

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting - January 24, 1973

The second meeting of the Committee on Federal, State and Local Governments was held on January 24, 1973, at 2:45 P.M.

Committee members present: Chairman James Gibson
Senator Stan Drakulich
Senator Lee Walker
Senator John Foley
Senator Coe Swobe
Senator Carl F. Dodge
Senator Chic Hecht

Also present were:

James Calhoun, Director, Nevada State Museum
Clinton Wooster, Legislative Counsel Bureau
Bob Warren, Nevada Municipal Association
Bill McGrath, Intern
Howard Barrett, Budget Director
Bill Adams, City of Las Vegas
Senator Archie Pozzi
Press

Chairman Gibson called the meeting to order. Several bills were before the committee for consideration.

SB-42 Resolves technical inconsistency within definitions used for General Improvement District Law.

Mr. Wooster of the Legislative Counsel Bureau explained that the attorney general had rendered an opinion to a general improvement district and in that opinion they had noted what they felt was an inconsistency in the definition of "qualified voter." In NRS 318.020, sub-section 7, "qualified elector" means a person who is qualified to vote in general elections in this state, and he felt that meant to be fully qualified you would have had to register. This conflicts then with the provision under sub-section B that says "registration pursuant to the general election or any other statutes is not required." Throughout the Nevada Revised Statutes there is a distinction

between a qualified elector and a registered voter. It was agreed to change the language and make it perfectly clear that a qualified elector was qualified except for the fact of registration, which would then solve the problem created by the opinion given through the attorney general's office.

SB-43 Technical amendment updating wording of provisions for short-term financing by various local governments.

Mr. Wooster stated that SB-43 was introduced for the purpose of technical amendments on short-term financing. This bill is for the purpose of bringing the definition up-to-date. The old emergency loans that cities could get was deleted in 1971 and the term short-term financing was used. This bill attempts to replace short-term financing as the phrase for temporary loans, where it was not changed in the 1971 bill.

SB-44 Withdraws applicability of disincorporation provisions in chapter 266 of Nevada Revised Statutes from cities created by special law.

The thrust of this bill was also explained by Mr. Wooster. This law as presently written resulted in a lawsuit with the town of Caliente who had attempted to disincorporate pursuant to the provisions of NRS 266. The matter was heard before Judge Collins and his ruling was that Chapter 266 applied only to general law cities and Caliente was a special charter city and therefore their procedure for disincorporation under Chapter 266 was null and void. There is a conflict here, as the beginning of Chapter 266 recites that the entire chapter applies only to general law cities, and has no application to special charter cities. The provisions to be amended are in the disincorporation section which does attempt to make disincorporation a matter for both general and special charter cities.

SB-51 Permits Indian tribes or their representative groups to cooperate with other government agencies under Interlocal Cooperation Act.

Senator Dodge stated that SB-51 was introduced at the request of the Carson Basin Council of governments, which was created in the last session of the legislature and is comprised of five counties -- Lyon, Churchill, Storey, Douglas and Carson City. They are now organized and have an office in Minden.

The Carson Basin Council have had requests for this legislation from the Stillwater Indian membership and possibly one from the Walker River Indians and the Pyramid Indians. This bill would be an amendment of the Interlocal Cooperation Act to include Indian tribes under this Act. Senator Dodge further stated that he knew of no objection to this amendment.

SB-46 Permits trustees of Nevada state museum to charge admission.

Mr. James Calhoun, Director of the Nevada State Museum, testified that this bill would allow the board of trustees to charge admission to the museum at some possible future time. The museum has obtained funds from the Fleischmann Foundation, but this year it was a terminal grant so there will be no more funds for "housekeeping," and regular operating expenses. There has been a big increase in the use of the services of the museum and the board feels that eventually there will be a need to charge admission in order to take up the slack in operating on scientific projects and exhibit work. This charge would exclude children under a certain age, or researchers, and would be aimed mainly at tourists. It was noted by Senator Swobe that there was no exclusion of school children written into the bill. Discussion followed as to the general practice of charging admission to the museums in other states, which is becoming more of a general practice.

SB-47 Removes provision enabling trustees of Nevada state museum to employ themselves.

Mr. Calhoun also spoke to the intent of SB-47. He said that this request came about because they were now accredited to the American Association of Museums. Two years ago they began an accreditation program which included a searching review of the operation of the museum. At that time they found this provision in the law where one of the Board of Trustees could also be a staff member. The museum committee felt that the Board of Trustees should be a policy-making group only. This should be taken out of the law because there is a review every five years to keep the accreditation. At the present time there is no one on the Board of Trustees who is employed by the museum.

SB-50 Changes prescribed observance of Nevada Day.

Senator Pozzi stated that this particular bill would change the observance of Admission Day in Nevada from October 31st

to the last Friday in October. It was noted this would particularly benefit people who would want to be here from other parts of the state to take part in the celebration. Following discussion it was decided to wait until the committee could hear comments from the chairman of the Nevada Day Committee to take any action on this bill.

The committee then took action on the above bills as follows:

SB-42 Senator Drakulich moved "Do Pass," seconded by Senator Swobe. Motion carried.

SB-43 Senator Walker moved "Do Pass," seconded by Senator Swobe. Motion carried.

SB-44 Senator Drakulich moved "Do Pass," seconded by Senator Walker. Motion carried.

SB-51 Senator Dodge moved "Do Pass," seconded by Senator Walker. Motion carried.

SB-46 Senator Drakulich moved to "Hold," seconded by Senator Hecht. Motion carried 6-1, with Senator Foley casting the dissenting vote.

SB-47 Senator Swobe moved "Do Pass," seconded by Senator Hecht. Motion carried.

SB-50 The committee will not take action on this until they receive further information.

Senator Gibson announced that the committee would be hearing testimony on SB-61 at the meeting on Monday, January 29, 1973. There is some urgency on this legislation due to forthcoming city elections.

Following discussion it was announced that there would be a hearing on February 1st in connection with the city charters, at which time everyone should be prepared to discuss this matter.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi
Committee Secretary

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SENATE BILL NO. 42—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS

JANUARY 16, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Resolves technical inconsistency within definitions used for General Improvement District Law. Fiscal Note: No. (BDR 25-431)

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

AN ACT to amend NRS 318.020, relating to definitions used for the General Improvement District Law, resolving a technical inconsistency within the definitions of "qualified elector" and "taxpaying elector."

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

- 1 SECTION 1. NRS 318.020 is hereby amended to read as follows:
2 318.020 As used in this chapter the following words or phrases are
3 defined as follows:
4 1. "Acquisition," "acquire" and "acquiring" each means acquisition,
5 extension, alteration, reconstruction, repair or other improvement by
6 purchase, construction, installation, reconstruction, condemnation, lease,
7 rent, gift, grant, bequest, devise, contract or other acquisition, or any
8 combination thereof.
9 2. "Board of trustees" and "board" alone each means the board of
10 trustees of a district.
11 3. "General improvement district" and "district" alone each means
12 any general improvement district organized or, in the case of organiza-
13 tional provisions, proposed to be organized, pursuant to this chapter.
14 4. "Mail" means a single mailing, first class (or its equivalent),
15 postage prepaid, by deposit in the United States mails, at least 15 days
16 prior to the designated time or event.
17 5. "Project" and "improvement" each means any structure, facility,
18 undertaking or system which a district is authorized to acquire, improve,
19 equip, maintain or operate. A project may consist of all kinds of personal
20 and real property, including but not limited to land, improvements and
21 fixtures thereon, property of any nature appurtenant thereto or used in
22 connection therewith, and every estate, interest and right therein, legal or
23 equitable, including terms for years, or any combination thereof.
24 6. "Publication" means publication at least once a week for 3 con-
25 secutive weeks by three weekly insertions in at least one newspaper of

SENATE BILL NO. 43—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS

JANUARY 16, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Technical amendment updating wording of provisions for short-term financing by various local governments. Fiscal Note: No. (BDR 25-430)

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

AN ACT relating to short-term financing by local governments; deleting obsolete references to "temporary" or "emergency" loans and substituting "short-term financing"; deleting the term "emergency" as a requirement to obtain short-term financing; 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 318.118 is hereby amended to read as follows:
2 318.118 1. In the case of a district created wholly or in part for
3 exterminating and abating mosquitoes, flies, other insects, rats, and liver
4 fluke or fasciola hepatica, the board shall have the power:
5 (a) To take all necessary or proper steps for the extermination of
6 moquitos, flies, other insects, rats, or liver fluke or fasciola hepatica
7 either in the district or in territory not in the district but so situated with
8 respect to the district that mosquitoes, flies, other insects, rats, or liver
9 fluke or fasciola hepatica from such territory migrate or are caused to
10 be carried into the district;
11 (b) Subject to the paramount control of any county or city in which
12 the district has jurisdiction, to abate as nuisances all stagnant pools of
13 water and other breeding places for mosquitoes, flies, other insects, rats,
14 or liver fluke or fasciola hepatica either in the district or in territory not
15 in the district but so situated with respect to the district that mosquitoes,
16 flies, other insects, rats, or liver fluke or fasciola hepatica from such terri-
17 tory migrate or are caused to be carried into the district;
18 (c) If necessary or proper, in the furtherance of the objects of this
19 chapter, to build, construct, repair and maintain necessary dikes, levees,
20 cuts, canals or ditches upon any land, and to acquire by purchase, con-
21 demnation or by other lawful means, in the name of the district, any
22 lands, rights-of-way, easements, property or material necessary for any of
23 those purposes;

S. B. 44

SENATE BILL NO. 44—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS

JANUARY 16, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Withdraws applicability of disincorporation provisions in chapter 266 of Nevada Revised Statutes from cities created by special law. Fiscal Note: No. (BDR 21-427)

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

AN ACT to amend NRS 266.775, relating to disincorporation of cities, by withdrawing applicability of the section to cities created by special law.

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

- 1 SECTION 1. NRS 266.775 is hereby amended to read as follows:
2 266.775 1. Whenever one-fourth of the registered voters of any city
3 now existing or hereafter created [, whether by general or special law,]
4 by general law shall petition the district court in and for the county
5 wherein such corporation is situated for the disincorporation of the city,
6 the district court shall cause to be published, for at least 30 days, a notice
7 stating the question of disincorporating such corporation will be sub-
8 mitted to the registered voters of the same at the next municipal election,
9 or at a special election as the petition shall request, and the form of the
10 ballot shall be "For Disincorporation" or "Against Disincorporation."
11 Not more than one of such elections shall be held in 2 years.
12 2. In the event that a special election is requested in the petition, the
13 district court shall set the date of the special election not less than 45 nor
14 more than 60 days from the date of the first publication of notice.
15 3. The registered voters provided for in this section shall be deter-
16 mined from the registration lists as taken from the office of the county
17 clerk for all precincts in the city at the last general election held in the
18 county.
19 SEC. 2. This act shall become effective upon passage and approval.

SENATE BILL NO. 46—SENATOR POZZI

JANUARY 18, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Permits trustees of Nevada state museum to charge admission. Fiscal Note: No. (BDR 33-247)

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

AN ACT relating to the Nevada state museum; permitting the trustees to charge admission.

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

- 1 SECTION 1. NRS 381.160 is hereby amended to read as follows:
2 381.160 The board of trustees shall have the power:
3 1. To govern, manage and control the exhibit and display of all
4 property and things of the Nevada state museum at other exhibits, expo-
5 sitions, world's fairs and places of public or private exhibition.
6 2. To negotiate and consult with and agree with other institutions,
7 departments, officers and persons or corporations of and in the State of
8 Nevada and elsewhere respecting quarters for and the preservation, care,
9 transportation, storing, custody, display and exhibit of articles and things
10 controlled by the Nevada state museum and respecting the terms and
11 cost thereof, the manner, time, place and extent thereof, and the return
12 thereof.
13 3. To make rules respecting the charging of any *reasonable* admis-
14 sion price or fee to see [such] displays or exhibits, either at the Nevada
15 state museum or elsewhere. [, but:
16 (a) No rule shall permit the charging of any admission fee or price
17 beyond the necessary outlay for presenting the exhibit (excluding all
18 overhead or capital charges or charges for permanent employees); and
19 (b) No rule shall permit the charging of any admission price or fee
20 whatever to see the permanent exhibits or displays in the Nevada state
21 museum at Carson City, Nevada.]

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S. B. 47

SENATE BILL NO. 47—SENATOR POZZI

JANUARY 18, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Removes provision enabling trustees of Nevada state museum to employ themselves. Fiscal Note: No. (BDR 33-150)



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

AN ACT to amend NRS 381.120, by deleting the provision enabling the trustees of Nevada state museum to employ themselves in staff positions.

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

- 1 SECTION 1. NRS 381.120 is hereby amended to read as follows:
2 381.120 1. The board of trustees may employ and fix the duties,
3 powers and conditions of employment of the director and all curators,
4 assistants, janitors, laborers, guards and employees of the Nevada state
5 museum.
6 2. [The trustees may employ any of their members in a staff or other
7 position.
8 3.] Except for the director and two assistants specified by the board
9 of trustees, all employees of the Nevada state museum whose salaries are
10 paid from the general fund appropriation shall be in the classified service
11 of the state. The director shall receive an annual salary in an amount
12 determined pursuant to the provisions of NRS 284.182. The board of
13 trustees may, within the limits of legislative appropriation, fix the annual
14 salaries of the two assistants.
15 [4.] 3. When any employee is required to perform any travel in
16 conjunction with his duties and at the specific instruction of his super-
17 visor, he shall be reimbursed for such expense in accordance with the
18 provisions of NRS 281.160.
19 [5.] 4. The director shall devote his entire time and attention to the
20 business of his office and shall not pursue any other business or occupa-
21 tion or hold any other office of profit.

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Original bill is on file at
the Research Library.

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SENATE BILL NO. 50—SENATOR POZZI

JANUARY 22, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Changes prescribed observance of Nevada Day.
Fiscal Note: No. (BDR 19-521)

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

AN ACT to amend NRS 236.015, relating to legal holidays, by changing the prescribed observance of Nevada Day.

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

- 1 SECTION 1. NRS 236.015 is hereby amended to read as follows:
2 236.015 1. On and after January 1, 1971, the following days are
3 declared to be legal holidays for state and county government offices:
4 January 1 (New Year's Day)
5 Third Monday in February (Washington's Birthday)
6 Last Monday in May (Memorial Day)
7 July 4 (Independence Day)
8 First Monday in September (Labor Day)
9 Fourth Monday in October (Veterans' Day)
10 **[October 31]** *Last Friday in October* (Nevada Day)
11 Fourth Thursday in November (Thanksgiving Day)
12 December 25 (Christmas Day)
13 Any day that may be appointed by the President of the United
14 States or by the governor for public fast, thanksgiving or as a
15 legal holiday.
16 2. All state and county offices, courts, banks, savings and loan asso-
17 ciations, public schools and the University of Nevada System shall close
18 on the legal holidays enumerated in subsection 1 unless, in the case of
19 appointed holidays all or a part thereof are specifically exempted.
20 3. If January 1, July 4 **[**, October 31**]** or December 25 falls upon a:
21 (a) Sunday, the Monday following shall be observed as a legal holiday.
22 (b) Saturday, the Friday preceding shall be observed as a legal holi-
23 day.
24 SEC. 2. NRS 388.110 is hereby amended to read as follows:
25 388.110 No school shall be kept open on any day declared to be a
26 legal holiday pursuant to NRS 236.015, except that any board of trustees
27 of a school district may elect to keep school open on **[October 31 (**
28 Nevada Day **)]** and observe such holiday with appropriate exercises.

S. B. 51

SENATE BILL NO. 51—SENATOR DODGE

JANUARY 22, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Permits Indian tribes or their representative groups to cooperate with other government agencies under Interlocal Cooperation Act. Fiscal Note: No. (BDR 22-566)

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

AN ACT to amend the Interlocal Cooperation Act; extending its benefits to Indian tribes and their representative organizations.

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

- 1 SECTION 1. NRS 277.100 is hereby amended to read as follows:
2 277.100 As used in NRS 277.080 to 277.180, inclusive, unless the
3 context otherwise requires:
4 1. "Public agency" means:
5 (a) Any political subdivision of this state, including without limitation
6 counties, incorporated cities and towns, including Carson City, unincor-
7 porated cities or towns, school districts and other districts.
8 (b) Any agency of this state or of the United States.
9 (c) Any political subdivision of another state.
10 (d) *Any Indian tribe, group of tribes, organized segment of a tribe, or*
11 *any organization representing two or more such entities.*
12 2. "State" includes any of the United States and the District of Col-
13 umbia.