

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 12, 1973

The ninth meeting of the Committee on Federal, State and Local Governments was held on February 12, 1973, at 2:45 P.M.

Committee members present: Chairman James Gibson
Chic Hecht
John Foley
Lee Walker
Stan Drakulich

Also present were:

Gary Owen, Council Bureau Bill Drafter
Howard Barrett, State Budget Director
Bill Adams, City of Las Vegas
Bob Warren, Nevada Municipal Association
Senator Gene Echols
Ray Knisley, Legislative Advocate
Raymond Yowell, ITC of Nevada
Noel Clark, Public Service Commission
Dave Mathews, Deputy Attorney General, PSC
Senator Warren Monroe
Bill Paul, Attorney General Deputy
Eric Cronkite, Director of Parks and Recreation
Grant Bastian, Highway Department
Donald Crosby, Deputy, Highway Engineer
Press representative

Chairman Gibson called the meeting to order. The first bill to be considered by the committee was as follows:

SB-165 Removes water and sewer service regulatory authority of public service commission in certain counties.

Senator Monroe and Mr. Noel Clark of the Public Service Commission came forward to testify on this bill. Senator Monroe stated that the purpose of this legislation is to remove this authority from the Public Service Commission only in those counties having less than 50,000 population. There is a lot of red tape connected with the Public Service Commission and nothing to be gained since the rates are set by the county commissioners based on the cost of

the operation and the cost of the original financing. There is no need for the Public Service Commission to supervise this.

Mr. Clark noted that they do not presently have jurisdiction over 318 districts. He said that the Commission has been very apprehensive about regulating an elective body -- the Commission in and by itself is an appointive body. However, they believe if the public necessity requires another "layer" of regulation, then the existing regulation as it is now set forth in the 318 district act, is totally inadequate for the PSC to do the job. Due to a lack of expertise in the field, the local boards do create, in good faith, some real problems in rate making, et cetera. He would like to see the amendment made so that the PSC is either "in or out" of the regulating in these districts. If the PSC is to stay in these districts, they would like to have full and complete authority so that they can regulate them as any other public utility in the State of Nevada.

Chairman Gibson then said that he would confer further with Senator Monroe with regard to SB-165 before any action is taken by the committee.

SB-167 Gives boards of county commissioners in all counties water and sewer facilities jurisdiction in unincorporated areas.

Chairman Gibson explained that this bill is to remove the population figure so that in effect county commissioners of all counties would have jurisdiction over water and sewer facilities.

Following discussion Senator Drakulich moved "Do Pass," seconded by Senator Foley. Motion carried.

SB-122 Requires relocation payments, advisory assistance and procedural protections by condemning agencies for federally funded projects.

Mr. Grant Bastian, Director of the Highway Department, spoke to the committee on SB-122, stating that basically this legislation would put all their federal-aid programs in jeopardy. They would like to request that the Highway Department be exempted from this bill, and would also request protection with respect to page 13, the last 2 lines of the bill. Copies of the Highway Department proposal with regard to this legislation are attached hereto.

Mr. Cronkite of the State Parks System, explained to the Committee that their agency is also interested in SB-122. This bill, in general, is satisfactory to the State Parks people. Mr. William Paul pointed out a problem with the dollar figures on page 2 of the bill and asked that any specific reference to such be omitted.

Mr. Howard Barrett again appeared before the committee to speak on SB-122. He reiterated his previous testimony that they were merely trying to write a bill that would contain language to satisfy the federal people and would not stop federal monies coming to the state and/or local jurisdictions for some of these programs. Mr. Barrett said that they had not originally intended, in talking to the bill drafters, to include the Highway Department in this bill.

Mr. Gary Owen of the Legislative Counsel Bureau, appeared before the committee as the bill drafter who had done the original work on SB-122. With reference to the objections raised by the Highway Department, Chairman Gibson asked if Section 47 could be repealed, which would exclude them from the Act. Mr. Owen responded that there was no reason why the Highway Department could not be exempted from this Act, if they are of the opinion this would interfere with their federal aid program. This would be effected by specifically excluding them from Section 10 of the Act under the definition of "local public body," stating "except for the Highway Department of the State of Nevada."

Mr. Warren of the Nevada Municipal Association, referred to a problem with the cities in Section 3, page 1, where the language states "whose property is acquired for state and local governmental programs and projects funded in whole or in part by the Federal Government." He said that it is the opinion of some that this would mean funds for schools, revenue sharing, et cetera, and might mandate the cities and others to have to comply with regulations that the federal government does not presently have. They don't want to be obligated to comply with any regulations that are not necessary at this point.

Chairman Gibson then suggested that wording be added to the effect (lines 8 and 9, page 1) "where the federal government requires such a policy or procedure to be spelled out." Mr. Owen elaborated on the present wording in the proposed bill stating that the Act specifically applies to public bodies for

public uses which means acquisition by eminent domain or property for certain projects and some of the funds referred to don't really involve acquisitions or other proceedings than eminent domain. He agrees, however, that the policy statement could be expanded to allay the fears of the city representatives.

Chairman Gibson then went over the suggested changes with Mr. Owen, requesting that he make the amendments after which the committee would again take into consideration action on this bill.

SB-152 Reduces minimum population requirements of counties.

Chairman Gibson explained that this bill had been introduced by the committee and came out of an interim study that had been made. It would apply the provisions that are now in effect only in Clark County to Clark and Washoe and then also would eliminate the special provision in Washoe County. This would then put the counties into two categories -- those under and those over 100,000 population.

SB-176 Adds new members to certain county fair and recreation boards.

Senator Echols testified that the present makeup of the Clark County Fair and Recreation Board had created an inequity. Presently there are two members on the board that live in the City of Boulder, none from North Las Vegas and none from Henderson. The three cities divide equally one seat on the board, so that every third year each city gets one year of representation, which further diminishes the effectiveness of that member. It is felt the advantageous way to remedy this would be to add two seats and give North Las Vegas a full-time seat, one full-time to the unincorporated area, and leave the City of Boulder and Henderson to divide the other seat.

Mr. Adams stated that three of the members of the Board of Commissioners in Las Vegas are in opposition to this legislation, with the main objection being that the main governing section should have a non-elected member (unincorporated area). Senator Echols then suggested that this bill be amended to say that one member of the county commissions delegation would reside in the unincorporated area. He stressed that it is a matter of opinion as to what the source of the representation should be, but feels the people of North Las Vegas are entitled to that representation.

Chairman Gibson stated that we would wait for further information before taking any action on SB-176.

Chairman Gibson then announced a hearing for Wednesday, February 14, with Secretary of State, William Swackhamer, on the Election Laws.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi
Committee Secretary

1-01

Re: SB 122

Proposed SB 122 is unacceptable in its present form to the Highway Department for the following reasons:

I

1. The Highway Department would have to resubmit its Public Law Assurances.
2. We would have to resubmit our Title II and Title III Assurances.
3. We would have to formally submit SB 122 to the local, regional and national FHWA offices for examination as to its ability to provide compliance with the federal law.
4. We have been informed by the local representatives of FHWA that the bill, in its present form, would stop their federal aid in its entirety to the Department.
5. Through trial and error, and submission in 1967, 1969, and 1971, the Highway Department has arrived at an acceptable, workable, relocation act which would, if amended, repealed, or supplemented in any way, necessitate the above resubmission.

CONCLUSION

It is submitted that an exclusion clause be inserted in the beginning of the bill to provide that the provisions of the same do not apply to the State of Nevada Department of Highways. It is the general consensus of opinion, by conversations with the various senators in the federal, state and local governments committee, that this bill was not intended to apply to the Highway Department, therefore an exclusion should be acceptable.

II

The bill, as it stands, has certain defects which would also render the same unacceptable if it was to apply to the Department, to wit:

1. Section 6 of the bill does not provide that residency of the premises must be on the date of initiation of negotiations. FHWA informs us that this is unacceptable to them and that they would not participate in any payments thereof.

2. Section 14 paragraph 4 should follow the federal law, and be a conditioning part of section 6. Standing alone as it does creates an intent not in the federal law because it would permit payment for moves of persons not displaced, or from property not acquired.

3. Section 16 paragraph 1 "as a part of the cost of acquisition" is not correct. According to the federal law this is an additional payment added to the cost of acquisition.

4. Section 16 paragraph 3 should provide for a \$4,000 maximum payment limitation.

5. Section 20 1(b) provides that the Board of Examiners is the reviewing authority. The Federal Relocation Assistance Act provides in Section 213 (b)(3) that the head of the state agency receiving federal financial assistance shall be the reviewing authority.

6. Section 22. Section 216 of the Federal Act provides that payments received shall not be considered as income under federal law. Section 22 purports to broaden this to any state law and we query whether or not the local and state welfare agencies would concur or are aware of the same.

7. Section 35 paragraph 1. We are not certain as to just exactly the ramifications of this section. It purports to say that all local entities are not bound by federal-aid programs insofar as federal relocation but can if they so desire make other payments.

8. Sections 44 and 45 purport to add relocation

payments and advisory assistance to junkyards. We feel that the same is adequately taken care of in NRS 410.150, 410.160 and 410.170 and that the added language is redundant and susceptible to misinterpretation.

9. We point out that no where in SB 122 are there provisions as set forth in section 206 of the Federal Relocation Assistance Act which provides for using housing of last resort for replacement dwellings. While not mandatory, we submit that the provisions of 206 (b) provide that no person shall be required to move from his dwelling unless the provisions of 205 (c)(3) are complied with and 205 (c)(3) is binding upon all agencies (see section 210).

10. The date of initiation of negotiations must be established by definition in the bill to be acceptable by the FHWA.

11. Sections 23 through 35 are evidently reducing to statutes the provisions of the real property acquisition policy. To date it has not been necessary for these provisions to be statutory since the Department, by written assurance to the FHWA and other applicable federal agencies, has satisfied all concerned that we can, do and will comply. We feel that if the same is binding upon counties and cities that they should have every opportunity to submit their comments either written or oral since this is and will affect them to a much larger degree than the Department because we are already complying with the same.

12. Section 37. We feel that this section should have an exclusion as to the Department since we already comply with federal regulations.

13. Section 38. NRS 37.180 already provides for the payment of costs, disbursements and necessary expenses including attorney's fees upon abandonment of proceedings. We do not feel

that section 33, when read with section 38, adds anything.

14. We feel the same objection applies to section 39.

In total summation we recommend the following:

1. That the Highway Department be excluded specifically from the provisions of this bill.

2. As an alternative, that the present relocation statute, NRS 408.961, et seq, be amended to provide for the inclusion of other state and local entities as affected by the relocation act.

3. As a third alternative that SB 122 be extensively amended pursuant to the suggestions set forth above.

We can not repeat with too much emphasis that we have been informed that this bill would effectively preclude any federal participation in highway projects should the same pass as is.

We realize that state and local entities must comply with the federal statutes and to this end we would be willing to assist in any way whatsoever.

S. B. 165

SENATE BILL NO. 165—SENATOR MONROE

FEBRUARY 6, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Removes water and sewer service regulatory authority of public service commission in certain counties. Fiscal Note: No. (BDR 25-832)

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

AN ACT relating to general improvement districts providing sanitary sewer and water service; removing the regulatory authority of the public service commission of Nevada in counties having a population less than 50,000.

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

- 1 SECTION 1. NRS 318.140 is hereby amended to read as follows:
2 318.140, 1. In the case of a district created wholly or in part for
3 acquiring sanitary sewer improvements, the board shall have the power:
4 (a) To construct, reconstruct, improve, extend or better the sanitary
5 sewer system or any part thereof, including, without limiting the general-
6 ity of the foregoing, mains, laterals, wyes, tees, meters and collection,
7 treatment and disposal plants.
8 (b) To sell any product or byproduct thereof and to acquire the appro-
9 priate outlets within or without the district and to extend the sewerlines
10 of the district thereto.
11 2. Notwithstanding any other provision of this chapter, each district
12 exercising the power granted in this section shall be under the jurisdiction
13 of the public service commission of Nevada in regard to rates charged
14 and services and facilities furnished in the same manner as a public
15 utility as defined in NRS 704.020, except for: **[any]**
16 (a) *Any* district governed by a board of county commissioners acting,
17 ex officio, as the board of trustees of the district.
18 (b) *Any district organized in a county having a population of less than*
19 *50,000, as shown by the last preceding national census of the Bureau of*
20 *the Census of the United States Department of Commerce.*
21 SEC. 2. NRS 318.144 is hereby amended to read as follows:
22 318.144 1. The board shall have the power to acquire, construct,
23 reconstruct, improve, extend or better a works, system or facilities for the
24 supply, storage and distribution of water for private and public purposes.

SENATE BILL NO. 167—SENATOR MONROE

FEBRUARY 6, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Gives boards of county commissioners in all counties water and sewer facilities jurisdiction in unincorporated areas. Fiscal Note: No. (BDR 20-833)

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

AN ACT relating to county water and sewer facilities; providing that the boards of county commissioners of all counties may exercise power in unincorporated areas.

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

- 1 SECTION 1. NRS 244.366 is hereby amended to read as follows:
2 244.366 1. The board of county commissioners of any county [hav-
3 ing a population of 200,000 or more as determined by the last preceding
4 national census of the Bureau of the Census of the United State Depart-
5 ment of Commerce shall have] *has* the power, outside of the limits of
6 incorporated cities and towns:
7 (a) To construct, acquire by gift, purchase or the exercise of eminent
8 domain, otherwise acquire, reconstruct, improve, extend, better and
9 repair water and sewer facilities, such as:
10 (1) A water system, including but not limited to water mains, con-
11 duits, aqueducts, pipelines, ditches, canals, pumping stations, and all
12 appurtenances and machinery necessary or useful and convenient for
13 obtaining, transporting or transferring water.
14 (2) A water treatment plant, including but not limited to reservoirs,
15 storage facilities, and all appurtenances necessary or useful and con-
16 venient thereto for the collection, storage and treatment, purification and
17 disposal of water for domestic uses and purposes.
18 (3) A storm sewer or sanitary sewage collection system, including
19 but not limited to intercepting sewers, outfall sewers, force mains, col-
20 lecting sewers, storm sewers, combined sanitary and storm sewers, pump-
21 ing stations, ejector stations, and all other appurtenances necessary,
22 useful or convenient for the collection, transportation and disposal of
23 sewage.
24 (4) A sewage treatment plant, including but not limited to struc-
25 tures, buildings, machinery, equipment, connections and all appurte-
26 nances necessary, useful or convenient for the treatment, purification or
27 disposal of sewage.

S. B. 122

**SENATE BILL NO. 122—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS**

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Requires relocation payments, advisory assistance and procedural protections by condemning agencies for federally funded projects. Fiscal Note: Yes. (BDR 28-79)



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

AN ACT relating to condemnation of real property for federally funded projects; requiring relocation payments, advisory assistance and procedural protections for displaced persons and property owners; and providing other matters properly relating thereto.

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

- 1 SECTION 1. Title 28 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 35,
3 inclusive, of this act.
- 4 SEC. 2. This chapter may be cited as the Relocation Assistance and
5 Real Property Acquisition Policies Act.
- 6 SEC. 3. It is the purpose of this chapter to establish a uniform policy
7 for the fair and equitable treatment of persons displaced or whose prop-
8 erty is acquired for state and local governmental programs and projects
9 funded in whole or in part by the Federal Government.
- 10 SEC. 4. As used in this chapter, unless a different meaning clearly
11 appears in the context, the words and terms defined in sections 5 to 12,
12 inclusive, of this act have the meanings ascribed to them in such sections.
- 13 SEC. 5. "Business" means any lawful activity, except a farm opera-
14 tion, conducted primarily:
- 15 1. For the purchase, sale, lease, or rental of personal and real prop-
16 erty, and for the manufacture, processing or marketing of products, com-
17 modities or any other personal property;
 - 18 2. For the sale of services to the public;
 - 19 3. By a nonprofit organization; or
 - 20 4. Solely for the purpose of subsection 1 of section 14 of this act,
21 for assisting in the purchase, sale, resale, manufacture, processing, or
22 marketing of products, commodities, personal property, or services by

Original bill is 13 pages long.
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a copy of the complete bill.

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SENATE BILL NO. 152—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS

FEBRUARY 1, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Reduces minimum population requirements of counties for special provisions concerning county fair and recreation boards. Fiscal Note: No. (BDR 20-776)

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

AN ACT relating to county fair and recreation boards; reducing the minimum population requirement of counties to which certain provisions apply; 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 244.645 is hereby amended to read as follows:
2 244.645 1. Whenever the board of county commissioners of any
3 county or the board of supervisors of Carson City desires the powers
4 granted in NRS 244.640 to 244.780, inclusive, to be exercised, it shall,
5 by resolution, determine that the interest of the county and the public
6 interest, necessity or desirability require the exercise of such powers and
7 the creation of a county fair and recreation board therefor, pursuant to
8 the provisions of NRS 244.640 to 244.780, inclusive. After approval
9 of the resolution, the county or city clerk shall:
10 (a) Cause a copy of the resolution to be published promptly once in
11 a newspaper published in and of general circulation in the county or city;
12 and
13 (b) In the case of a county, cause a certified copy of the resolution to
14 be mailed by registered or certified mail to the mayor or other chief exec-
15 utive officer of each incorporated city within the county.
16 2. In counties having a population of [200,000] 100,000 or more,
17 the county fair and recreation board shall be selected as provided in NRS
18 244.7802. [In counties having a population of 100,000 or more and less
19 than 200,000, the most populous incorporated city in the county shall be
20 represented on the county fair and recreation board by two members, and
21 the next most populous incorporated city by one member.] In counties
22 having a population of 11,000 or more and less than 100,000, and in
23 which there is one or more incorporated city, each incorporated city,

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S. B. 176

**SENATE BILL NO. 176—SENATORS ECHOLS, WALKER,
GIBSON, FOLEY, NEAL AND HERR**

FEBRUARY 7, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Adds new members to certain county fair and recreation boards.
Fiscal Note: No. (BDR 20-721)

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

AN ACT to amend NRS 244.7802, relating to the county fair and recreation board in any county having a population of 200,000 or more, by adding new members to the board; 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 244.7802 is hereby amended to read as follows:
2 244.7802 1. The county fair and recreation board shall consist of
3 **[nine]** *eleven* members selected as follows:
4 (a) Two members by the board of county commissioners from their
5 own number.
6 (b) Two members by the governing body of the largest incorporated
7 city in the county.
8 (c) *One member by the governing body of the second largest incorpo-*
9 *rated city in the county.*
10 **[(c)]** (d) One member by the governing body of one of the other
11 incorporated cities in the county.
12 (e) *One member by the board of county commissioners, who is a resi-*
13 *dent of the unincorporated area in the county and not a member of the*
14 *board of county commissioners.*
15 **[(d)]** (f) Four members to be appointed by the members selected
16 pursuant to paragraphs (a) **[, (b) and (c).]** *to (e), inclusive.* Such
17 members shall be selected from a list of three nominees for each position
18 submitted by the chamber of commerce of the largest incorporated city
19 in the county. Such lists shall be composed of nominees respectively who
20 are actively engaged in:
21 (1) The resort hotel industry.
22 (2) The motel industry.
23 (3) The finance industry.
24 (4) General business or commerce.

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a copy of the complete bill.