

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- March 16, 1973

The twenty-fourth meeting of the Committee on Federal, State and Local Governments was held on the 16th day of March, 1973, at 11:45 A.M.

Committee members present: Chairman James Gibson
Coe Swobe
Stan Drakulich
Lee Walker
Carl F. Dodge

Also present were:

Clint Wooster, Legislative Counsel Bureau
Bob Bruce, Washoe County
Bill Adams, City of Las Vegas
James Wittenberg, State Personnel
Senator Monroe
Bob Gagnier, State Employees Association
James Lien, Nevada Tax Commission
John Sparbell, State Planning Board
Bill Hancock, State Planning Board
Bob Warren, Nevada Municipal Association
Del Frost, Rehabilitation Division
John Meder, Board of Supervisors
Heber Hardy, Public Service Commission
Bob Guinn, Nevada Motor Transport
Glenn Vokler, Washoe County Sheriff's Department
Press

Chairman Gibson called the meeting to order at 11:45 P.M.
The first bill to be considered by the committee was SCR-12.

SCR-12 Endorses Upper Humboldt River storage project.

Senator Monroe explained that this legislation lends support to the Humboldt River upstream storage flood control project in order to gain a federal appropriation of \$100,000 that was voted by Congress. The appropriation is supposed to be released on April 1st, for the purpose of a federal survey of the river environmental impact study.

SB-415 Increases permissible rate of operating assessment for irrigation districts.

Senator Monroe stated that he had introduced this bill as the request of the Pershing County Irrigation District. They have not had an increase in the maximum allowance that they charge for the water distribution in quite a number of years. The rate should be raised to \$1.50.

SB-446 Requires public building plans to conform to American Standard for physically handicapped persons.

Mr. Frost, of the State Rehabilitation Division testified that they are generally in support of this bill. The only concern the division has is as it relates to the handicapped it is left too wide open. The terms in the second section of the bill indicates that insofar as feasible in the opinion of the contracting officer or authority that this minimum standard could be followed. They would like the bill amended to make it stronger than that. Chairman Gibson requested that Mr. Frost submit some amended language in writing to the committee.

SB-318 Expands notice requirements for proposed regulations of administrative agencies.

Chairman Gibson said that Senator Pozzi has indicated that he is amenable to amendments that would make this legislation workable. Mr. Hardy of the Public Service Commission stated that their only objection is in Section 2 and the requirement of the inclusion of the entire text of a proposed regulation, which in some instances could be very expensive if required to publish the entire text. Mr. Lien of the Tax Commission also spoke on SB-318, after which the committee went over the proposed amendments.

SB-344 Extends appeal time to classified employees following dismissal or suspension.

Mr. Gagnier, representing the Nevada State Employees Association, explained that this measure would simply extend the present time when an employee appeals a dismissal, suspension or demotion -- he has 30 days from the date he is notified of the action to appeal to the Personnel Advisory Commission. A year ago last January the Personnel Advisory Commission adopted a rather extensive grievance procedure for all classified state employees

and they are trying to encourage the use of the internal administrative procedure and hopefully, eventually limit the number of appeals that have to be heard by the Personnel Advisory Commission. If this amendment were adopted, it would say that an employee would not be required to file his appeal until after he had exhausted the administrative remedy, and then he would have the 30 days to appeal the action. Mr. Wittenberg added his comments that he would agree with this and there is now a problem because of the timing, and this would correct that.

SB-376 Increases sheriff's fees for service of process and related matters.

Mr. Glen Vokler, Washoe County Sheriff's Department testified on this bill. The intent on their support of this particular legislation is to make it possible for the people who use the services of the sheriff's department to "pick up more of the tab". Mr. Vokler submitted statistics entitled "Washoe County Sheriff's Department" which is attached hereto as Exhibit "A". Mr. Bruce also spoke for Washoe County stating that they wish to try to recover in part the cost of providing these services, and urges favorable consideration on this bill. Mr. Meder expressed the concern of the small counties that this increase is needed, with Senator Dodge reiterating with Mr. Meder that after contacting the sheriff of Lyon County they also wanted the increase.

SB-460 Enables certain cities and counties to consult state planning board for proposed subdivision evaluation.

Mr. Hancock of the State Planning Board testified that this bill, philisophically, is good. There is some concern that it may impair the action with local planning agencies, but have been assured that in other states where this was enacted it has actually expedited the planning process at the local level because they would prefer to do it there, rather than have the state do it. Their concern is basically the location of this function -- under the governor's reorganization bill the urban planning division of the State Planning Board would be transferred to the planning coordinator, which may not be the appropriate agency. Mr. Sparbell also spoke on this matter, stating that the bill is presently permissive at the local level rather than mandatory.

The committee then discussed and took action on the following bills:

- SCR-12 Senator Drakulich moved "Do Pass," seconded by Senator Swobe. Motion carried.
- SB-415 Senator Dodge moved "Amend and Do Pass," seconded by Senator Swobe. Motion carried.
- SB-344 Senator Swobe moved "Do Pass," seconded by Senator Dodge. Motion carried.
- SB-460 Senator Swobe moved to "Re-refer to Finance," seconded by Senator Walker. Motion carried.
- SB-401 Senator Dodge moved "Do Pass," seconded by Senator Swobe. Motion carried.
- SB-392 Senator Swobe moved "Do Pass," seconded by Senator Dodge. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi
Committee Secretary

WASHOE COUNTY SHERIFF'S DEPARTMENT

1971:
Papers processed - 18066
Papers served - *15482
Papers returned -** 2584

1972:
Papers processed - 15788
Papers served - *14642
Papers returned -** 1146

REVENUE:
\$27,584.34

\$25,852.62

Approximate revenue per paper based on 60% Fee Services is \$2.95

MANHOURS AND COSTS FOR SERVICES:

Five (5) Deputies	10,000 hours	\$ 55,000.00
Three (3) Clerks	6,000 hours	\$ 24,000.00
Deputies - overtime	2,400 hours	\$ <u>12,000.00</u>
		\$ 91,000.00

VEHICLES:

Five (5) at 1,300 miles per month
78,000 miles @ \$.15 per mile \$ 11,700.00

TOTAL \$102,700.00

These cost figures do not cover any other expenses, i.e., office space, office supplies, etc.

*40% of all papers served are FREE SERVICE. State, County, or City cases where no fees are allowed.

**Papers returned unsatisfied usually require much more of the Deputy's time. As a general rule, an attempt at service will be made a minimum of four (4) times before a paper is returned. This, in effect, is all free and no charge is made.

Projected income based on an average of the preceding two years, using the 60% fee service figure, and an average of \$7.50 per paper would be 9,037 papers @ \$7.50 \$ 67,777.50

Exhibit "A"

SENATE CONCURRENT RESOLUTION NO. 12—
SENATOR MONROE

MARCH 9, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Endorses Upper Humboldt River storage project. (BDR 1358)

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

SENATE CONCURRENT RESOLUTION—Endorsing Upper Humboldt River storage project.

1 WHEREAS, The Humboldt River Basin in the State of Nevada, is an
2 area which, if developed, would provide the State of Nevada and its
3 people and particularly the residents of the Humboldt River Basin with
4 substantial economic and social benefit by providing increased irrigation,
5 greater recreational opportunity and a flourishing population of fish and
6 wildlife; and

7 WHEREAS, The Congress of the United States, recognizing the potential
8 of the Humboldt River Basin, passed the Flood Control Act of 1950 and
9 subsequent supplemental legislation which designated the Humboldt River
10 Basin as an area for flood control and protection projects; and

11 WHEREAS, The Congress of the United States has appropriated the sum
12 of \$100,000 for the fiscal year of 1973 with which to initiate a study and
13 advance planning for a flood control project in the Humboldt River
14 Basin; and

15 WHEREAS, The State of Nevada has a great interest in the proper plan-
16 ning of this project to achieve the greatest benefit for and protect the
17 interests of the state and its residents, especially the residents of the Hum-
18 boldt River Basin; and

19 WHEREAS, The benefit to the state and the people to be derived from
20 a flood control project far outweigh any financial or administrative obli-
21 gation which the state must accept in order to initiate and receive federal
22 assistance; now, therefore, be it

23 *Resolved by the Senate of the State of Nevada, the Assembly concur-*
24 *ring,* That the state department of conservation and natural resources
25 and the Nevada department of fish and game cooperate with the appro-
26 priate and interested federal, state and local agencies during the advance
27 planning stages of any project proposed for the Humboldt River Basin in

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 415

SENATE BILL NO. 415—SENATOR MONROE

MARCH 12, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Increases permissible rate of operating assessment for irrigation districts. Fiscal Note: No. (BDR 48-1496)

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

AN ACT relating to irrigation districts; increasing the permissible rate of assessment for operating purposes.

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

- 1 SECTION 1. NRS 539.480 is hereby amended to read as follows:
2 539.480 1. For the purpose of organization, or for any of the pur-
3 poses of this chapter, the board of directors may, at any time with the
4 approval of the irrigation district bond commission, incur an indebtedness
5 not exceeding in the aggregate the sum of \$50,000, nor in any event
6 exceeding \$1 per acre, and may cause warrants of the district to issue
7 therefor, bearing interest at not to exceed 8 percent per annum. The
8 directors shall have the power to levy an assessment of not to exceed \$1
9 per acre on all lands in the district for the payment of such expenses.
10 2. Thereafter the directors shall have the power to levy an assess-
11 ment, annually, in the absence of assessments therefor under any of the
12 other provisions of this chapter of not to exceed [50 cents] \$1.50 per
13 acre on all lands in the district for the payment of the ordinary and cur-
14 rent expenses of the district, including the salaries of officers and other
15 incidental expenses. Such assessments shall be collected as provided in
16 this chapter for the collection of other assessments.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 446

SENATE BILL NO. 446—SENATOR MONROE

MARCH 13, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Requires public building plans to conform to American Standard for physically handicapped persons. Fiscal Note: No. (BDR 28-1495)

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

AN ACT relating to public buildings and facilities; requiring plans and specifications for public buildings to conform to the American Standard for physically handicapped persons; requiring certain facilities to be usable by handicapped persons; 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 338 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The legislature of the State of Nevada declares that:*
4 (a) *The primary purpose of this section is to provide, subject to the*
5 *limitations set forth in this section, for the removal and elimination of*
6 *architectural barriers to the physically handicapped in public buildings*
7 *and facilities designed after July 1, 1973, in order to encourage and facil-*
8 *itate the employment of the physically handicapped and to make public*
9 *buildings accessible to and usable by the physically handicapped; and*
10 (b) *It is the intent of the legislature that insofar as possible all buildings*
11 *and facilities used by the public be accessible to, and functional for, the*
12 *physically handicapped, without loss of function, space or facility where*
13 *the general public is concerned.*
14 2. *All plans and specifications for the construction of public buildings*
15 *and facilities by the state or by a political subdivision, district, authority,*
16 *board or public corporation or entity of the state shall provide facilities*
17 *and features for the physically handicapped so that buildings which are*
18 *normally used by the public are constructed with entrance ramps, toilet*
19 *facilities, drinking fountains, doors, and public telephones accessible and*
20 *usable by the physically handicapped. Such buildings and facilities shall*
21 *conform with the American Standard specifications for making build-*
22 *ings and facilities accessible to, and usable by, the physically handicapped*
23 *which is effective when the plans and specifications are approved, as pub-*
24 *lished by the American Standards Association.*

S. B. 318

SENATE BILL NO. 318—SENATOR POZZI

FEBRUARY 27, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Expands notice requirements for proposed regulations of administrative agencies. Fiscal Note: No. (BDR 18-1192)

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

AN ACT relating to administrative procedure; expanding the provisions for notice of proposed 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 233B.060 is hereby amended to read as follows:
2 233B.060 1. Prior to the adoption, amendment or repeal of any reg-
3 ulation, the agency shall give at least [20] 30 days' notice of its intended
4 action.
5 2. The notice shall:
6 (a) Include [a statement of either the terms of substance] *the text of*
7 the proposed regulation, [or a description of the subjects and issues
8 involved,] and of the time when, the place where, and the manner in
9 which, interested persons may present their views thereon.
10 (b) Be mailed to all persons who have requested in writing that they
11 be placed upon a mailing list, which shall be kept by the agency for such
12 purpose.
13 3. All interested persons shall be afforded a reasonable opportunity
14 to submit data, views or arguments, orally or in writing. With respect to
15 substantive regulations, opportunity for oral hearing must be granted if
16 requested by any interested person who will be directly affected by the
17 proposed regulation. The agency shall consider fully all written and oral
18 submissions respecting the proposed regulation.
19 4. If an agency finds that an emergency exists, and such a finding is
20 concurred in by the governor by written endorsement on the original copy
21 of a proposed regulation, a regulation may be adopted and become effective
22 immediately upon its being filed in the office of the secretary of state.
23 A regulation so adopted may be effective for a period of not longer than
24 120 days, but the adoption of an identical regulation under subsections 1
25 to 3, inclusive, is not precluded.

SENATE BILL NO. 344—SENATORS BRYAN AND
BLAKEMORE

MARCH 2, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Extends appeal time to classified employees following dismissal or suspension. Fiscal Note: No. (BDR 23-1173)

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

AN ACT relating to the state personnel system; extending appeal time to classified employees under certain circumstances following dismissal or suspension.

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

- 1 SECTION 1. NRS 284.390 is hereby amended to read as follows:
2 284.390 1. Within 30 days after receipt of a copy of the statement
3 provided for in subsection 2 of NRS 284.385, an employee who has been
4 dismissed, demoted or suspended may, in writing, request a hearing
5 before the commission to determine the reasonableness of such action.
6 *If an employee utilizes an internal grievance adjustment procedure*
7 *adopted by the commission, such employee shall have 30 days following*
8 *the final disposition of the internal proceeding to request, in writing, a*
9 *hearing before the commission.*
10 2. The commission shall grant the employee a hearing within 45 days
11 after receipt of the employee's written request.
12 3. At the hearing of such appeal, technical rules of evidence shall not
13 apply.

SENATE BILL NO. 376—SENATOR RAGGIO

MARCH 7, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Increases sheriff's fees for service of process and related matters. Fiscal Note: No. (BDR 20-1345)



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

AN ACT to amend NRS 248.275; increasing sheriff's fees for service of process and related matters.

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

1 SECTION 1. NRS 248.275 is hereby amended to read as follows:
2 248.275 1. The sheriff of each county in this state may charge and
3 collect the following fees:
4 For serving a summons or complaint, or any other process,
5 by which an action or proceeding is commenced,
6 except a writ of habeas corpus, on every defend-
7 ant.....**[\$2.00]** \$10.00
8 For traveling and making such service, per mile in going
9 only, to be computed in all cases the distance actu-
10 ally traveled, for each mile..... .50
11 If any two or more papers are required to be
12 served in the same suit at the same time,
13 where parties live in the same direction,
14 one mileage only shall be charged.
15 For taking a bond or undertaking in any case in which he
16 is authorized to take a bond or undertaking.....**[1.50]** 5.00
17 For a copy of any writ, process or other paper, when
18 demanded or required by law, for each folio.....**[\$0.30]** .50
19 For serving every notice, rule or order.....**[1.00]** 10.00
20 For serving subpena, for each witness summoned.....**[.50]** 5.00
21 For traveling, per mile in serving subpoenas, or a venire, in
22 going only, for each mile..... .50
23 When two or more witnesses or jurors live in
24 the same direction, traveling fees shall be
25 charged only for the most distant.
26 For serving an attachment on property, or levying an exe-
27 cution, or executing an order of arrest or order for
28 the delivery of personal property, together with trav-
29 eling fees, as in cases of summons.....**[3.00]** 10.00

S. B. 460

SENATE BILL NO. 460—SENATOR YOUNG

MARCH 14, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Enables certain cities and counties to consult state planning board for proposed subdivision evaluation. Fiscal Note: No. (BDR 28-1737)



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

AN ACT relating to the state planning board; extending its duties to include the evaluation of proposed subdivisions in certain counties; 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 341 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this act.
3 SEC. 2. *The provisions of sections 2 to 6, inclusive, of this act apply*
4 *to counties having a population of less than 100,000, as determined by*
5 *the last preceding national census of the Bureau of the Census of the*
6 *United States Department of Commerce.*
7 SEC. 3. *Upon the filing of a tentative map with the planning com-*
8 *mission, or with the clerk of the governing body if there is no planning*
9 *commission, the planning commission or the governing body may submit*
10 *such map to the state planning board for an evaluation, as provided by*
11 *sections 2 to 6, inclusive, of this act.*
12 SEC. 4. 1. *The state planning board shall be the clearinghouse for*
13 *requests from governing bodies of cities and counties or from planning*
14 *commissions.*
15 2. *Upon receipt of a request with the accompanying tentative map,*
16 *the board shall direct the appropriate state departments or agencies to*
17 *review and comment upon the proposed subdivision.*
18 3. *As soon as possible, but not longer than 45 days from the receipt*
19 *of a request from a governing body or a planning commission, the board*
20 *shall transmit the comments and recommendations of the various state*
21 *departments and agencies to the planning commission or to the governing*
22 *body.*
23 SEC. 5. *The state departments and agencies shall be guided by the*
24 *provisions of chapter 278 of NRS in their review of the tentative maps*
25 *presented to them by the board.*

SENATE BILL NO. 401—COMMITTEE ON FEDERAL,
STATE AND LOCAL GOVERNMENTS

MARCH 9, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Validates securities, voted and nonvoted, securities issued in anticipation of the issuance of such securities and proceedings pertaining to such securities. Fiscal Note: No. (BDR S-1608)



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

AN ACT designated as the 1973 Public Securities Validation Act; validating, ratifying, approving and confirming outstanding public securities of the state and all corporate subdivisions and agencies thereof, and acts and proceedings had or taken thereby and pertaining to public securities; 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. This act shall be known as the 1973 Public Securities
2 Validation Act.
- 3 SEC. 2. As used in this act:
- 4 1. "Public body" of the state means any state educational institution
5 or other state institution, its board of regents or other governing body
6 thereof constituting a body corporate, any county, incorporated city or
7 incorporated town, whether incorporated or governed under a general act,
8 special legislative act or special charter enacted, adopted or granted pursuant to sections 1 or 8, article 8, of the constitution of the State of
9 Nevada, or otherwise, any unincorporated city or unincorporated town,
10 any school district, local improvement district, general improvement district, power district, irrigation district, drainage district, water conservancy district, water district, sanitation district, water and sanitation
11 district, sewage, water and garbage disposal district, flood control district, swimming pool district, public cemetery district, county fire protection
12 district, fire protection district, television maintenance district, housing
13 authority, urban renewal agency, community redevelopment agency, any
14 other corporate district, any corporate commission or any other political
15 subdivision of the state constituting a body corporate.
- 16 2. "Public security" means a bond, note, warrant, debenture, interim
17 debenture, certificate of indebtedness, or other obligation for the pay-
18 ment of money, issued by this state or by any public body thereof, either
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SENATE BILL NO. 392—SENATORS SWOBE, YOUNG,
WILSON AND RAGGIO

MARCH 8, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides that land zoned and later annexed by city retains zoning classification. Fiscal Note: No. (BDR 22-1531)

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

AN ACT relating to planning and zoning; providing that land already zoned by a local government and annexed by a city retains such zoning classification and that unzoned land annexed by a city takes the most restrictive zoning classification; 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 278.260 is hereby amended to read as follows:
2 278.260 1. The governing body shall provide for the manner in
3 which such regulations and restrictions and the boundaries of such dis-
4 tricts shall be determined, established and enforced, and from time to time
5 amended, supplemented or changed. However, no such regulation,
6 restriction or boundary shall become effective until after a public hearing
7 in relation thereto, at which parties in interest and citizens shall have an
8 opportunity to be heard. At least 15 days' notice of the time and place of
9 the hearing shall be published in an official newspaper, or a newspaper of
10 general circulation, in the city, county, or region.
11 2. *If a land use classification has been established and land use*
12 *restrictions imposed by another local government upon land subsequently*
13 *annexed to a city, that classification and those restrictions shall remain in*
14 *effect and be enforced by the city until changed pursuant to subsection 1.*
15 3. *If land annexed by a city is not subject to a land use classification*
16 *or restrictions imposed by another local government, it shall take the most*
17 *restrictive land use classification existing within the annexing city upon*
18 *such annexation and such classification shall continue until changed pur-*
19 *suant to subsection 1 of this section.*
20 SEC. 2. This act shall become effective upon passage and approval.