriate public waters.

The above legislation, as amended, was passed by the Assembly on March 9, 1971, and referred to the Senate Committee on Federal, State, and Local Governments on March 10, 1971.

The existing statute (NRS 533.355) provides that if an application is found to be defective, it shall be returned for correction or completion. If properly corrected and filed within 60 days of the date of return, no loss of priority is incurred. If the application is not refiled within 60 days, it is mandatory that the application be cancelled by the state engineer.

Our records indicate that, under this procedure, less than 10% of applications returned for correction are cancelled for failure to refile the corrected or completed application and/or supporting map within the statutory period allowed of 60 days. The majority of the cancellations are for failure to refile the corrected or completed application, rather than the supporting map. Many applications are cancelled because the applicant voluntarily decides not to proceed with the appropriation.

The proposed legislation, as passed in the Assembly, would permit the state engineer to grant an extension of time of not more than five months for correcting or completing an application for a permit to appropriate public water. It also removes the provision for return within 60 days, and the provision for mandatory cancellation for failure to refile.

The proposed legislation is a matter of some concern to the Division of Water Resources; and this concern was expressed to Mr. Swackhamer, who introduced A.B. 310 on February 15, 1971, in the form of a memorandum dated February 22, 1971. A copy of the memorandum, which refers to A.B. 310 prior to amendment, is enclosed. We were not called upon to testify on the legislation.

Exhibit "C"

We offer the following for your consideration:

1. The bill does not specify a mandatory time period in which to refile the corrected application. Thus, there is no specific date by which the applicant must perform in order to preserve priority.
2. The matter of priority of appropriation and time before action can be taken is pertinent, as stated in the fourth paragraph of our memorandum to Mr. Swackhamer.
3. We submit that the existing statute has proved to be effective administratively, and that it has been equitable to appropriators. It may be of interest to note that the existing statute has survived with minor language changes since the passage of the comprehensive Act of 1913.

We would welcome the opportunity to discuss this matter with you and your committee.

RDW:jw

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S. B. 316

SENATE BILL NO. 316—SENATOR FOLEY

FEBRUARY 24, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Creates presidential primary election.
Fiscal Note: No. (BDR 24-1570)



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

AN ACT relating to elections; creating a presidential primary election; making an appropriation 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. Title 24 of NRS is hereby amended by adding thereto a
- 2 new chapter to consist of the provisions set forth in sections 2 to 29, inclu-
- 3 sive, of this act.
- 4 SEC. 2. This chapter may be cited as the Presidential Primary Law.
- 5 SEC. 3. The provisions of chapter 293 of NRS apply to presidential
- 6 primary elections except where specifically provided otherwise.
- 7 SEC. 4. 1. All political parties qualified pursuant to subsection 1 of
- 8 NRS 293.073 shall participate in the presidential primary election under
- 9 the provisions of this chapter.
- 10 2. Any political party qualified pursuant to subsection 2 of NRS
- 11 293.073 may participate in the presidential primary election under the
- 12 provisions of this chapter.
- 13 SEC. 5. 1. On or before December 1 preceding a presidential pri-
- 14 mary year, the chairman of the state central committee of each political
- 15 party participating in the presidential primary election shall file in the
- 16 office of the secretary of state a notice in writing stating the number of
- 17 persons to be selected as potential delegates to represent the state at the
- 18 next national convention of his party.
- 19 2. The statement of the number of potential delegates shall be in sub-
- 20 stantially the following form:

Original bill is 19 pages long.
Contact the Research Library for
a copy of the complete bill.

S. B. 207

**SENATE BILL NO. 207—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS**

FEBRUARY 15, 1971

Referred to Committee on Federal, State and Local Governments

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

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

AN ACT relating to local government purchasing; providing additional exceptions to the competitive bidding requirement; 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 332 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *If the chief administrative officer of the local government determines*
- 4 *that supplies, materials or equipment can be purchased at any public*
- 5 *auction, closeout sale, bankruptcy sale or other similar sale, and if a*
- 6 *majority of the governing body at a regular or special meeting concurs in*
- 7 *such determination, a contract or contracts may be let, or the purchase*
- 8 *made, without complying with the competitive bidding requirements of*
- 9 *this chapter.*
- 10 SEC. 2. NRS 332.040 is hereby amended to read as follows:
- 11 332.040 1. Except as otherwise provided by law, in letting all con-
- 12 tracts where the estimated aggregate amount required to perform the
- 13 contract exceeds ~~[\$2,500,]~~ \$5,000, the governing body shall advertise
- 14 such contract or contracts ~~[twice within a period of 10 days, with at~~
- 15 ~~least 5 days intervening between such advertisements.]~~ *once not less than*
- 16 *7 days nor more than 15 days before the date of acceptance of bids.*
- 17 2. Such advertisement shall be by notice to bid to be published in a
- 18 newspaper published and having general circulation within the county
- 19 wherein the local government, or a major portion thereof, is situated.
- 20 If no such newspaper is published in the county, then publication shall
- 21 be in any newspaper published in the state having general circulation in
- 22 the county.
- 23 3. Such notice shall state:
- 24 (a) The nature, character and object of the contract.

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

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S. C. R. 12

**SENATE CONCURRENT RESOLUTION NO. 12—
SENATOR MONROE**

FEBRUARY 15, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Directs legislative commission to study public purchasing laws, practices and procedures. (BDR 868)



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

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the public purchasing laws of the state and of its political subdivisions, together with purchasing practices and procedures, and to make its report and recommendations to the 57th session of the legislature.

- 1 WHEREAS, Differences in the state law relating to public purchasing
- 2 and the law relating to public purchasing by the political subdivisions of
- 3 the state exist side by side; and
- 4 WHEREAS, Confusion has arisen by reason of these differences; and
- 5 WHEREAS, Practices and procedures in public purchasing have fre-
- 6 quently been criticised and questioned; and
- 7 WHEREAS, Requests for changes in the laws relating to public purchas-
- 8 ing, and practices and procedures of the purchasing division of the depart-
- 9 ment of administration, and of the various political subdivisions of the
- 10 state, have been made at practically every session of the legislature in
- 11 recent years; now, therefore, be it
- 12 *Resolved by the Senate of the State of Nevada, the Assembly concur-*
- 13 *ring,* That the legislative commission is hereby directed to conduct a
- 14 study of the public purchasing laws of the state and of its political sub-
- 15 divisions, together with practices and procedures relating to public pur-
- 16 chasing, and to report the results of that study together with its
- 17 recommendations to the 57th session of the legislature.

2-1007

S. B. 355

SENATE BILL NO. 355—COMMITTEE ON FINANCE

MARCH 2, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Reconciles certain preferential bidding provisions relating to public purchasing. Fiscal Note: No. (BDR 27-228)

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

AN ACT relating to public purchasing; reconciling certain preferential bidding provisions governing resident supply dealers with similar provisions governing local producers.

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

- 1 SECTION 1. NRS 334.007 is hereby amended to read as follows:
- 2 334.007 In awarding contracts for furnishing supplies, materials or
- 3 equipment, either directly or through a contractor or subcontractor, to the
- 4 State of Nevada or any political subdivision thereof, *to be paid for from*
- 5 *public funds*, the contract shall be awarded to a bidder who furnishes such
- 6 commodities supplied by a dealer who is a resident of the state and who
- 7 has for not less than 2 successive years immediately prior to submitting
- 8 the bid paid state and county taxes within the state on a stock of materials
- 9 of the kind offered and reasonably sufficient in quantity to meet the
- 10 requirements of customers from such stock, instead of shipping stock into
- 11 the state to fill orders previously taken, in preference to a competing
- 12 bidder who furnishes such commodities not supplied by such a resident
- 13 dealer whenever the bid of the competing bidder, taking into consideration
- 14 comparative quality and suitability, is less than:
 - 15 1. Five percent lower, if the amount of the bid is less than \$50,000.
 - 16 2. Two and one-half percent lower, if the amount of the bid is \$50,-
 - 17 000 or more, but less than \$500,000.
 - 18 3. One and one-half percent lower, if the amount of the bid is \$500,-
 - 19 000 or more.
- 20 SEC. 2. This act shall become effective upon passage and approval.

2-105

S. B. 173

SENATE BILL NO. 173—SENATOR WILSON

FEBRUARY 9, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides alternative annexation procedure for general improvement districts; increases certain interest rates. Fiscal Note: No. (BDR 25-996)



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

AN ACT relating to general improvement districts; providing an alternative procedure for the inclusion within a district of additional contiguous real property which is capable of being serviced by extension of district facilities; increasing permissible interest rates to be charged on bonds sold under the Local Government Securities Law and on installment payments for special assessments; repealing a provision allowing issuance of district negotiable coupon bonds for certain purposes; 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 318 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 provisions of sections 3 to 9, inclusive, of this act contain*
- 4 *an alternative procedure for the inclusion within a district of additional*
- 5 *contiguous real property which is capable of being serviced by the exten-*
- 6 *sion of district facilities.*
- 7 SEC. 3. *As used in sections 2 to 9, inclusive, of this act:*
- 8 1. *“Contiguous” means that not less than 15 percent of the total*
- 9 *boundary of the area of the real property to be annexed is coterminous*
- 10 *with the boundary of the district; but boundaries shall also be deemed*
- 11 *coterminous to the extent that they are separated by any street, alley,*
- 12 *public right-of-way, creek, river or the right-of-way of any railroad or*
- 13 *any public service corporation, or by lands owned by the annexing dis-*
- 14 *trict, by some other political subdivision of the state or by the State of*
- 15 *Nevada.*
- 16 2. *“Majority of the property owners” in an area of additional real*
- 17 *property means the owners of real property:*
- 18 (a) *Whose combined value is greater than 50 percent of the total value*
- 19 *of real property in the area as determined by assessment for taxation; and*
- 20 (b) *Whose combined area is greater than 50 percent of the total area*
- 21 *of additional real property, including any area exempt from taxation, but*
- 22 *excepting from such inclusion any street, alley or public right-of-way.*

Original bill is 5 pages long.
Contact the Research Library for
a copy of the complete bill.

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S. B. 163

SENATE BILL NO. 163—SENATOR POZZI

FEBRUARY 8, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Makes technical amendments in Carson City Charter.
Fiscal Note: No. (BDR S-404)



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

AN ACT to amend an act entitled "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," approved April 1, 1969, as amended; amending various complementary NRS sections to effect the purposes of this act; 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. Section 1.030 of the charter of Carson City, being chap-
2 ter 213, Statutes of Nevada 1969, at page 288, is hereby amended to read
3 as follows:
4 Section 1.030 Description of territory. The territory embraced in
5 Carson City is that certain land situate in the State of Nevada, described
6 as follows: Beginning at the northwest corner of Douglas County, Nevada,
7 at a point on the common boundary between the State of Nevada and
8 the State of California; thence due east to the shoreline of Lake Tahoe;
9 thence easterly along the south boundaries of a portion of Section 33,
10 all of 34, 35 and 36, T. 15 N., R. 18 E. M.D.B. & M.; thence contin-
11 uing easterly along the south boundaries of Sections 31, 32, 33, 34, 35
12 and 36, T. 15 N., R. 19 E., to the southwest corner of Section 31, T.
13 15 N., R. 20 E.; thence continuing easterly along the south boundary of
14 Section 31 to the east $\frac{1}{8}$ corner common to Section 31 and Section 6,
15 T. 14 N., R. 20 E.; thence southerly along the north-south centerline of
16 the NE $\frac{1}{4}$ of Section 6, a distance of 300 feet, more or less, to the center
17 north-north-northeast $\frac{1}{256}$ corner of Section 6; thence easterly along the
18 east-west centerline NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, a
19 distance of 660 feet, more or less to the center north-northeast-northeast
20 $\frac{1}{256}$ corner of Section 6; thence northerly along the north-south center-
21 line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, a distance of 300 feet, more
22 or less, to the east-east $\frac{1}{64}$ corner common to Section 6, T. 14 N., R. 20
23 E., and Section 31, T. 15 N., R. 20 E.; thence easterly along the south

Original bill is 9 pages long.
Contact the Research Library for
a copy of the complete bill.

2

S. B. 33

SENATE BILL NO. 33—SENATOR DODGE

JANUARY 25, 1971

Referred to Committee on Federal, State, and Local Governments

SUMMARY—Makes certain changes in procedural requirements for annexation.

Fiscal Note: No. (BDR 21-184)

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

AN ACT relating to annexation; providing certain changes in definitions affecting annexation procedure; 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 268.574 is hereby amended to read as follows:
- 2 268.574 As used in NRS 268.570 to 268.608, inclusive:
- 3 1. "Contiguous" means either abutting directly on the boundary of
- 4 the annexing municipality or separated from the boundary thereof by a
- 5 street, alley, public right-of-way, creek, river or the right-of-way of a
- 6 railroad or other public service corporation, or by lands owned by the
- 7 annexing municipality, by some other political subdivision of the state
- 8 or by the State of Nevada.
- 9 2. "Lot or parcel" means any tract of land of sufficient size to con-
- 10 stitute a legal building lot as determined by the zoning ordinance of the
- 11 county in which the territory proposed to be annexed is situated. If such
- 12 county has not enacted a zoning ordinance, the question of what consti-
- 13 tutes a building lot shall be determined by reference to the zoning ordi-
- 14 nance of the annexing municipality.
- 15 3. "Majority of the property owners" in a territory means the record
- 16 owners of real property:
- 17 (a) Whose combined value is greater than 50 percent of the total value
- 18 of real property in the territory, as determined by assessment for taxation;
- 19 and
- 20 (b) Whose combined area is greater than 50 percent of the total area
- 21 of the territory [.] , *excluding lands held by public bodies.*
- 22 4. A lot or parcel of land is "used for residential purposes" if it is 5
- 23 acres or less in area and contains a habitable dwelling unit of a permanent
- 24 nature.

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

2 100

S. J. R. 21

SENATE JOINT RESOLUTION NO. 21—SENATOR DODGE

MARCH 1, 1971

Referred to Committee on Judiciary

SUMMARY—Proposes to amend the Nevada constitution by requiring that governor and lieutenant governor be elected jointly as a team. (BDR C-182)



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

SENATE JOINT RESOLUTION—Proposing amendments to sections 2 and 17 of article 5 of the constitution of the State of Nevada, relating to the election of the governor and the lieutenant governor, by requiring that the governor and lieutenant governor appear on the ballot together as a team upon which the qualified electors vote.

- 1 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
- 2 That sections 2 and 17 of article 5 of the constitution of the State of
- 3 Nevada be amended to read, respectively, as follows:
- 4 **[Sec:]** *Sec. 2. The Governor and the Lieutenant Governor shall be*
- 5 *elected jointly and not separately by the qualified electors at the time and*
- 6 *places of voting for members of the Legislature, and each shall hold his*
- 7 *office for Four Years from the time of his installation, and until his suc-*
- 8 *cessor shall be qualified. The qualified electors shall cast one vote for the*
- 9 *Governor and the Lieutenant Governor, whose names shall appear*
- 10 *together on the ballot.*
- 11 **[Sec:]** *Sec. 17. A Lieutenant Governor shall be elected [at the same*
- 12 *time and places and in the same manner as] jointly with the Governor*
- 13 *and his term of Office, and his eligibility, shall also be the same. He shall*
- 14 *be President of the Senate, but shall only have a casting vote therein. If*
- 15 *during a Vacancy of the office of Governor, the Lieutenant Governor shall*
- 16 *be impeached, displaced, resign, die, or become incapable of performing*
- 17 *the duties of the office, or be absent from the State, the President pro-*
- 18 *tempore of the Senate shall act as Governor until the vacancy be filled or*
- 19 *the disability cease.*

Original bill is on file at the Research Library.

2-110

A. B. 310

ASSEMBLY BILL NO. 310—MR. SWACKHAMER

FEBRUARY 15, 1971

Referred to Committee on Government Affairs

SUMMARY—Extends filing deadline for corrected application for permit to appropriate public waters. Fiscal Note: No. (BDR 48-1107)



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

AN ACT extending the time for filing a corrected copy of an application for a permit to appropriate public waters under certain circumstances.

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

- 1 SECTION 1. NRS 533.355 is hereby amended to read as follows:
- 2 533.355 1. Upon receipt of an application, which shall be upon a
- 3 form to be prescribed by the state engineer, and supplied to the applicant
- 4 without charge, the state engineer shall make an endorsement thereon of
- 5 the date of its receipt and shall keep a record of the same.
- 6 2. If, upon examination, the application is found to be defective, it
- 7 shall be returned for correction or completion with advice of the reasons
- 8 therefor, and the date of the return thereof shall be endorsed upon the
- 9 application and made a record of the state engineer's office. No applica-
- 10 tion shall lose its priority of filing on account of such defects if the
- 11 application, properly corrected and accompanied by such maps and
- 12 drawings as may be required, is filed in the office of the state engineer
- 13 within 60 days from the date of the return to applicant. Any application
- 14 returned for correction or completion, not refiled in proper form within
- 15 the 60 days, shall be canceled.
- 16 3. *Notwithstanding the provisions of subsection 2, a properly cor-*
- 17 *rected application shall not lose its priority upon being filed in the office*
- 18 *of the state engineer within 6 months from the date such application was*
- 19 *returned to the applicant for correction or completion if the applicant*
- 20 *can show that such delay in returning the corrected application was*
- 21 *occasioned by the intervention of bad weather or by an act of God.*
- 22 4. All applications which shall comply with the provisions of this
- 23 chapter shall be recorded in a suitable book kept for that purpose.
- 24 SEC. 2. This act shall become effective upon passage and approval.