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Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- March 17, 1971

The twenty-fourth meeting of the Committee on Federal, State and Local Governments was held on the 17th day of March, 1971.

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

Also present were:

Dave Henry, Clark County Administrator
Thomas Donnelly, General Manager, Las Vegas Valley Water District
James Ryan, Chairman, Clark County Commission
Bill Blackmer, Chief Engineer, Las Vegas Valley Water District
Jim Guinan, Legislative Consultant
George Monahan, Director of Clark County Public Works
Bob Broadbent, Commissioner
Bill Swackhamer, Assemblyman
Myron Leavitt, Las Vegas County Commissioner
Roland Westergard, State Engineers Office

Press representatives

Chairman Gibson called the meeting to order at 3:00 P.M. There were several bills before the committee for consideration.

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

Mr. Swackhmer, introducer of this bill in the Assembly, was present to explain the intent of this legislation. He submitted additional language to be added to this bill on page 1, line 15, which was suggested by Mr. Westergard of the State Engineers Office. (A copy of amendment is attached hereto as Exhibit "A".) This would help prevent any future problem with someone losing their priority rights due to failure to complete the application by the filing deadline.

Senator Dodge moved to "Amend and Do Pass," seconded by Senator Hecht. The motion carried.

Chairman Gibson explained that there were three bills before the committee for consideration which had been introduced by the Clark County Delegation, but that the introduction in no way implied a commitment on the part of the delegation or the committee to necessarily go along with the proposal in the bill. The purpose of the hearing today is to gain an understanding of the impact and the ramifications of these bills.

SB-279 Amends Las Vegas Valley Water District law authorizing district to construct, operate facilities required to collect, treat and redistribute all returns from various water uses.

Mr. Tom Donnelly, General Manager of the Las Vegas Water District was first to testify before the committee on SB-279. The amendment submitted by this bill is to provide basically clarifying language which would permit the district to function as the master water agency in Clark County. The bill in itself does not designate the district as this agency. Separate legislation is being considered to further implement the district being named as this master agency. That is the substance and the purpose of SB-279. The additional legislation referred to should be ready by the first of next week.

Senator Dodge asked if this proposal was the result of the recommendations of the special Clark County committee appointed during the interim to make reports?

Chairman Gibson explained that in the committee's report they had suggested to the Governor that he assign the Colorado River Commission the responsibility of putting together the next phase which was felt to be a report which would outline the specific direction and have it ready for this session of the legislature. Apparently because of the reorganization and other matters, the Colorado River Commission has not been able to comply and as a result we have not received any specific recommendations from that direction.

The people who have been working on this met with the Governor about two weeks ago in an effort to see if something could be developed which would allow them to take some positive action in this session of the legislature. At that meeting one of the alternatives that was discussed was the possibility of the water district being designated as the agency, or at least being assigned the interim responsibility. Since that time some of the Clark County Commissioners have sent work that they have a proposal also to be considered. In light of the request from

the county, Chairman Gibson set a special hearing to be held on Monday, March 22nd at 7:00 o'clock in the evening to hear this matter.

SB-282 Provides that directors of Las Vegas Valley water district be voted upon by electors of their divisions rather than running at large.

Mr. Tom Donnelly also spoke to the intent of SB-282. This is to improve representation of the electorate on the district board of directors by providing that each director be elected by the voters within each division rather than at-large as the act presently provides. They feel this is in line with the general "one-man, one-vote" concept, and it will give better representation.

Chairman Gibson inquired as to how the lines in the district are established? Mr. Donnelly quoted from the district act, Section 91: "On or before June 1, 1963 and thereafter on or before June 1 of each year following a year in which the federal government makes a census enumeration of the entire area encompassed by the district, the board of directors of the district shall redesignate the boundaries of the subdivisions thereof in order that all divisions will be as nearly equal in population as practicable." This is already in the act.

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

SB-283 Authorizes increase in compensation of board of directors of Las Vegas Valley water district.

Mr. Donnelly stated that the last increase in directors fees was in 1963. The increase proposed by this bill recognizes progressive inflationary costs since that time and also recognizes the time which the directors must devote to district business. They feel this proposed increase is reasonable and in line with fees paid by other agencies. The board has two regularly scheduled meetings and other meetings are called as required. The water district has approximately 130 employees and the budget amounts to around six million dollars annually.

The committee agreed to delay action on this for the present.

SB-436 Enlarges boundaries of Las Vegas Valley Water District to coincide with ground water basin in Las Vegas Valley as designated by state engineer.

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Mr. Donnelly testified that this amendment, if adopted, will reconcile the district boundaries generally to conform with the ground water basin boundaries as defined by the state engineer. This does not include Boulder City or El Dorado Valley. (See map attached hereto as Exhibit "B".) This would substantially increase the area covered by this district.

Mr. Westergard said that the area has been extended from time-to-time by the state engineer's office and that possibly the district boundaries were not extended at the same time, so this would be an effort to catch up, and stated he felt there would be some advantages to doing so. Mr. Donnelly said that if the boundaries are extended and additional service is required, they would be able to do so by drilling and maintaining wells rather than by established mains. This matter will be gone into further at the Monday evening hearing.

SB-467 Authorizes lease of real property interest above or below established grade line of highway pavement.

Mr. John Bawden, state highway engineer, explained that this proposal is to give them authority to proceed with the leasing of space above and below (basically) the freeways under the joint-use concept that the federal government has strongly urged and asked them to consider. The right to do this was not previously spelled out. Mr. Bawden noted that their department has already had requests for leases along this line.

There were questions and discussion as to the meaning of the language on page 2, line 2, with reference to "ratified and confirmed as provided by law." Following discussion it was agreed that an amendment was needed on this whereby the Highway Board would have to ratify and confirm on the leases.

Senator Swobe agreed to take care of the needed amendment on this bill. Senator Dodge moved to "Amend and Do Pass," seconded by Senator Swobe. The motion carried.

SB-463 Grants board of county commissioners power to exempt certain land from subdivision regulation.

Senator Swobe, who introduced this legislation, explained that it was requested by Gerlach. Gerlach is an old railroad town and they now want to sell the existing homes to the present occupants. If they sold them under the present subdivision laws they would have to invest money in the property to meet code requirements. If this bill doesn't pass, the railroad will just evict the occupants and leave the property vacant. The language in this bill is restrictive as much as possible to Gerlach.

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

SB-52 Provides for appointment of appraisers in county road condemnation proceedings.

Mr. McDonald has prepared some new language to amend this bill which would help solve the problem in the small counties with regard to finding "competent appraisers."

Following discussion of the proposed amendments, Senator Swobe moved to "Amend and Do Pass," seconded by Senator Monroe. The motion carried.

SB-293 Modifies procedure for filing plats and broadens definition of "subdivision."

Chairman Gibson will check with Mr. McDonald regarding further amendments to this bill. Senator Monroe wants a distinction made between the large and small counties.

Chairman Gibson stated that the following two charters as far as he knew were in harmony with everyone, and they had been reviewed and found to contain the language needed:

SB-482 Enacts new Gabbs city charter.

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

SB-491 Enacts new Yerington city charter.

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

SB-536 Liberalizes interest provisions of special assessments securities remaining unsold on date of act.

It was explained to the committee that this bill was written in conjunction with SB-349 (securities law) and was to cover any "loose ends."

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

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SB-537 Broadens "emergency definition in Local Government Purchasing Act.

Chairman Gibson reiterated that they had previously heard testimony on the purchasing bills and decided to have a new bill written up which would broaden the emergency definition only. This bill is for that purpose. Following discussion it was agreed to incorporate AB-537 into SB-207 and insert language to the effect that this "would result in substantial savings within the budgeted funds."

Senator Swobe moved to "Amend and Do Pass on SB-207, incorporating AB-537 therein," seconded by Senator Monroe. The motion carried.

AB-348 Changes status of army and air technicians under the department of the military to that of federal employees.

Chairman Gibson explained that in checking with Assemblyman Hal Smith on this he had learned that this is the result of a change in the federal regulation. The purpose of this bill is to make it clear that these people are "federal" employees rather than "state" employees.

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

AB-264 Allows annexation charge by general improvement district.

There was a hearing on the senate bill last Friday (SB-173) and at that time it was agreed that they would hold action on the senate bill and instead consider AB-264. The committee agreed to amend AB-264 by removing Section 6 on page 3.

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

AB-43 Permits Washoe County to have 99-year lease on fairgrounds.

Chairman Gibson reported that both of the parties concerned here had contacted him and said they have agreed to extend the present lease to 99 years. A new bill is being drafted stating that they authorize the extension of the present lease.

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SB-69 Harmonizes provisions of survey law.

Chairman Gibson said they had been requested by the professional engineers to consider just conforming the three chapters in the statutes, which are 89, 116, and 278. He said further that he would talk to Mr. McDonald on this and possibly have a new bill drafted.

SB-434 Provides cities and counties with ways and means to acquire and develop parks, playgrounds and recreational areas.

There was discussion by the committee on this bill. The previous vote on this had been split 3-3. It was agreed that Senator Dodge and Senator Swobe would research some new language to amend this bill to make it more "equitable" to everyone concerned.

SB-197 Prohibits forced retirement of state employees 65 years of age.

Senator Hecht pointed out that this would have to be amended by removing the brackets on line 8 and 9. Senator Hecht moved to "Amend and Do Pass," seconded by Senator Drakulich. The motion was defeated.

SB-428 Authorizes conveyances of Deer and Ardmore Parks by Washoe County to city of Sparks.

Chairman Gibson indicated he had a report from the county commission that they do object to this bill. Senator Drakulich moved to "Hold," seconded by Senator Swobe. The motion carried.

SB-208 Removed limitation on apportionment of county road fund to incorporated cities.

Chairman Gibson explained that this is the ad valorem tax assessed in the counties which makes up the road fund. Mr. Curt Blyth pointed out that if the county does not want to share the fund with the cities all they have to do is put the money they would ordinarily put in the road fund over into a public works fund. The counties would still have control even if this legislation is passed. Senator Monroe will check further on this matter.

Chairman Gibson then went over the following bills which the committee agreed to introduce at the request of Mr. Curt Blyth of the Nevada Municipal Association:

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- (1) AN ACT relating to the Nevada commissioner for veteran affairs; allowing the commissioner a fee for certain guardianship services; creating the veterans' relief fund; and providing other matters properly relating thereto.
- (2) AN ACT relating to eminent domain; providing that benefits accruing to property remaining after condemnation be deducted first from any severance damages and that any overage be deducted from the compensation awarded for the portion taken.
- (3) AN ACT relating to public borrowing and bonds; changing the time of selection of representatives to general obligation bond commissions; requiring annual meetings of the commissions; granting additional powers to the commissions; requiring annual reports to the commissions by political subdivisions; and providing other matters properly relating thereto.
- (4) AN ACT relating to the distribution of taxes; requiring monthly distribution of locally shared taxes; and providing other matters properly relating thereto.
- (5) AN ACT relating to the distribution of taxes; requiring recognition of certain population changes in making such distribution; and providing other matters properly relating thereto.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi,
Committee Secretary

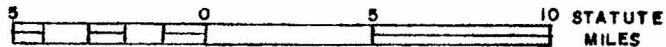
NRS 533.355 - 1. Upon receipt of an application, which shall be upon a form to be prescribed by the state engineer, and supplied to the applicant without charge, the state engineer shall make an endorsement thereon of the date of its receipt and shall keep a record of the same.

2. If, upon examination, the application is found to be defective, it shall be returned for correction or completion with advice of the reasons therefor, and the date of the return thereof shall be endorsed upon the application and made a record of the state engineer's office. No application shall lose its priority of filing on account of such defects if the application, properly corrected and accompanied by such maps and drawings as may be required, is filed in the office of the state engineer within 60 days from the date of the return to applicant. Any application returned for correction or completion, not refiled in proper form within the 60 days, shall be cancelled. For good cause shown, upon application made prior to the expiration of such 60-day period, the state engineer may, in his discretion, grant an extension of time not to exceed 60-days in which to file ^{the} instruments.

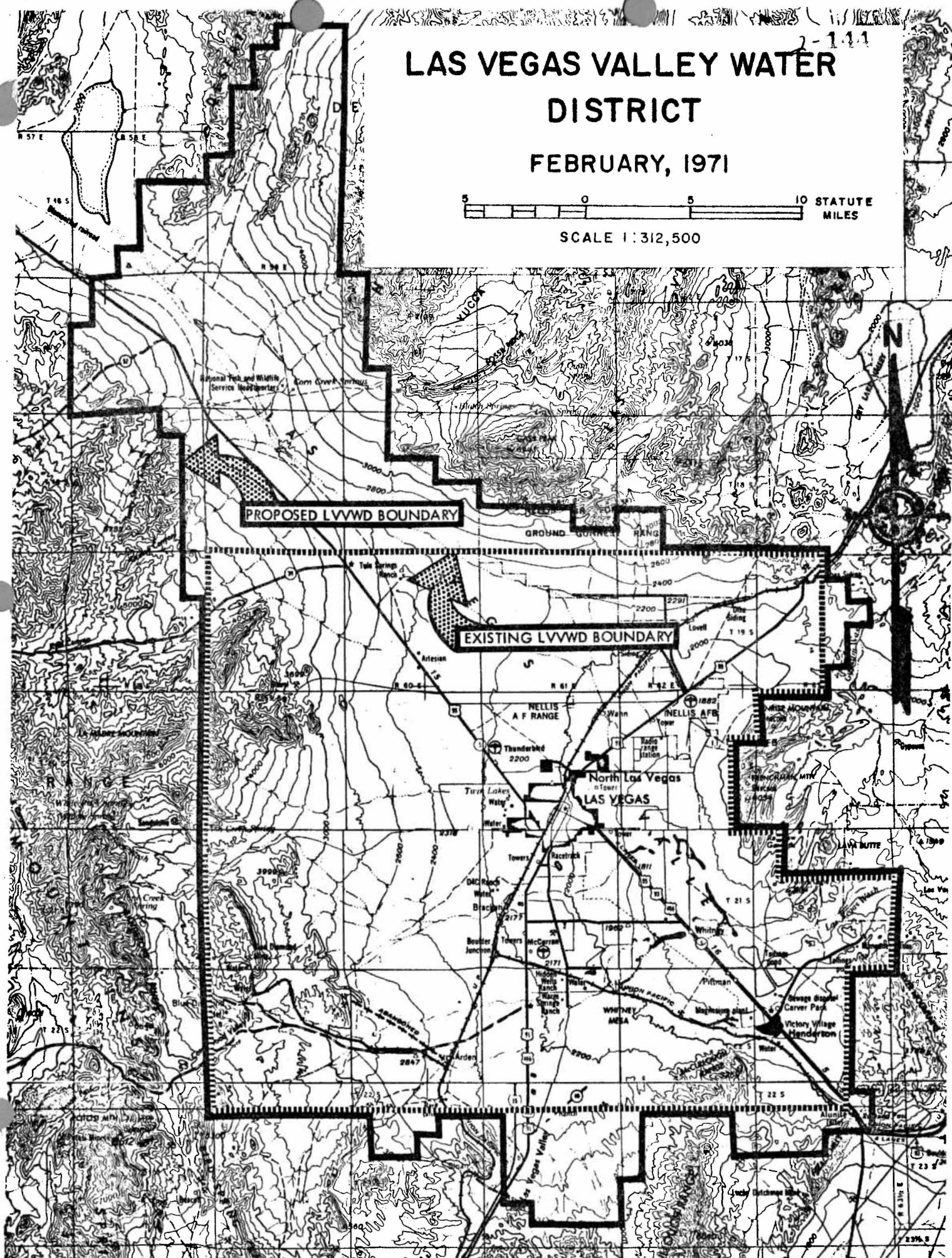
3. All applications which shall comply with the provisions of this chapter shall be recorded in a suitable book kept for that purpose.

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LAS VEGAS VALLEY WATER DISTRICT

FEBRUARY, 1971



SCALE 1:312,500



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

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.] *Upon a showing of good cause by the*
- 16 *applicant, the state engineer may grant an extension of time for correcting*
- 17 *or completing the application of not more than 5 months from the date of*
- 18 *application without losing its priority of filing.*
- 19 3. All applications which shall comply with the provisions of this
- 20 chapter shall be recorded in a suitable book kept for that purpose.
- 21 SEC. 2. This act shall become effective upon passage and approval.

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S. B. 279

SENATE BILL NO. 279—CLARK COUNTY DELEGATION

FEBRUARY 19, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Amends Las Vegas Valley Water District law authorizing district to construct, operate facilities required to collect, treat and redistribute all returns from various water uses. Fiscal Note: No. (BDR S-1356)



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

AN ACT to amend an act entitled "An Act to create a water district in the Las Vegas valley, Clark County, Nevada; to provide for the procurement, storage, distribution and sale of water and rights in the use thereof from Lake Mead for industrial, irrigation, municipal, and domestic uses; to provide for the conservation of the ground-water resources of the Las Vegas valley, and to create authority to purchase, acquire, and construct the necessary works to carry out the provisions of this act; to provide for the issuance of district bonds and other securities; to provide for the levy of taxes for the payment of operation and maintenance expenses and to supplement other revenues available for the payment of principal of and interest on such bonds and other securities of said district; granting said district the franchise to carry on its operations in municipal corporations within its boundaries; exempting the property and bonds of said district from taxation; validating the creation and organization of said district; and for other purposes related thereto," approved March 27, 1947, as amended.

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

- 1 SECTION 1. Section 1 of the above-entitled act, being chapter 167,
- 2 Statutes of Nevada 1947, as last amended by chapter 302, Statutes of
- 3 Nevada 1963, at page 547, is hereby amended to read as follows:
- 4 Section 1. A water district may be created in the Las Vegas valley, as
- 5 hereinafter provided for, for the following objects and purposes:
- 6 1. To have perpetual succession.
- 7 2. To sue and be sued in the name of said district in all actions and
- 8 proceedings in all courts and tribunals of competent jurisdiction.
- 9 3. To adopt a seal and alter it at pleasure.
- 10 4. To take by grant, purchase, gift, devise, or lease, or otherwise, and
- 11 to hold, use, enjoy, and to lease, or dispose of real or personal property
- 12 of every kind within or without the district necessary or convenient to the
- 13 full exercise of its power.
- 14 5. To acquire, by purchase, lease, construction, or otherwise, or con-
- 15 tract to acquire, lands, rights of way, easements, privileges, and property

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

S. B. 282

SENATE BILL NO. 282—CLARK COUNTY DELEGATION

FEBRUARY 19, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides that directors of Las Vegas Valley water district be voted upon by electors of their divisions rather than running at large. Fiscal Note: No. (BDR S-1499)

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

AN ACT to amend an act entitled "An act to create a water district in the Las Vegas valley, Clark County, Nevada; to provide for the procurement, storage, distribution and sale of water and rights in the use thereof from Lake Mead for industrial, irrigation, municipal, and domestic uses; to provide for the conservation of the groundwater resources of the Las Vegas valley, and to create authority to purchase, acquire and construct the necessary works to carry out the provisions of this act; to provide for the issuance of district bonds and other securities; to provide for the levy of taxes for the payment of operation and maintenance expenses and to supplement other revenues available for the payment of principal of and interest on such bonds and other securities of said district; granting said district the franchise to carry on its operations in municipal corporations within its boundaries; exempting the property and bonds of said district from taxation; validating the creation and organization of said district; and for other purposes related thereto," approved March 27, 1947, as amended.

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

- 1 SECTION 1. Section 5.1 of the above-entitled act, being chapter 167,
- 2 Statutes of Nevada 1947, as added by chapter 401, Statutes of Nevada
- 3 1957, at page 772, is hereby amended to read as follows:
- 4 Section 5.1 1. Notwithstanding any other provision of this act, the
- 5 terms of office of all directors of the district shall expire on the 1st Mon-
- 6 day of January following the general election in 1958.
- 7 2. At the general election in 1958, seven directors shall be elected at
- 8 large within the district, one from each division thereof. Three of such
- 9 directors shall be elected for terms of 2 years and four for terms of 4
- 10 years.
- 11 3. Thereafter, at each general election, the offices of directors of the
- 12 district shall be filled for terms of 4 years in the order in which the terms
- 13 of office expire.
- 14 4. *At the general election of 1972 and thereafter, the directors of*

...the first of the month ... S. B. 283

SENATE BILL NO. 283—CLARK COUNTY DELEGATION

FEBRUARY 19, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Authorizes increase in compensation of board of directors of Las Vegas Valley water district. Fiscal Note: No. (BDR S-1355)

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

AN ACT to amend an act entitled "An Act to create a water district in the Las Vegas valley, Clark County, Nevada; to provide for the procurement, storage, distribution and sale of water and rights in the use thereof from Lake Mead for industrial, irrigation, municipal, and domestic uses; to provide for the conservation of the groundwater resources of the Las Vegas valley, and to create authority to purchase, acquire and construct the necessary works to carry out the provisions of this act; to provide for the issuance of district bonds and other securities; to provide for the levy of taxes for the payment of operation and maintenance expenses and to supplement other revenues available for the payment of principal of and interest on such bonds and other securities of said district; granting said district the franchise to carry on its operations in municipal corporations within its boundaries; exempting the property and bonds of said district from taxation; validating the creation and organization of said district; and for other purposes related thereto," approved March 27, 1947, as amended.

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

- 1 SECTION 1. Section 13 of the above-entitled act, being Chapter 167,
- 2 Statutes of Nevada 1947, as amended by chapter 302, Statutes of Nevada
- 3 1963, at page 550, is hereby amended to read as follows:
- 4 Section 13. The members of the board of directors shall each receive
- 5 not more than [twenty-five] *forty* dollars per day, as determined by the
- 6 board of directors, and actual [traveling] expenses for each day spent
- 7 attending meetings of said board or while engaged in official business
- 8 under the order of the board, but compensation, exclusive of traveling
- 9 expenses, shall not exceed [one] *four* hundred dollars in any month for
- 10 any member. The board shall fix the compensation to be paid to the
- 11 other officers named in this act; provided, that said board shall, upon
- 12 the petition of a majority of the electors within such district, submit to the
- 13 electors at any general election of said district a schedule of salaries and
- 14 fees to be paid the directors and officers thereof. Such petition shall be
- 15 presented to the board twenty days prior to such general election, and a

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

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S. B. 436

SENATE BILL NO. 436—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS

MARCH 5, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Enlarges boundaries of Las Vegas Valley Water District to coincide with ground water basin in Las Vegas Valley as designated by state engineer. Fiscal Note: No. (BDR S-1657)



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

AN ACT to amend an act entitled "An Act to create a water district in the Las Vegas valley, Clark County, Nevada; to provide for the procurement, storage, distribution and sale of water and rights in the use thereof from Lake Mead for industrial, irrigation, municipal, and domestic uses; to provide for the conservation of the groundwater resources of the Las Vegas valley, and to create authority to purchase, acquire and construct the necessary works to carry out the provisions of this act; to provide for the issuance of district bonds and other securities; to provide for the levy of taxes for the payment of operation and maintenance expenses and to supplement other revenues available for the payment of principal of and interest on such bonds and other securities of said district; granting said district the franchise to carry on its operations in municipal corporations within its boundaries; exempting the property and bonds of said district from taxation; validating the creation and organization of said district; and for other purposes related thereto," approved March 27, 1947, as amended.

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

- 1 SECTION 1. Section 23 of the above-entitled act, being chapter 167,
2 Statutes of Nevada 1947, as added by chapter 130, Statutes of Nevada
3 1949, and last amended by chapter 433, Statutes of Nevada 1967, at page
4 1123, is hereby amended to read as follows:
5 SECTION 23. [That all proceedings heretofore had in connection with
6 the creation of the Las Vegas valley water district and in the organization
7 of its board of directors, including specifically the petition filed for the
8 creation of the district, the order entered by the board of county com-
9 missioners of Clark County, Nevada, on August 30, 1948, creating said
10 district, the election held therein on October 19, 1948, at which such cre-
11 ation was approved by the voters, the proceedings had by the board of
12 county commissioners on November 3, 1948, canvassing such election
13 results and confirming the creation of such district, and the proceedings

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

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S. B. 467

SENATE BILL NO. 467—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS

MARCH 9, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Authorizes lease of real property interest above or below established grade line of highway pavement. Fiscal Note: No. (BDR 35-113)

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

AN ACT relating to leases and rentals of highway property; authorizing the lease of real property interest above or below an established grade line of highway pavement; defining "grade line"; 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 408 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 "*Grade line*" means the elevation above sea level of the surface of a
- 4 highway.
- 5 SEC. 2. NRS 408.985 is hereby amended to read as follows:
- 6 408.985 1. In all cases where it is found advisable by the department
- 7 to acquire real property, interests therein, or improvements thereon in
- 8 advance of the actual construction, reconstruction or improvement of
- 9 highways or to acquire the same in order to avoid the payment of exces-
- 10 sive damages, such real property, interests therein, or improvements
- 11 thereon may be leased or rented by the department in such manner, for
- 12 such periods of time, and for such sums as are determined by the engi-
- 13 neer to be in the best interests of the state.
- 14 2. *The engineer may lease space above and below the established*
- 15 *grade line of the highway to state and public agencies and private persons*
- 16 *in such manner, for such periods of time, and for such consideration as he*
- 17 *determines is in the best interest of the state, provided:*
- 18 (a) *The full use and safety of the highway will not be impaired.*
- 19 (b) *Vehicular or pedestrian access to such real property interests will*
- 20 *not be required or permitted from the established grade line.*
- 21 (c) *The free flow of traffic on the highway is not interfered with in any*
- 22 way.

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

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S. B. 463

SENATE BILL NO. 463—SENATOR SWOBE

MARCH 8, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Grants board of county commissioners power to exempt certain land from subdivision regulation. Fiscal Note: No. (BDR 22-2001)



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

AN ACT relating to the subdivision of land; granting the board of county commissioners the power to exempt certain land from subdivision regulations; 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 278.320 is hereby amended to read as follows:
- 2 278.320 1. "Subdivision" refers to any land or portion thereof,
- 3 shown on the last preceding tax roll as a unit or as contiguous units,
- 4 which is divided for the purpose of sale or lease, whether immediate or
- 5 future, by any subdivider into 5 or more parcels within any 1 calendar
- 6 year.
- 7 2. "Subdivision" does not include either of the following:
- 8 (a) Any parcel or parcels of land in which all of the following condi-
- 9 tions are present:
- 10 (1) Which contain less than 5 acres.
- 11 (2) Which abut upon dedicated streets or highways.
- 12 (3) In which street opening or widening is not required by the gov-
- 13 erning body in dividing the land into lots or parcels.
- 14 (4) The lot design meets the approval of the governing body.
- 15 (b) Any parcel or parcels of land divided into lots or parcels, each of
- 16 a net area of 10 acres or more, a tentative map of which has been sub-
- 17 mitted to the governing body and has been approved by it as to street
- 18 alignment and widths, drainage provisions and lot design.
- 19 3. In either case provided in subsection 2, there shall be filed a record
- 20 of survey map pursuant only to the provisions of NRS 278.010 to 278.-
- 21 630, inclusive.
- 22 4. *The board of county commissioners may exempt any parcel or*
- 23 *parcels of land from the provisions of NRS 278.010 to 278.630, inclu-*
- 24 *sive, if:*

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

SENATE BILL NO. 52

SENATOR DRAKULICH

JANUARY 26, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides for appointment of appraisers in county road condemnation proceedings. Fiscal Note: No. (BDR 35-593)

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

AN ACT providing for the appointment of appraisers in county road condemnation proceedings.

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

- 1 SECTION 1. NRS 403.440 is hereby amended to read as follows:
- 2 403.440 Before opening any new road, street or alley through any
- 3 property, such property shall be condemned for public use as follows:
- 4 1. The board of county commissioners shall appoint two [disinter-
- 5 ested persons] *competent real estate appraisers* to view, lay out and
- 6 locate such new road, street or alley, and the two [persons,] *appraisers*,
- 7 in conjunction with two other persons chosen by any owner or occupant
- 8 or by the several owners or occupants of the property to be traversed by
- 9 such road, street or alley, shall ascertain the damage done to any property
- 10 so traversed, after deducting any advantage arising from such road, street
- 11 or alley to the owner or occupant of such property.
- 12 2. If such four persons cannot agree as to damages, then they shall
- 13 choose a fifth person, and the decision of a majority of them shall govern
- 14 and be reported to the board of county commissioners.
- 15 3. If the owner or owners or occupants of any property so con-
- 16 demned shall not acquiesce in the amount of damages so reported, an
- 17 examination may be had before the board of county commissioners. Wit-
- 18 nesses may be examined. The decision of the board of county commis-
- 19 sioners shall be final unless such owner or owners or occupants appeal
- 20 from the decision of the board of county commissioners within 30 days
- 21 after the decision to the district court. An appeal shall be taken in the
- 22 same manner as an appeal is taken from a justice's court to the district
- 23 court.

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

S. B. 482

**SENATE BILL NO. 482—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS**

MARCH 10, 1971

Referred to Committee on Federal, State and Local Governments
SUMMARY—Enacts new Gabbs city charter. Fiscal Note: No. (BDR S-1998)

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

AN ACT incorporating the City of Gabbs, in Nye County, Nevada, and defining the boundaries thereof, under a new charter; 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. The charter of the City of Gabbs is as follows. Each
2 section of the charter shall be deemed to be a section of this act for the
3 purpose of any subsequent amendment.
4

ARTICLE I

Incorporation of City; General Powers; Boundaries;
Wards and Annexations; City Offices

5
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10 Section 1.010 Preamble: Legislative intent.
11 1. In order to provide for the orderly government of the City of
12 Gabbs and the general welfare of its citizens the legislature hereby estab-
13 lishes this charter for the government of the City of Gabbs. It is expressly
14 declared as the intent of the legislature that all provisions of this charter
15 be liberally construed to carry out the express purposes of the charter and
16 that the specific mention of particular powers shall not be construed as
17 limiting in any way the general powers necessary to carry out the pur-
18 poses of the charter.

19 2. Any powers expressly granted by this charter are in addition to
20 any powers granted to a city by the general law of this state. All provi-
21 sions of Nevada Revised Statutes which are applicable generally to cities
22 (not including, unless otherwise expressly mentioned in this charter, chap-
23 ter 265, 266 or 267 of NRS) which are not in conflict with the provisions
24 of this charter apply to the City of Gabbs.

25 Sec. 1.020 Incorporation of city.
26 1. All persons who are inhabitants of that portion of the State of

S. B. 491

**SENATE BILL NO. 491—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS**

MARCH 10, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Enacts new Yerington city charter. Fiscal Note: No.
(BDR S-2000)



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

AN ACT incorporating the City of Yerington, in Lyon County, Nevada, and defining the boundaries thereof, under a new charter; 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. The charter of the City of Yerington is as follows. Each
2 section of the charter shall be deemed to be a section of this act for the
3 purpose of any subsequent amendment.

4
5 ARTICLE I

6
7 Incorporation of City; General Powers; Boundaries;
8 Annexations; City Offices

9
10 Section 1.010 Preamble: Legislative intent.

11 1. In order to provide for the orderly government of the City of Yer-
12 ington and the general welfare of its citizens the legislature hereby estab-
13 lishes this charter for the government of the City of Yerington. It is
14 expressly declared as the intent of the legislature that all provisions of this
15 charter be liberally construed to carry out the express purposes of the
16 charter and that the specific mention of particular powers shall not be
17 construed as limiting in any way the general powers necessary to carry out
18 the purposes of the charter.

19 2. Any powers expressly granted by this charter are in addition to
20 any powers granted to a city by the general law of this state. All provi-
21 sions of Nevada Revised Statutes which are applicable generally to cities
22 (not including, unless otherwise expressly mentioned in this charter, chap-
23 ter 265, 266 or 267 of NRS) which are not in conflict with the provisions
24 of this charter apply to the City of Yerington.

S. B. 536

SENATE BILL NO. 536—COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

MARCH 15, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Liberalizes interest provisions of special assessments securities remaining unsold on date of act. Fiscal Note: No. (BDR S-2010)

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

AN ACT authorizing the application of the liberalizing provisions of a 1971 statute relating to interest on special assessments and their prepayment premiums; pertaining to securities payable from such assessments but remaining unsold prior to the effective date of this act; authorizing the levy or relevy of special assessments under certain conditions and subject to certain limitations; 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. The purpose of the legislature in enacting this act is to
2 authorize the application of the liberalizing provisions in that chapter of
3 the Statutes of Nevada 1971 which was Senate Bill No. 348 of the 56th
4 session of the legislature relating to interest on special assessments and
5 their prepayment premiums contained in such act and pertaining to secu-
6 rities payable from such assessments but remaining unsold prior to the
7 effective date of this act. In view of the unsatisfactory bond marketing
8 experiences in the past year of public issuers which have resulted from an
9 unanticipated rise in interest rates, the legislature finds that this exercise
10 of its plenary power is advisable and is necessary to avoid the postpone-
11 ment of essential public projects.
12 SEC. 2. Notwithstanding the provisions of any other law, general or
13 special, or of any special charter, where any bonds or other securities
14 payable from special assessments remain unsold on the effective date of
15 this act, and notwithstanding the status of the proceedings taken prelimi-
16 nary to and in the levy of such special assessments by the state or any
17 political subdivision thereof, the special assessments may be levied or
18 relevied after the effective date of this act in accordance with the liberal-
19 izing provisions relating thereto in that chapter of the Statutes of Nevada
20 1971 which was Senate Bill No. 348 of the 56th session of the legislature,
21 except as provided in sections 3 and 4 of this act.

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S. B. 537

SENATE BILL NO. 537—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS

MARCH 15, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Broadens "emergency" definition in Local Government Purchasing
Act. Fiscal Note: No. (BDR 27-2058)



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

AN ACT relating to local government purchasing; broadening the definition of
"emergency" for purposes of contracting without competitive bidding; and pro-
viding 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 332.070 is hereby amended to read as follows:
- 2 332.070 1. If the chief administrative officer of the local government
- 3 determines that an emergency exists affecting the public health, safety or
- 4 welfare, and if a majority of the governing body at a regular or special
- 5 meeting concurs in such determination, a contract or contracts necessary
- 6 to contend with such emergency may be let without complying with the
- 7 competitive bidding requirements of this chapter.
- 8 2. For the purposes of this section, an "emergency" is one which:
- 9 (a) Results from the occurrence of a disaster such as, but not limited
- 10 to, fire, flood, hurricane, *riot*, *power outage* or disease; or
- 11 (b) May lead to impairment of the health or safety of the public if not
- 12 immediately attended to.
- 13 SEC. 2. This act shall become effective upon passage and approval.

Ⓢ

Original bill is on file at
the Research Library.

A. B. 348

ASSEMBLY BILL NO. 348—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 17, 1971

Referred to Committee on Government Affairs

SUMMARY—Changes status of army and air technicians under the department of the military to that of federal employees. Fiscal Note: No. (BDR 36-565)



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

AN ACT relating to the department of the military; changing the status of army and air technicians from civilian employees under the jurisdiction and control of the department to federal employees; 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 412.074 is hereby amended to read as follows:
- 2 412.074 Army and air technicians are [civilian employees authorized
- 3 by National Guard Bureau directives and paid from federal funds allo-
- 4 cated to the state. As such they are state employees and are subject to
- 5 the jurisdiction and control of the department.] *by law federal employees*
- 6 *and civilian employees of the United States Army or the United States Air*
- 7 *Force, as determined by their service assignments. As federal employees,*
- 8 *technicians are subject to all civil service laws and Civil Service Commis-*
- 9 *sion and Department of Defense civilian personnel rules and regulations,*
- 10 *and to National Guard Bureau regulations.*
- 11 SEC. 2. This act shall become effective upon passage and approval.

Original bill is on file at
the Research Library.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 264

ASSEMBLY BILL NO. 264—MR. SMITH

FEBRUARY 11, 1971

Referred to Committee on Government Affairs

SUMMARY—Allows annexation charge by general improvement district.
Fiscal Note: No. (BDR 25-1351)



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

AN ACT relating to general improvement districts; allowing an annexation charge to be made by boards of trustees of such districts; permitting limited annexation for certain purposes; permitting review by the public service commission of Nevada in certain instances; 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 318.200 is hereby amended to read as follows:
- 2 318.200 1. Subject to the provisions of NRS 318.140 and 318.144,
- 3 the board shall have the power to fix, and from time to time increase
- 4 or decrease, electric energy, swimming pool, other recreational facilities,
- 5 television, sewer, water, lighting, garbage or refuse rates, tolls or charges
- 6 (other than special assessments), including but not necessarily limited to
- 7 service charges and standby service charges, for services or facilities
- 8 furnished by the district, charges for the availability of service, *annexation*
- 9 *charges*, and minimum charges, and to pledge such revenue for the pay-
- 10 ment of any indebtedness or special obligations of the district.
- 11 2. Until paid, all rates, tolls or charges shall constitute a perpetual
- 12 lien on and against the property served, and any such lien may be fore-
- 13 closed in the same manner as provided by the laws of the State of Nevada
- 14 for the foreclosure of mechanics' liens. Before any such lien is foreclosed
- 15 the board shall hold a hearing thereon after notice thereof by publication
- 16 and by registered or certified first class mail, postage prepaid, addressed
- 17 to the last-known owner at his last-known address according to the records
- 18 of the district and the real property assessment roll in the county in
- 19 which the property is located.
- 20 3. The board shall prescribe and enforce rules and regulations for
- 21 the connection with and the disconnection from properties of the facili-
- 22 ties of the district and the taking of its services.

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

2

S. B. 197

SENATE BILL NO. 197—SENATOR HECHT

FEBRUARY 11, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Prohibits forced retirement of state employees 65 years of age. Fiscal Note: No. (BDR 23-700)

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

AN ACT relating to the state personnel system; prohibiting the forced retirement of employees 65 years of age if they meet certain requirements; providing a penalty; 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 284.378 is hereby amended to read as follows:
- 2 284.378 1. **[On July 1, 1966,]** *Except as provided in subsection 3,*
- 3 any employee in the classified service who has attained the age of 65
- 4 years **[shall be retired from service. Any employee who attains the age of**
- 5 **65 years after July 1, 1966,]** *after the effective date of this act* shall be
- 6 retired from service on the last day of the calendar month in which he has
- 7 attained the age of 65 years or the last day of compensation, whichever
- 8 is later. **[The appointing authority may rehire employees so retired on**
- 9 **a year-to-year basis, subject to the provisions of subsection 4.]**
- 10 2. Any person 65 to 69 years of age, inclusive, may be hired in the
- 11 classified service on a year-to-year basis.
- 12 3. **[Any]** *No person employed by the state [on or before January*
- 13 **1, 1965, who would otherwise be retired by the provisions of this section,**
- 14 **may remain employed until he has completed the 10-year period nec-**
- 15 **essary to qualify him for retirement benefits under chapter 286 of NRS.**
- 16 4. **Any]** *who is still under the age of 70 years after the effective date*
- 17 *of this act shall be retired from service under subsection 1, if he:*
- 18 (a) *Has not acquired a vested interest in retirement benefits under*
- 19 *chapter 286 of NRS;*
- 20 (b) *Satisfactorily passes an annual physical examination; and*
- 21 (c) *Is able to acquire a vested interest in such retirement benefits prior*
- 22 *to or upon attaining the age of 70 years.*
- 23 4. *No employee who has attained the age of 70 years on July 1,*
- 24 **[1966, and any employee who attains the age of 70 years after July 1,**
- 25 **1966, is not] 1971, or who attains that age after July 1, 1971, is eligible**
- 26 **for state employment in the classified service.**

S. B. 428

SENATE BILL NO. 428—SENATOR DRAKULICH

MARCH 4, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Authorizes conveyances of Deer and Ardmore Parks by Washoe County to city of Sparks. Fiscal Note: No. (BDR S-770)

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

AN ACT authorizing the conveyance of certain lands owned by Washoe County in the city of Sparks to the city of Sparks for park and recreational 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: Notwithstanding any other provision of law, the board
- 2 of county commissioners of Washoe County is hereby authorized to con-
- 3 vey to the city of Sparks, without consideration:
- 4 1. All of that real property, together with the improvements
- 5 located thereon, commonly known as Deer Park, and particularly
- 6 described as follows:
- 7 All that certain tract, piece or parcel of land situate, lying and
- 8 being in the southwest one-quarter of Section 5, T. 19 N., R. 20 E.,
- 9 M.D.B. & M., in Washoe County, Nevada, and being more par-
- 10 ticularly described as follows, to wit: All of Block 21 as shown on
- 11 the second amended Plat of "Newtown Tract" on file in the Office of
- 12 the Washoe County Recorder.
- 13 2. All that certain tract, piece or parcel of land commonly
- 14 known as Ardmore Park, together with the improvements located
- 15 thereon, situate, lying and being in the S½ of the NE¼ of Section
- 16 5, T. 19 N., R. 20 E., M.D.B. & M. and more particularly described
- 17 as follows:
- 18 Start at the intersection, a concrete monument, of the centerlines
- 19 of 12th Street, formerly known as Monroe Street, and H Street, for-
- 20 merly known as Symonds Street, as shown on the Prater Addition to
- 21 Sparks, Washoe County, Nevada, according to the official map
- 22 thereof, filed in the office of the County Recorder of Washoe County,
- 23 State of Nevada, on October 8, 1904; thence N. 13°39'35" W.
- 24 333.66 feet along the centerline of 12th Street to a point in the
- 25 northerly line of Prater Addition and the southerly line of the Washoe