

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- April 2, 1971

The thirty-third meeting of the Committee on Federal, State and Local Governments was held on the 2nd day of April, 1971.

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

Also present were:

William D. Swackhamer, Assemblyman
Mack Fry, Assemblyman
Jan McEachern, League of Women Voters
Bill Adams, Assistant City Manager, Las Vegas
Boyd Manning, Senator
David Hagen, Boise Cascade
Curt Blyth, Nevada Municipal Association
William Hammer, Trustee, Incline Improvement District
Wally White, General Manager, Incline Improvement District
Noel Clark, Public Service Commission
Press

Chairman Gibson called the meeting to order at 12:00 o'clock Noon. Several matters were before the committee for consideration.

SB-560 Provides for compensation of hospital trustees in all counties.

Senator Manning stated that the hospital trustees in both White Pine and Winnemucca had requested this legislation, but this would apply to all hospital boards in the small counties.

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

AB-221 Extensively amends Nevada Improvement District Act.

Mr. Fry, Assemblyman, testified on AB-221, stating that this was introduced at the request of an attorney in Reno, and it

pertains to two improvement districts up at the north end of Lake Tahoe. Due to overcrowding and growth they have been having difficulties in maintaining these districts and want some authority to consolidate or merge. An attorney from San Francisco testified before the Assembly committee on this bill and found it to be in order. This is an isolated situation as Chapter 309 provides that no other districts can be formed after May 1st of 1967. There are just these two districts presently and possibly one in Las Vegas. They would still be subject to the provisions of Chapter 309.

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

AB-421 Requires certain general improvement districts to share excess capacity.

Mr. White, the general manager of the Incline Improvement District, submitted copies of a statement with reference to their opposition to AB-421, which is attached hereto.

Senator Swobe questioned Mr. Clark of the Public Service Commission as to whether or not he felt he presently had sufficient tools under 264 to be able to solve the situation at Lake Tahoe, to which Mr. Clark replied in the affirmative.

Mr. Hammer, Trustee of the Incline Improvement District, stated that the people at Incline residing within this district oppose any method whereby the capacity that they have paid for by substantial special assessments is provided to people without the confines of the district without their absorbing a fair adequate share of the cost.

Mr. Hagen, representing Boise Cascade noted for the record that they are in opposition to AB-421.

AB-6 Provides for observance of certain legal holidays on Fridays, permits Governor to declare legal holidays.

Chairman Gibson explained that the conflicts had been resolved and an amendment was being prepared on AB-6. Senator Dodge moved to "Do Pass," seconded by Senator Swobe. The motion carried.

AB-484 Includes Tule Springs Park area within city of Las Vegas.

Mr. Adams, Assistant City Manager of Las Vegas, testified that the main purpose in bringing this property within the city limits is primarily for police protection.

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

AB-780 Amends procedures for discontinuance, termination of commission form of municipal government.

Mr. Bluth of the Nevada Municipal Association stated that this was triggered by Carlin's desire to have a special charter, and this would give them the provision to change over from the commission form of government on the date that any special charter becomes effective.

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

AB-243 Makes office of inspector of mines an appointive office, to be filled by Governor on and after January, 1975.

Senator Dodge noted the changes that have been made in this proposed legislation. They have moved the safety regulation under the authority of the N.I.C. and removed the "appointive" provision.

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

Mrs. McEachern of the League of Women Voters commended the committee for their passage of AB-243.

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

Chairman Gibson read the proposed amendment to SB-434. Following discussion Senator Swobe moved "Amend and Do Pass," seconded by Senator Dodge. The motion carried.

Senate Committee on Federal, State, and Local Governments

April 2, 1971

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

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

AB-169 Creates Nevada Compensation Commission to review and recommend salaries for public officers.

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

AB-537 Provides terms of office for members of fair and recreation boards.

Mr. Swackhamer, Assemblyman, stated that this was introduced at the request of officials in Pershing county, who have discovered that in counties under 20,000 population they have the authority to appoint members of the fair and recreation boards, but the statute is silent as to how long the term of office would be. They wanted the terms set out, but are not particular as to how long they should be.

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

SB-563 Makes public meeting law inapplicable to legislative commission subcommittees.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi,
Committee Secretary

STATEMENT OF INCLINE VILLAGE
GENERAL IMPROVEMENT DISTRICT

A.B. No. 421

W. W. White, General Manager

The Incline Village General Improvement District is opposed to A.B. No. 421. This bill is superfluous, unworkable and no more than a delaying and confusing tactic in the effort of this District to provide a sewer and water service to the areas adjacent to Incline Village. It would add another Tahoe agency to the too many now in existence.

Incline Village General Improvement District has spent over \$14,000,000 to sewer Incline Village, another \$8.3 million for a water system. There is a need for making these services available to the adjoining areas. Present N.R.S. does not permit District to charge for such services.

To recover some charges from these outside areas, A.B. No. 160 was introduced. This called for a reasonable annexation charge, and included a workable manner of annexing the adjoining areas when a majority so requested. Knowing there was objection to an aggressive annexation program, District requested only the right to collect a reasonable charge upon annexation. Failure to provide an annexation provision will delay service to these outside areas. The resulting bill was A.B. No. 264, passed by this legislature. A.B. No. 264 authorizes annexation and service to the outside areas.

A.B. No. 421 is unworkable. In the Assembly hearing on A.B. No. 160, A.B. No. 264, and A.B. No. 421, Public Service Commission opposed No. 421 on grounds that service of a customer was with concurrence of the utility and that determination of excess capacity could not be determined by P.S.C., they had no staff with this capability, nor could they act realistically within the times called for in this bill.

What may be excess capacity today may not be tomorrow. Practically and technically District has no excess capacity of water or sewerage and the passage of A.B. No. 421 will only lead to delays, confusion and even litigation.

The sewage treatment facilities of District were provided on the basis of the need for the 16,000 Incline Village parcels, each of which has been assessed to pay for these facilities. The lines and treatment facilities are then the property of these parcels of land and their owners, the capacities are theirs on their call and cannot be disposed of. The taking of this capacity under this bill is without any compensation - it is a rate - and may be legally questioned.

There are two Districts at Incline, Incline Village General Improvement District and Washoe No. 1. This latter serves the Crystal Bay clubs. There are six areas requiring service, none contiguous to one another, but all adjoining one of the present district's boundaries. There is no need for another District, these areas should be annexed to one or the other of the present districts. This District is quite willing and capable of serving four of these districts and may the other area if feasible.

This question of service by outside extra charge, by contract, by separate district is an old one to most of you. Twice in the past I have addressed a joint-session on annexation by a separate district for Airport Road, now part of Reno. This problem has existed and still does northeast of Sparks. It had existed at North Las Vegas, Las Vegas, the outskirts of Fallon, Yerington, Lovelock, Carson and Elko. The answer is not a new district, it is annexation to that abutting district and where this hasn't been followed a problem exists, as with the overlapping multiple Las Vegas districts.

A.B. No. 421 does not anticipate an annexation charge at all. The reference is "rate" and "rate" to P.S.C. is a charge for operation and maintenance only. Should this bill be considered, by all means add to lines 8, 11 and 21, "reasonable charge for capacity and reasonable charge for service".

This District proposes to serve only those areas annexed and sharing in costs and District responsibilities. The following amendments are proposed if A.B. No. 421 is considered further.

"No person may proceed or claim under this Section until, as a condition precedent, he has demonstrated to the satisfaction of the Public Service Commission that:-

- (1) The real property in question is reasonably capable of being served with the facilities of the improvement district whose services are being sought, and
- (2) The petitioner has, prior to the filing of a petition pursuant to this Section, filed with the Board of the subject improvement district a petition pursuant to N.R.S. 318.258 praying that the property in question be included within said District, and
- (3) Such petition for annexation was denied by said district prior to the filing of the petition hereunder."

This bill can apply to any district in the Tahoe Basin and is so broad that it could even force on this District or others large capacities they cannot handle. There has been effort to have this District serve Washoe No. 1 and the North Tahoe areas. Any service beyond the domestic services to homes adjacent to Incline can exceed water quality standards of the Carson River. Any significant increase in sewer contribution beyond the Incline boundaries will require notification and concurrence of the counties and governments along the Carson River with which this District has verbal agreements.

It is requested that A.B. No. 421 not be recommended by your committee.

Enclosed are expressions pertaining to A.B. No. 160, now A.B. No. 264, for your information.

Excess Capacity

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 421

ASSEMBLY BILL NO. 421—MR. SMITH

FEBRUARY 22, 1971

Referred to Committee on Government Affairs

SUMMARY—Requires certain general improvement districts to share excess capacity. Fiscal Note: No. (BDR 25-1473)

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

AN ACT relating to general improvement districts; requiring certain districts to share an excess capacity upon request; defining the duties and authority of the public service commission of Nevada; 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 a new section which shall read as follows:
- 3 1. *In any district within the region of any interstate compact relating*
- 4 *to planning, the board of trustees of any district created wholly or in part*
- 5 *for acquiring any improvement provided for in NRS 318.140 or 318.144*
- 6 *shall make any excess capacity of any such improvement available to*
- 7 *another district, including those districts enumerated, or any person who*
- 8 *owns land contiguous to such district, at a reasonable rate upon a request*
- 9 *therefor in writing by the board of trustees of such other district.*
- 10 2. *If any district to which such a request has been made claims that*
- 11 *there is no excess capacity, refuses to establish a reasonable rate or other-*
- 12 *wise attempts to evade the provisions of this section, the district or person*
- 13 *making such request may file a petition with the public service commis-*
- 14 *sion of Nevada.*
- 15 3. *Upon receipt of any such petition, the public service commission*
- 16 *of Nevada shall, within 10 days, notify the board of trustees alleged to*
- 17 *have an excess capacity. Not less than 10 days nor more than 60 days*
- 18 *after such notification the public service commission of Nevada shall hold*
- 19 *a hearing and determine:*
- 20 (a) *If there is an excess capacity; and*
- 21 (b) *If there is such a capacity, the reasonable rate therefor.*
- 22 4. *If the public service commission of Nevada determines that there*
- 23 *is:*

copy not

- 1 *(a) No excess capacity, no such petition may be filed regarding such*
- 2 *district alleged to have the excess capacity for a period of 180 days.*
- 3 *(b) An excess capacity, the commission shall enter its order requiring*
- 4 *the district having such excess capacity to provide such portion of the*
- 5 *excess as may be reasonable to the petitioning district or person and*
- 6 *determine the rate therefor. The district having such excess capacity shall*
- 7 *comply with the order of the public service commission of Nevada within*
- 8 *30 days from the entry of the order.*
- 9 SEC. 2. This act shall become effective upon passage and approval.

FOREMOST FOODS COMPANY

Crocker Plaza · One Post Street · San Francisco, CA 94104

ARTHUR E. SCHWATKA
VICE PRESIDENT
MANAGER-DAIRY DIVISION

March 23, 1971

Nevada State Assembly
Committee on Government Affairs
Carson City, Nevada

Gentlemen:

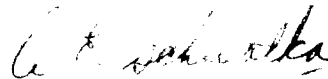
I recently purchased a building site in the Country Club Sub-Division of Incline Village with the intention of building a home there in which to retire.

Along with all the other people in that sub-division, I have been assessed considerable money for sewage and sewage export system.

I would like very much to go on record in favor of Assembly Bill No. 160 which would permit the Incline Village District to charge an annexation fee to contiguous territories for participation in the District's sewage system.

Hopefully, as the cost was spread, there would be some reduction on the existing charges against property owners within the District.

Very truly yours,



A. E. Schwatka

AES:mc

cc: W. W. White, IVGID



Administrative routing stamp with a grid and handwritten initials 'JG' and 'V'.

March 22, 1971

Nevada State Assembly
Committee on Government Affairs
Carson City, Nevada

Re: AB 160

Dear Hon. Committee Members:

I am the owner of Lot 30 Parcel 12216209 on Shoreline Circle of Incline Village. The value of this property is in parity with the lakefront properties wishing to connect to the sewer line of the Incline Village General Improvement District.

A total assessment for sewer, water, and streets of \$15,600 has been paid to the Incline Village General Improvement District on Lot 30 Shoreline Circle.

It would seem highly improper to me that any adjoining properties be allowed to join the Districts services without sharing the cost.

Therefore, I strongly support the Incline Village General Improvement Districts stand that all users of these facilities share the cost.

Very truly yours,

William P. Willoughby
William P. Willoughby
P.O. Box 864
Crystal Bay, Nevada 89402

WPW:scw

cc: Incline Village General Improvement District

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to IVGID:

copy of my letter
or suggest in March Newsletter
glad to know how to be of help.
3/14/71
TE.

Original document is of poor quality

771 South Mayfair Ave
Daly City Calif. 94015

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Nevada State Assembly
Committee on Government Affairs
Carson City Nevada,

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Honorable Sirs:

I ask your support of AB 160 which will permit fair and equitable payment by all property owners toward costs for construction of the sewage system at Incline Village - particularly it will allow those on the fringe of the Village to petition for annexation with the understanding they will pay their fair share toward costs of the sewage export system and not be unwelcome "free riders" at the expense of present Incline Village property owners. I am a property owner in the Incline Village Improvement District and do not wish to deny adjacent areas the advantage of sewage export, however, it is fair they be allowed by law (the proposed AB 160) to pay their fair and proper costs which I am sure they are willing to do.