

Senate

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - April 23, 1975

Present: Chairman Gibson
Senator Walker
Senator Dodge
Senator Foote
Senator Gojack
Senator Hilbrecht
Senator Schofield

Also present:
See attached Guest Register

The thirity fifth meeting of the Government Affairs Committee was called to order at 4:00 P.M., with a quorum present, by Chairman Gibson.

SB-502 Provides boards of county commissioners with greater controls over appointment and compensation of probation officers and other employees performing functions under juvenile court act.
(BDR 5-1603)

Chairman Gibson informed the committee that this bill was drafted at the request of the County Commissioners Association and Clark County.

Bob Broadbent, County Commissioners, stated that they were having difficulty operating under the present system and had hoped that this legislation could solve the problems that the juvenile department and the County Commissioners were faced with. Their budget is extremely tight this year and the juvenile court judges had requested salaries that just weren't possible under the budget.

Red Carpenter, County Commissioner for Pershing County, informed the committee of the problems they have faced with the juvenile court judges and feels that there should be something in the statutes to control this area, giving the county commissioners the authority to control the budget. Is in favor of SB-502

Pete Beggochea, County Commissioner for Humboldt County, stated that they haven't been sued yet but can see it coming. Feels the County Commissioners should have more clarrification over their duties and more authority with their budget. Is in favor of SB-502

Henry Etchemendy, City Manager for Carson City, reiterated Mr. Carpenters statement on SB-502 and plans on giving the committee a copy of the recent Supreme Court ruling on a similar matter.* Mr. Etchemendy stated that he was in favor of SB-502.

George Ogilvie, Counsel for Clark County, drafted this bill and was prepared to answer questions that the committee might have on SB-502.

* See attached.

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Mr. Ogilvie stated that the court ruled the county commissioners acted arbitrarily in not granting the pay raises. He also stated that in the first section the language makes the bill consistent with the Supreme Court ruling. The reason for drafting SJR-18 was precautionary in case the Supreme Court ruled against SB-502.

Judge John Mendoza, Clark County District Judge, feels that the separation of powers doctrine is the item that needs more clarification. Judge Mendoza cited several instances that the county commissioners, in his opinion, acted harshly on their needs. He feels that their department needs to be responsible for their own budget. Judge Mendoza feels that their spending costs have doubled in the past four years and the budget has not expanded to meet the needs.

Senator Hilbrecht asked Judge Mendoza about various sections in the bill and whether or not he felt they were constitutional.

The Judge responded that most of the sections were constitutional but some were close to being unconstitutional, in his opinion.

SJR-18 Proposes amendment of Nevada constitution to specify authority for establishing and criteria for testing court budgets. (BDR C-1621)

Judge Mendoza stated that most of the judges had no quarrel with the language in section 1. In Section 2 he felt that it still didn't do away with the inherent power concept, it that is its intent. Feels the words "grossly unfair" should be deleted, add "reasonably and necessary". He also questioned the language, "the decision of the legislative body is conclusive" in Section 2, lines 17 & 18.

Dan Murphy, Special Master of Carson Judicial Division, Carson County, had prepared a resolution on SB-502 (see attached). Mr. Murphy agreed with the testimony given by Judge Mendoza.

Frank Sullivan, Chief Probation officer for Washoe County, stated that they work very closely with the judges in the juvenile division. Mr. Sullivan is worried that in SB-502 the county commissioners could put a great deal of pressure on the probation officers as it creates a great deal of responsibility between the court and the probation department.

Shirlee Wedaw, representing the Nevada Parent Teachers Association, stated that she was against SB-502 indicating that in the long run it would hurt the juveniles who need the help.

Bob Broadbent, in summary, feels that anyone can come and speak on a budget before it is enacted. The county commissioners are charged with making the budget workable and keeping the various departments within the limits of that budget. Mr. Broadbent stated that the judicial and law enforcement departments are the main ones that consistently go over the budget.

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Mr. Broadbent commented on SJR-18, stating that they would like to be able to have some definite rules in order to know where their functions started and ended. This bill will help solve the problems of clarrification between the county commissioners and the judicial branch.

AB-397 Adjusts fees charged by commissioner of civil marriages. (BDR 11-1224)

George Flint, representing the Nevada Wedding Chapel Association, handed out copies of his testimony. (See attached testimony) Mr. Flint stated that they do not have the competition they should with the fees charged by civil marriages.

Senator Walker questioned that in the bill they have a base price but no ceiling so in essence the county commissioners will be setting the ceiling prices.

Senator Gojack indicated that she felt they should have a set price similar to the civil marriages without all the flourishes that they specialize in. This would give the couple a choice and make them more competative.

It was decided by the committee to hold action on this bill until some representative from the commissioners office regarding the price structures and need for the increase in rates.

SB-529 Allows incorporated cities to contract for towing services and permits collection of fee from certain motor carriers utilizing airport or air navigation facilities. (BDR 58-1678)

Heber Hardy, Public Service Commission, stated that they should have a total regulation not just a piece of the authority. The cities should invest in an impound yard so that any vehicle will be towed to one place.

Noel Clark, Chairman of the Public Service Commission, stated that he was against SB-529. In paragraph 3 of section 2, stated that he is against the franchise fee for the whole city. The fee should be taken from those people going to and from the airport.

Mr. Brad Boisjolie, owner of Insured Towing & Storage in Las Vegas, is against SB-529 as it takes away from free enterprise. He stated that they like the standard rates used since it keeps the business on a service type competition. Doesn't feel that the city should charge a towing operator for his services.

There was discussion about having several towing companies and how you would know where your car was in order to pick it up. Mr. Boisjolie stated that the officer who was responsible for the order to have the car towed away would note who picked it up and where it was being towed to.

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Bob Guinn, Highway Department, stated that on line 6 of page 1 it means that the services are not done by bids. In Reno the tow trucks bid for the city services, also they rotate with the towing companies that qualify for the services needed.

Jim Wood, owner and operator of the Nevada Golden Tours, stated that he is against SB-529 as the bill doesn't fit the needs of the people and encourages more noncertified carriers.

Larry E. Bell, Whittlesea - Bell Corporation, stated that he is against SB-529

Stan Lloyd, Central Motor Carriers, stated that he is against SB-529.

Robert Ellis, SNAP-TOW Co. of Henderson, Nevada, stated that he is against SB-529.

Motion to "Indefinitely Postpone" by Senator Foote, seconded by Senator Dodge, motion carried unanimously.

AB-466 Replaces state committee on federal land laws with state multiple use advisory committee on federal lands. (BDR 18-710)

Elmo DeRicco, Department of Conservation, stated that he felt that this is a very worthwhile bill and their department has the funding that will be used to operate this committee.

Bruce Arkell, Planning Coordinator, stated that the B.L.M. has come up with an advisory board that is very similar to the one discussed in AB-466. Mr. Arkell feels that this bill will help get more federal impact.

Douglas Miller, Chairman of the Advisory Mining Board, supports this bill. Would like this committee channeled through the Planning Coordinator's office.

Mr. C. E. Powell, representing the Nevada Mining Association, is in favor of AB-466.

Motion of "Do Pass" by Senator Dodge, seconded by Senator Walker. Motion carried unanimously.

SB-528 Directs state land register to convey certain real property to City of Reno.

Harold Provence, Department of Conservation, handed out a map to the committee members to point out the areas affected by this bill.*

Elmo DeRicco stated that Buildings & Grounds has no objection to this bill.

* see attached.

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Motion of "Do Pass" by Senator Hilbrecht, seconded by Senator Walker, motion carried unanimously.

AB-449 Revises provision in Carson City charter on borrowing money in certain circumstances without voter approval. (BDR S-1189)

Henry Etchemendy, City Manager for Carson City, stated that this is a technical change to the emergency loan fund.

Motion of "Do Pass" by Senator Hilbrecht, seconded by Senator Walker, Motion carried unanimously.

SB-267 Restricts frequency of similar rate increase applications a public utility may file with public service commission of Nevada and requires new notice and hearing for certain applications filed prior to final determination of previous applications. (BDR 58-1094)

Senator Hilbrecht presented the amended copies of SB-267 to the committee for their consideration and action. *

Motion to "Amend and Do Pass" by Senator Hilbrecht, seconded by Senator Walker. Motion carried unanimously.

The committee discussed SB-530 regarding the need for television in Pahump and the conflict with SB-3. The Public Service Commission had a suggestion that would make SB-530 agreeable with them. Wherever the word "television" was in the bill the following should be added after "television" - "broadcast translator". This would be done on lines 5, 7, and 12.

Motion to "Amend and Do Pass" by Senator Dodge, seconded by Senator Walker, Motion carried unanimously.

AB-336 was reconsidered by the committee. Mr. Swackhammer indicated to Senator Gibson, in a previous discussion, that the reference to the Supreme Court be deleted from the bill. The committee discussed adding the judges to the bill.

Motion to "Amend and Do Pass" by Senator Hilbrecht, seconded by Senator Schofield. Motion carried unanimously. Amendment was to add the 8 top offices on the ballot including the Supreme Court.

With no further business the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Janice M. Peck
Janice M. Peck
Committee Secretary

Approved:

Steve Z. Hilbrecht
Chairman

* see attached.

S E N A T E

AGENDA FOR COMMITTEE ON ... GOVERNMENT AFFAIRS.....
 WEDNESDAY
 DATE April 23, 1975 TIME... 2:45 P.M.... ROOM... 345.....

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<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel Requested*</u>
SB-502	Provides boards of county commissioners with greater controls over appointment and compensation of probation officers and other employees performing functions under juvenile court act. (BDR 5-1603)	
SJR-18	Proposes amendment of Nevada constitution to specify authority for establishing and criteria for testing court budgets. (BDR C-1621) Notify: Russ McDonald, Dave Henry, Mr. Broadbent Judge Mendoza	
AB-397	Adjusts fees charged by commissioner of civil marriages. (BDR 11-1224) Notify: Assemblyman Mello, Senator Close	
AB-435	Dissolves Fernley Sanitation District and Fernley Water District, merging their respective areas into the unincorporated town of Fernley. (BDR S-1284) Notify: Assemblyman Dini	
AB-449	Revises provision in Carson City charter on borrowing money in certain circumstances without voter approval. (BDR S-1189) Notify: Assm. Jacobsen, Senator Sheerin	
AB-466	Replaces state committee on federal land laws with state multiple use advisory committee on federal lands. (BDR 18-710) Notify: Assemblyman Dini, Elmo DeRicco	
SB-528	Directs state land register to convey certain real property to City of Reno. (BDR S-1665) Notify: Senator Young, Joe Lattimore, Elmo DeRicco John Meder	
SB-529	Allows incorporated cities to contract for towing services and permits collection of fee from certain motor carriers utilizing airport or air navigation facilities. (BDR 58-1678) Notify: Senator Young, P.S.C., Noel Clark Joe Lattimore	
SB-267 Added to agenda eff. 4-23-75 @ 12:30 p.m.	Restricts frequency of similar rate increase applications a public utility may file with public service commission of Nevada and requires new notice and hearing for certain applications filed prior to final determination of previous applications. (BDR 58-1094) Notify: Same as above	

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GUEST REGISTER

GOVERNMENT AFFAIRS COMMITTEE

DATE: 7-23

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
Jayme Gibson	NO	529	LTR
Duke Lammere		529	LTR
Donald L Drake	YES NO	529	Baker & Drake Inc
Robert A Drake	NO	529	Baker & Drake Inc
John F. Boyd	NO		Nevada Central Mtr Lines
M. Douglas Miller	yes	466	Met. Adv. Mining Bd chmn.
George Flint	Yes	AB397	
Richard Dunken			County of Clark
Bob Swabert	Yes.	502 529, 18	Nev Assoc Co Comm
Shirley Wedgip	yes	502	Nevada OTA
Jim Carter		529 18 502	Churchill Co.
Pete L. Bengochea		502	Humboldt Co. Commissioner
Chas R. Carpenter		18 502	Clark Co. Commissioner
Ray Dufuriera		502	Humboldt Co
Donald J. ...		502	
Noralee St. ...		502	Douglas County - Juvenile
Brad Wasyalec	YES	SB529	INSURED TOWING & STORAGE LAS VEGAS
ROBERT ELLIS	YES	SB529	SNAP-TOW HENDERSON, NEV

over

George Ogilvie	No	SB502	Clark County
BRUCE ARKELL	Yes	AB466	state PLANNING Coordinator
ELMO DERICCO	YES	SB528 AB466	DEPT OF CONSERVATION
H. Provence	Yes	SB528	Dir of State Lands
Larry E. Bell	No	SB529	Whittlesea-Bell Corp.
Charlie Bell	Yes	SB529	" " Corp
M.E. Hayes	No	SB502	Carson City, Supervisor
Harry Kennedy	Yes	SB502	Carson City
Charles Menely	No	SB502	Douglas Co. Comm.
JOE BENSINGER	NO	SB502	CARSON CITY SUPERVISOR
Thelma Jackson	No	SB502	CC Supervisor
Alva P. McCall	no	SB502	Churchill County Tribune

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First Judicial District Court

Carson City and Storey County

State of Nevada

February 6, 1975

Post Office Box 620
Carson City, Nevada 89701

FRANK B. GREGORY

MEMORANDUM

To: Mayor Scrivner, the Honorable Board of City Supervisors
and Henry Etchemendy, City Manager ✓

From: Frank B. Gregory - District Judge

Enclosed for your perusal are copies of a recent decision handed down by the Nevada Supreme Court. This decision outlines the separation of the powers between the Executive and Judicial branches of government.

The opinion is very definitive and I do hope that it leads to a better understanding between the two branches.

IN THE SUPREME COURT OF THE STATE OF NEVADA

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LLEWELLYN A. YOUNG, District Judge)
of the Sixth Judicial District Court)
of the State of Nevada,)

No. 7727

Petitioner,)

-vs-

THE BOARD OF COUNTY COMMISSIONERS)
OF PERSHING COUNTY, NEVADA, and)
DANIEL MILICH, CHARLES CARPENTER)
and ARTHUR JOHNSON, constituting)
the members of said Board,)

Respondents.)

FILED
JAN 29 1974
C. R. DAVENPORT
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Original proceeding in mandamus.

Writ granted.

Beckley, Singleton, Delanoy &
Jemison, Chartered, of Las Vegas,
for Petitioner.

Robert List, Attorney General,
Donald F. Klasic, Deputy Attorney
General, Carson City,
for Respondents.

O P I N I O N

By the Court, BATJER, J.:

This original proceeding was commenced by the Honorable Llewellyn A. Young, district judge, hereinafter referred to as "petitioner," who seeks a mandate to compel the Board of County Commissioners of Pershing County, Nevada, hereinafter referred to as the "board" or "respondents," to accede to certain budgetary requests for the budget year 1974.

This court appointed the Honorable Noel E. Manoukian,

district judge, special master to hear and resolve factual disputes; however, by stipulation prior to a hearing, the parties resolved all disputed matters.

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Respondents reduced petitioner's budgetary requests for : (a) the probation officer's salary, from \$750.00 to \$712.00 per month; (b) office equipment for the probation department from \$750.00 for the budgetary year to \$318.00; (c) the salary of a part-time secretary, from \$400.00 to \$236.00 per month; and (d) additions to the law library, from \$7,000.00 to \$5,000.00 for the budgetary year.

It was stipulated that (1) respondents suffer no budgetary shortage or financial problems which would render them unable to meet petitioner's request; (2) the budgetary requests by petitioner were necessary for the effective administration of his court; (3) the parties have each acted reasonably in carrying out the responsibilities of office.

1. By virtue of his position as district judge, and pursuant to the authorization of NRS 62.110(1), petitioner appointed a juvenile probation officer. When he set the salary of that officer at \$750.00 per month, the board refused to approve that salary and recommended a lower one, basing their action on the "consent" requirement of NRS 62.110(3).¹ Since both parties have stipulated to the reasonableness of their respective actions, the first issue to be determined on appeal is whether the "consent" requirement of NRS 62.110(3) extends to a board of county commissioners the power to veto the reasonable budgetary requests of a district judge. It does not.

¹

NRS 62.110(3): "The salaries of the probation officers, detention home personnel and other employees shall be fixed by the judge with the advice of the probation committee and consent of the board or boards of county commissioners."

Article 6, § 6 of the Nevada Constitution grants to the district courts original jurisdiction in all cases in equity. The juvenile statutes are a codification of the ancient equitable jurisdiction over infants under the doctrine of parens patriae.¹³⁸⁷ People v. Leonard, 112 N.E.2d 697 (Ill. 1953). Pursuant to legislative enactment of the Juvenile Court Act, NRS Chapter 62, the district courts are specifically empowered to administer juvenile justice. Juvenile probation services were made a part of the duties assumed by the district courts under NRS Chapter 62. The district judge enjoys the power to choose the probation committee for the county, which in turn advises him in his choice of probation officers. NRS 62.100 and NRS 62.110. The judge supervises, and the probation committee advises the probation officers in their work, including their financial and clerical work. NRS 62.120.

NRS 62.120(3) provides: "Every effort shall be made by the various counties throughout the state to provide sufficient personnel for the probation department to uphold the concept of separation of powers in the court process." This statute is a clear expression by the legislature of its intent that the district courts enjoy preeminent authority over juvenile probation services.

We reject respondents' contention that the word "consent" found in NRS 62.110 is a delegation of discretionary legislative appropriation power to the board of county commissioners.² Reviewing statutory language substantially similar to

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Respondents bolster their position with the theory that, since NRS 354.588 gives county commissioners the right to prepare and fix a budget for county officers and agencies, the "consent" of the board under NRS 62.110 must be a part of that budgetary function.

But nowhere in NRS 354.470 to NRS 354.626, the section on local government budgets, is there a reference to the Juvenile Court Act. NRS 354.588, by its terms applies only to the govern-

NRS 62.110(3), the Texas Court of Civil Appeals refused to find a veto power in the board. Disposing of an issue on appeal identical to the one before us, the Texas court reasoned that the "consent" requirement meant only that the judge should consult with the commissioners to be apprised factually of the financial status of the county. Commissioner's Court of Lubbock County v. Martin, 471 S.W.2d 100 (1971). A similar result was reached in In Re Salaries For Probation Officers Of Bergen Co., 278 A.2d 417 (N.J. 1971).

The "consent" function of a board of commissioners under NRS 62.110 is limited to determining whether, in light of the current fiscal status of the county, the salary request of a district judge is unreasonable or arbitrary. Had the commissioners so found and predicated refusal to "consent" on that basis and had the district judge seen fit to challenge their determination, then this court would have been constrained to undertake final resolution of that fundamentally factual issue. Here, however, there is a stipulation of reasonableness, and therefore mandamus clearly must issue to compel approval by the board of **the petitioner's request for a probation officer's salary.**

over

2. Along with the salary request, petitioner asks this court to compel, through mandamus, the board's compliance with his budgetary requests regarding office equipment for the probation officer, a part-time secretary for the court, and additions to the court's law library. Each of these requests was reduced by the board, upon its review, and it directed the treasurer of Pershing County not to honor any vouchers for such submitted by petitioner.

Although there is no explicit statutory authorization for a district court's budgetary requests, we believe that such ing bodies, officers and employees of every local government. NRS 354.536 defines "governing body" as "the board . . . in which the general legislative and fiscal powers of the local government are vested." The entire section deals only with the local legislative function, not the judicial.

authority flows from the inherent power of the court. In State Ex Rel. Kitzmeyer v. Davis, 26 Nev. 373, 63 P. 639 (1902), this court recognized inherent power, and in part depended upon it, when it mandated the state controller to pay for the court's furnishings over the objection of the Board of Capitol Commissioners. Relying on a statute which gave that board control over appropriations for the furnishing of state building, it claimed absolute control over expenditures requested by this court. After construing the statute as granting less than absolute control to the board, the court then vindicated its expenditures on the theory of inherent power. "To assume that the legislature did confer any such absolute power upon the board is to assume that the legislature possesses unlimited power of legislation in that matter - that it could by hostile legislation destroy the judicial department of the government of this state." Id at 379.

Respondents argue that petitioner's budgetary requests are a ministerial function derived from the basic legislative power of appropriation and rely on Galloway v. Truesdell, 83 Nev. 13, 422 P.2d 237 (1967) to challenge the inherent power theory as violative of separation of powers. Although in Galloway this court did hold that judicial powers cannot include a power or function that is derived from the basic legislative or executive powers, it went on to make it clear that in the area of **ministerial functions of each branch of government there frequen-**

tly occurs an overlapping which can be entirely valid if it can logically trace its function back to the basic source of power.

If budgetary requests are reasonable and necessary to carry out a district court's powers and duties in the administration of justice, they are within its inherent powers. See Commonwealth Ex Rel. Carroll v. Tate, 274 A.2d 193 (Pa. 1971); Judges For Third Judicial Cir. v. County of Wayne, 172 N.W.2d 436 (Mich. 1969); Smith v. Miller, 384 P.2d 738 (Colo. 1963); and Noble County Council v. State, 125 N.E.2d 709 (Ind. 1955).

Respondents' assertion that mandamus will not lie to compel an officer or board to perform a discretionary act is correct, but it is not apposite to this case. Mandamus is appropriate to compel an act which the law expecially enjoins as a duty of office. NRS 34.160. When the petitioner's budgetary requests were stipulated as being reasonable, the board's consent became a duty.

Petitioner was required to retain counsel and there are no budgetary funds available for him to meet the costs of this suit. The special master found that petitioner was entitled to reasonable attorneys fees of \$1,800.00 plus costs. Respondents registered no objection to this award, and we hereby approve and order it.

It is ordered that a writ of mandate issue to compel the Board of County Commissioners of Pershing County, Nevada, to approve petitioner's budgetary requests for the year 1974.

Batjer, J.
Batjer

We concur:

Gunderson, C.J.
Gunderson

Zenoff, J.
Zenoff

Mowbray, J.
Mowbray

Thompson, J.
Thompson

R E S O L U T I O N

WHEREAS, the Corrections Task Force of the Governor's Commission on Criminal Justice Standards and Goals has recommended that the Juvenile Court remain under the Judicial Branch of government, and

WHEREAS, the National College of Juvenile Justice has adopted a National Standard which provides for the management of Juvenile Court Services under the Judicial Branch of government, and

WHEREAS, we, the Nevada Association of Juvenile Corrections, know that service to youth can best be provided within the Judicial Branch of our State government.

NOW THEREFORE BE IT RESOLVED, that on this 16th day of April, 1975, we convey to the Senate Committee on Government Affairs our sincere opposition to the passage of Senate Bill 502 as it violates all that is in the best interest of serving children who come within the Juvenile Justice System of our State and recommend defeat of this bill.

/s/AL CHAMBERLAIN

/s/ROBERT YOST

/s/JUDY CARMONY

/s/AL MORRIS

/s/SANDRA McVEY

/s/BARBARA LARAMIE

Wednesday, April 23, 1975

1974

Appearing before the Senate Government Affairs Committee in support of
ASSEMBLY BILL NO. 397

My name is George Flint and I live in Reno. I am appearing today to encourage your committee to give a "Do Pass" to this bill. I represent the Nevada Wedding Association of Las Vegas and also am the operator of two wedding chapels in Reno. Thank you for taking time to hear me and for your consideration on this piece of legislation.

In order to state our position on this bill I have listed the following:

REASONS FOR THE ADOPTION OF THIS BILL:

1. Private enterprise cannot compete with the extreme lowness of present rates.
2. No increase in cost to counties whatsoever in adopting this legislation.
3. Will bring in an estimated additional \$350,000.00 profit to counties.
4. Would be an altogether more realistic figure to other charges now being made by wedding chapels, Justices of the Peace, and churches both in Nevada and within the states most of the weddings now originate.
5. All of the increase would be paid for from 95 to 97 percent OUT OF STATE FUNDS.
6. IDEAL SOURCE OF MUCH NEEDED ADDITIONAL INCOME TO COUNTIES WITH ALMOST ZERO COST TO NEVADA CITIZENS. (Represents NO "TAX INCREASE")

HISTORY OF PRESENT FEE STRUCTURE: Office was established by the Nevada State Legislature during the 1969 session and became law on January 1, 1970. Fees were established in line with current amounts being charged by Justices of the Peace and minimum fees charged by wedding chapels.

PRESENT AND PROJECTED FINANCIAL IMPORTANCE FROM MARRIAGE COMMISSIONER OFFICE:

See attached schedule

ARE THERE ANY NEGATIVE ASPECTS TO CONSIDER IN ADOPTING THIS BILL?

1. It would raise a once or twice in a life-time cost by a few dollars. However, in the overall cost of getting married this is negligible.
2. Would it discourage some couples from coming to Nevada to be married? Still would be less expensive than getting married anywhere else.
3. It has been estimated that every wedding in Nevada brings \$1000.00 into our economy. This fee raise would not interfere with that spending ability.
4. Would continue to prohibit private enterprise from being able to adjust their present fees during this period of skyrocketing "Business Operating" costs.

NOTE CONCERNING FINANCIAL IMPACT OF A.B. 397 TO WASHOE AND CLARK COUNTIES

Under present rate schedule:

Clark County issued during 1974 exactly 50,575 Marriage Licenses.

Clark County Marriage Commissioner handled 21,432 marriages or 42.4 percent of those licenses issued for an average of \$13.00 per ceremony.

Clark County Marriage Commissioner's office thus received \$278,616.00.

Average of \$13.00 per ceremony is arrived at by this procedure:

40 percent of marriages are during regular hours and charged \$10.00 each;
60 percent of marriages are during after hours, week-ends, and holidays and are charged \$15.00 each.

Washoe County issued during 1974 approximately 33,950 Marriage Licenses.

Washoe County Marriage Commissioner handles 32 percent of these licenses for approximately 10,864 ceremonies at an average rate of \$18.00 each.

Washoe County Marriage Commissioner's office thus received \$195,552.00.

COMBINED REVENUE FROM BOTH OFFICES BEFORE EXPENSED \$474,168.00.

IF A.B. 397 BECOMES LAW THE FOLLOWING REVENUE INCREASE CAN BE EXPECTED WITH NO ADDITIONAL COSTS WHATSOEVER TO THE INDIVIDUAL COUNTY:

Combined number of licensed issued both counties for 1974	84,160 ⁵²⁵
Combined ceremonies handled by both Marriage Commissioners	32,296
Maximum possible decrease due to competitive and other factors such as recession, etc.: 10 percent	-3,230
Net number of weddings that will be handled by commissioner:	29,066

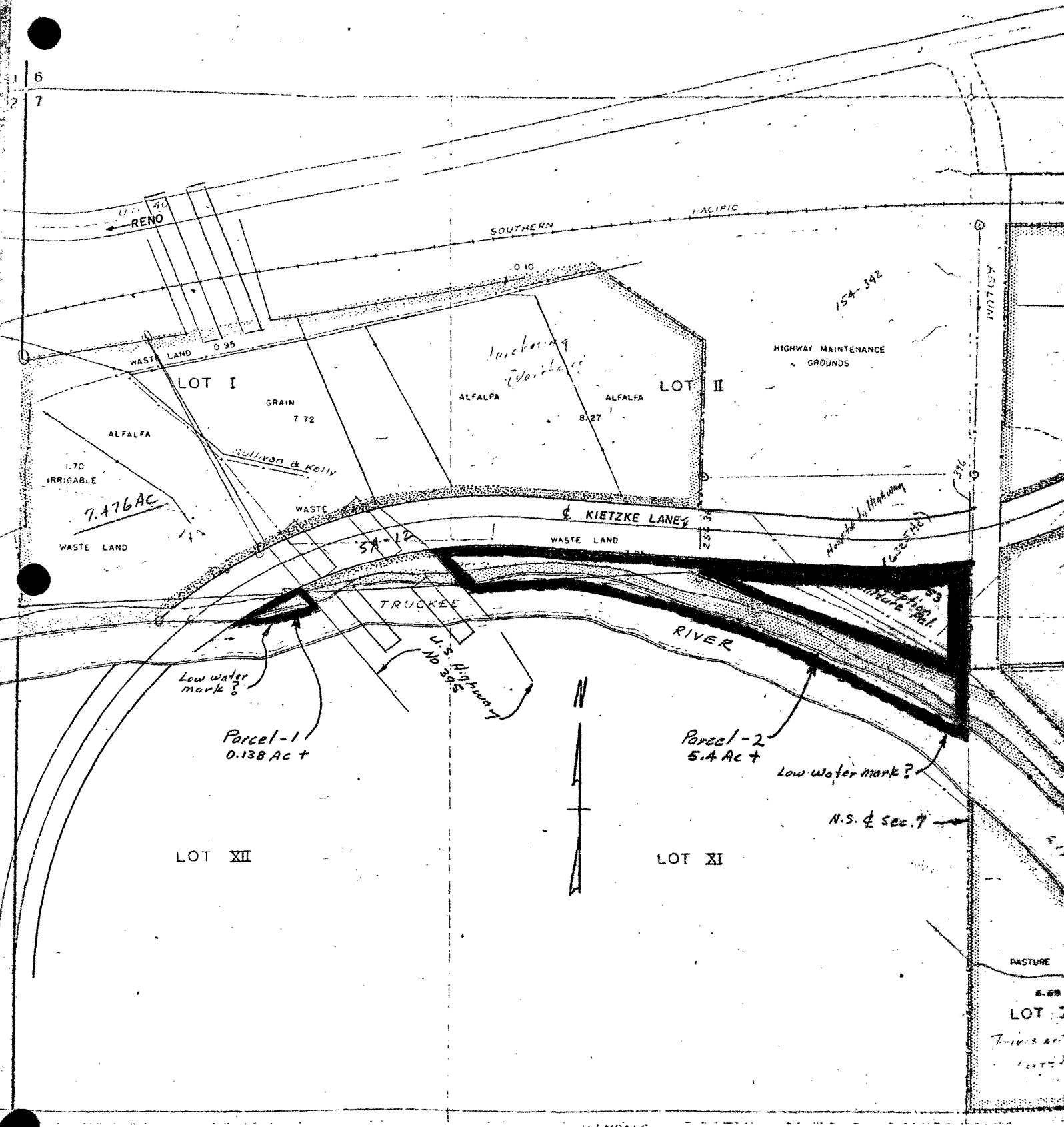
This would mean that 60 percent or 17,440 weddings would bring \$30.00 each in revenue for \$523,200.00 and that 40 percent or 11,626 weddings would bring \$25.00 each in revenue for \$290,650.00.

THESE TWO COMBINED AMOUNTS TOTAL:	\$813,850.00
COMBINED TOTALS FOR 1974:	<u>\$474,168.00</u>

POTENTIAL INCREASE TO COUNTY GENERAL FUNDS WITH NO ADDED COST OF OPERATION:

\$339,682.00

1 6
2 7



ACREAGE, SECTION 7, T. 19 N., R. 20 E.

SUBDIVISION	IRRIGATED	IRRIGABLE	OTHER
	7.72	1.70	8.93 (WASTE AREA)

SB-528

SENATE BILL NO. 267 -- SENATOR HILBRECHT

1977

FEBRUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY -- Restricts frequency of similar rate increase applications a public utility may file with public service commission of Nevada and requires new notice and hearing for certain applications filed prior to final determination of previous applications. Fiscal Note: No. (BDR 58-1094)

EXPLANATION -- Matter in italics is new; matter in brackets () is material to be omitted.

AN ACT relating to public utility regulation; restricting the number of applications for rate increase a public utility may file with the public service commission of Nevada; providing that certain applications filed prior to a final determination on pending applications require new notice and hearings; and providing other matters properly relating thereto.

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

SECTION 1. NRS 704. 100 is hereby amended to read as follows:

704. 100 1. No changes shall be made in any schedule, including schedules of joint rates, or in the rules and regulations affecting any and all rates or charges, except upon 30 days' notice to the commission, and all such changes shall be plainly indicated, or by filing new schedules in lieu thereof 30 days prior to the time the same are to take effect. The commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

2. Copies of all new or amended schedules shall be filed and posted in the stations and offices of public utilities as in the case of original schedules.

[3. Except as provided in subsection 4, the commission shall not consider an application by a public utility if the justification for the new schedule includes any items of expense or rate base^① that are set forth as justification in a pending application^② that are the subject of pending court litigation; or^③ that have been considered and disallowed in a prior court decision.

4. A public utility may set forth as justification for a rate increase items of expense or rate base which have been considered and disallowed by the commission, only if those items are clearly identified in the application and new facts or policy considerations for each item are advanced in the application to justify a reversal of the commission's prior decision.

5. If the commission receives an application that is within the prohibition of subsection 3, it shall, within 30 days, notify the public utility that the application is dismissed.]

6. The commission shall determine whether a hearing shall be held when the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, will result in an increase in annual gross revenue as certified by the applicant of \$2,500 or less.

[7. In making such determination the commission shall first consider all timely written protests, any presentation the staff of the commission may desire to present, the application and any other matters deemed relevant by the commission.]

Sect. (1) 2. NRS 704.110 is hereby amended to read as follows:

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704.110 1. Whenever there (shall be) is filed with the commission any schedule stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule resulting in a discontinuance, modification or restriction of service, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own motion without complaint, at once, and if it so orders, without answer or formal pleading by the interested utility or utilities, to enter upon an investigation or, upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending such investigation or hearing and the decision thereon, the commission, upon delivering to the utility or utilities affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when such rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the commission may make such order in reference to such rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. (Whenever an application for such rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has been filed with the commission, a public utility shall not, in any 6-month period, submit another application pertaining

to the same subject matter. If the public utility submits another application pertaining ¹¹⁸⁰
to the same subject matter after the 6-month period has elapsed but before the com-
mission has made a final determination on the original application, the commission shall
treat the new application as a material and substantial amendment to the original
application and shall require a renoticing and a hearing, pursuant to NRS 704.450
to 704.520, inclusive, on the original application as amended.)

[Except as provided in subsection 5, whenever an application for such rate, fare,
charge, classification, regulation, discontinuance, modification, restriction or practice
has been filed with the commission, a public utility shall not submit another application
until all pending applications for rate increases submitted by that public utility have
been decided.]

5. A public utility may file an application to recover the increased cost of purchased
fuel or power no more often than once every 30 days.

Sect. 3 Severability of provisions.

If any provision in this bill is held invalid, such invalidity shall not affect the
application of the remaining sections which can be given effect without the invalid
provision or application.

S. B. 502SENATE BILL NO. 502—COMMITTEE ON
GOVERNMENT AFFAIRS

APRIL 9, 1975

Referred to Committee on Government Affairs

SUMMARY—Provides boards of county commissioners with greater controls over appointment and compensation of probation officers and other employees performing functions under juvenile court act. Fiscal Note: No. (BDR 5-1603)

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

AN ACT relating to the juvenile court act; providing boards of county commissioners with greater controls over the appointment and compensation of probation officers and other employees performing functions under the juvenile court act; 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 62 of NRS is hereby amended by adding thereto
2 a new section which shall read as follows:
3 *This chapter does not restrict or otherwise affect the authority of the*
4 *boards of county commissioners of the respective counties to cause to be*
5 *prepared, with the advice of the judge or judges and the probation com-*
6 *mittee, the annual budget for the probation department and detention*
7 *home pursuant to the general budgetary powers and duties conferred and*
8 *imposed by NRS 354.470 to 354.626, inclusive, in light of the estimated*
9 *budget resources and expenditures for each budget year and the relative*
10 *needs of the various other departments of the county.*
11 SEC. 2. NRS 62.100 is hereby amended to read as follows:
12 62.100 1. The judge or judges of the court in each judicial district
13 which does not include a county having a population of 200,000 or more,
14 as determined by the last preceding national census of the Bureau of the
15 Census of the United States Department of Commerce, shall, when facili-
16 ties for the temporary detention of children or other commitment facilities
17 administered or financed by the county for the detention of children have
18 been established within that district, and may at any other time in their
19 discretion, by an order entered in the minutes of the court, appoint five
20 representative citizens of good moral character to be known as the proba-
21 tion committee, and the judge or judges shall fill all vacancies occurring in
22 such committee within 30 days after the occurrence of the vacancy. The

1 clerk of the court shall immediately notify each person appointed to the
2 committee. The person appointed shall appear before the appointing judge
3 or judges within 10 days after notification, which shall specify the time in
4 which to appear, and shall qualify by taking an oath, which shall be
5 entered in the records, faithfully to perform the duties of a member of the
6 committee. The members of the committee shall hold office for 3 years,
7 provided that of those first appointed, 1 shall be appointed for a term of 1
8 year, 2 for terms of 2 years, and 2 for terms of 3 years. Thereafter, all
9 appointments shall be for a term of 3 years. Appointment to vacancies
10 occurring other than by expiration of the term of office shall be filled for
11 the remainder of that term. Members of the probation committee shall
12 serve without compensation and shall choose from among their members a
13 chairman and secretary. Any member of the probation committee may be
14 removed for cause at any time by the judge or judges.

15 2. The duties of the probation committee shall be the following:

16 (a) The paramount duty of the probation committee is to advise the
17 court, at its request.

18 (b) The probation committee shall advise with the judge and probation
19 officer on matters having to do with the control and management of any
20 facility for the temporary detention of children or other commitment facil-
21 ities administered or financed by the county for the detention of children
22 now or hereafter established by boards of county commissioners.

23 (c) Upon the request of the judge or judges, the probation committee
24 shall investigate and report in writing concerning the facilities, resources
25 and management of all individuals, societies, associations, organizations,
26 agencies and corporations (except state institutions or agencies) applying
27 for or receiving children under this chapter. The committee shall also
28 have the power to initiate an investigation thereof if it deems such inves-
29 tigation proper or necessary, and must thereafter report its findings, con-
30 clusions and recommendations to the judge or judges.

31 (d) The probation committee shall prepare an annual report of its
32 activities, investigations, findings and recommendations in connection
33 therewith. The reports shall be submitted to the court and filed as public
34 documents with the clerk of the court.

35 (e) The judge or judges shall, in cooperation with the probation com-
36 mittee, set up policies and procedures, establish standards for the proper
37 performance of duties and responsibilities of probation officers and all
38 employees of any detention home or other commitment facilities adminis-
39 tered or financed by the county, except as hereinafter provided.

40 (f) The probation committee shall provide for the giving of competitive
41 examinations for the selection of persons suitable for appointment as pro-
42 bation officers and employees of any detention home or other commit-
43 ment facilities administered or financed by the county. The examinations
44 shall have reference to the necessary ability, education and special apti-
45 tudes for the work to which they are to be assigned.

46 (g) The probation committee shall advise and recommend the appoint-
47 ment of such employees as it deems necessary for the operation and
48 management of the detention home or other commitment facilities admin-
49 istered or financed by the county. Any [employees are] probation officer

1 or other employee is subject to discharge by the board or boards of
2 county commissioners upon the recommendation of the judge or judges.

3 (h) The probation committee may, upon the majority vote of its mem-
4 bers, recommend to the judge or judges the removal or discharge of any
5 probation officer.

6 SEC. 3. NRS 62.110 is hereby amended to read as follows:

7 62.110 1. The [judge or judges] board or boards of county commis-
8 sioners of each judicial district which does not include a county having a
9 population of 200,000 or more, as determined by the last preceding
10 national census of the Bureau of the Census of the United States Depart-
11 ment of Commerce, shall appoint, upon the recommendation of the judge
12 or judges of such district, one or more probation officers and such other
13 employees as may be required to carry on the work of the probation
14 department and detention home. If more than one probation officer is
15 appointed, one of them shall be designated by the board or boards of
16 county commissioners, with the advice and recommendation of the judge
17 or judges, as chief probation officer. All probation officers and detention
18 personnel shall be appointed from lists of eligible persons established
19 through competitive examinations conducted by the probation committee.
20 Probation officers and employees may be removed, discharged or reduced
21 in position only after having been given the reasons therefor in writing and
22 being afforded an opportunity to be heard before the judge in answer
23 thereto.

24 2. Whenever the judge serves two or more counties, probation officers
25 may be appointed to serve the counties jointly, and the salaries and
26 expenses of the probation officers shall be allocated between the counties
27 by the judge thereof.

28 3. The salaries of the probation officers, detention home personnel
29 and other employees shall be fixed by the [judge] board or boards of
30 county commissioners with the advice of the judge or judges and the proba-
31 tion committee. [and consent of the board or boards of county commis-
32 sioners.]

33 SEC. 4. NRS 62.115 is hereby amended to read as follows:

34 62.115 1. The director of juvenile services shall, with the advice and
35 recommendation of the probation committee, appoint one or more proba-
36 tion officers and such other employees as may be required [to carry] to
37 positions approved by the board or boards of county commissioners for
38 the purpose of carrying on the work of the probation department, the
39 detention home and other commitment facilities administered or financed
40 by the county. If more than one probation officer is appointed, one of
41 them shall be designated as chief probation officer. All probation officers
42 and detention personnel shall be appointed from lists of eligible persons
43 established through competitive examinations conducted by the probation
44 committee.

45 2. Probation officers and employees are subject to dismissal or reduc-
46 tion in position by the director of juvenile services. Probation officers and
47 employees may be reduced in position irrespective of their length of serv-
48 ice only for cause after having been given the reasons therefor in writing
49 and being afforded an opportunity to be heard before the director of
50 juvenile services in answer thereto. Probation officers and employees with

1 less than 12 months' service may be dismissed only for cause after having
2 been given the reasons therefor in writing and being afforded an oppor-
3 tunity to be heard before the director of juvenile services in answer
4 thereto. Probation officers and employees with 12 months or more of
5 service may be dismissed only for cause and are entitled to the hearing
6 and appeal procedure contained in NRS 62.117.

7 3. Whenever the director of juvenile services serves two or more
8 counties, probation officers may be appointed to serve the counties jointly,
9 and the salaries and expenses of the probation officers shall be allocated
10 between the counties by the director of juvenile services.

11 4. The salaries of the probation officers, detention home personnel
12 and other employees shall be fixed by the [director of juvenile services]
13 board or boards of county commissioners with the advice of the [probation
14 committee, approval of the] juvenile court judge or judges, [and
15 consent of the board or boards of county commissioners.] *the director of
16 juvenile services and the probation committee.*

17 SEC. 5. NRS 62.120 is hereby amended to read as follows:

18 62.120 1. In counties having a population of less than 200,000 as
19 determined by the last preceding national census of the Bureau of the
20 Census of the United States Department of Commerce, the probation offi-
21 cer under the general supervision of the judge or judges and with the
22 advice of the probation committee shall organize, direct and develop the
23 administrative work of the probation department and detention home,
24 including the social, financial and clerical work, and he shall perform such
25 other duties as the judge may direct. All information obtained in discharge
26 of official duty by an officer or other employee of the [court] *probation
27 department and detention home* is privileged and shall not be disclosed to
28 anyone other than the judge and others entitled under this chapter to
29 receive such information, unless and until otherwise ordered by the judge.

30 2. Probation officers and assistant probation officers have the same
31 powers as peace officers.

32 [3. Every effort shall be made by the various counties throughout the
33 state to provide sufficient personnel for the probation department to
34 uphold the concept of separation of powers in the court process.]

35 SEC. 6. NRS 62.122 is hereby amended to read as follows:

36 62.122 1. The probation officer under the general supervision of the
37 director of juvenile services and with the advice of the probation commit-
38 tee shall organize, direct and develop the administrative work of the pro-
39 bation department and detention home, including the social, financial and
40 clerical work, and he shall perform such other duties as the director of
41 juvenile services may direct. All information obtained in discharge of offi-
42 cial duty by an officer or other employee of the [court shall be] *probation
43 department and detention home* is privileged and shall not be disclosed to
44 anyone other than the director of juvenile services and others entitled
45 under this chapter to receive such information, unless and until otherwise
46 permitted by the director of juvenile services.

47 2. Probation officers and assistant probation officers shall have the
48 same powers as peace officers.

1 SEC. 7. NRS 62.123 is hereby amended to read as follows:

2 62.123 1. The [judge or judges] board or boards of county commis-
3 sioners of each judicial district which includes a county having a popula-
4 tion of 200,000 or more, as determined by the last preceding national
5 census of the Bureau of the Census of the United States Department of
6 Commerce, shall appoint, upon the recommendation of the judge or
7 judges of such district, a director of juvenile services directly responsible
8 to the court to coordinate the services of and serve as liaison between the
9 court and all agencies in the judicial district dealing with juveniles, includ-
10 ing, but not limited to, the welfare division of the department of human
11 resources, the public schools of the judicial district, all law enforcement
12 agencies of the judicial district, the probation committee, and detention
13 home or facilities of the judicial district. The director of juvenile services
14 may also be responsible for the implementation of preventive programs
15 relating to juvenile delinquency. The director of juvenile services shall
16 serve as administrative officer of the juvenile court and shall relieve the
17 judge or judges of all administrative duties in connection therewith.

18 2. The director of juvenile services shall be appointed [by the juve-
19 nile court judge or judges] from a list of candidates provided by the pro-
20 bation committee.

21 3. The director of juvenile services shall serve at the pleasure of the
22 court and be subject to removal or discharge only after having been:
23 [given]

24 (a) Given reasons therefor, in writing; [and after having been
25 afforded]

26 (b) Afforded an opportunity to be heard before the judge to answer
27 thereto [.] ; and

28 (c) Afforded the opportunity to appeal the decision of the judge to the
29 board or boards of county commissioners.

30 4. The director of juvenile services shall have such staff of employees
31 to assist in the performance of his duties as is [advised by the probation
32 committee,] approved by the [juvenile court judge or judges, and con-
33 sented to by the] board or boards of county commissioners of the county
34 or counties served by the judicial district [.] with the advice of the juve-
35 nile court judge or judges and the probation committee.

36 5. The salary of the director of juvenile services shall be fixed by the
37 [juvenile court judge or judges, with the advice of the probation commit-
38 tee and the consent of the] board or boards of county commissioners of
39 the county or counties served by the judicial district [.] with the advice of
40 the juvenile court judge or judges and the probation committee.

41 SEC. 8. NRS 62.180 is hereby amended to read as follows:

42 62.180 1. Provision shall be made for the temporary detention of
43 children in a detention home [to be conducted as an agency of the court]
44 provided by the county as authorized in subsection 2 or in some other
45 appropriate public institution or agency; or the court may arrange for the
46 care and custody of such children temporarily in private homes subject to
47 the supervision of the court, or may arrange with any private institution or
48 private agency to receive for temporary care and custody children within
49 the jurisdiction of the court.

50 2. [Authority hereby is granted for any county to] Any county may

1 provide, furnish and maintain at public expense a building suitable and
2 adequate for the purpose of a detention home for the temporary detention
3 of children, subject to the provisions of this chapter; provided:

4 (a) That in counties having a population of 20,000 or more, the boards
5 of county commissioners are directed to provide the detention facilities,
6 as aforesaid, within 2 years after the official report of the first census
7 conducted for determination of such population following July 1, 1973;
8 and

9 (b) That two or more counties, without regard to their respective popu-
10 lations, may provide a combined detention home, as aforesaid, under
11 suitable terms agreed upon between the respective boards of county com-
12 missioners and the juvenile court judges regularly sitting in the judicial dis-
13 tricts covering the counties.

14 3. Any detention home, built and maintained under the authority of
15 this chapter, shall be constructed and conducted as nearly like a home as
16 possible, and shall not be deemed to be or treated as a penal institution,
17 nor, in counties having a population of 20,000 or more, shall it be adjoining
18 or on the same grounds as a prison, jail or lockup.

19 4. Population shall be determined by the last preceding national census
20 of the Bureau of the Census of the United States Department of Com-
21 merce, or by any other statewide census conducted pursuant to law or
22 rules and regulations adopted under law.

23 SEC. 9. NRS 62.260 is hereby amended to read as follows:

24 62.260 All expenses incurred in complying with the provisions of this
25 chapter shall be a county charge. The salaries, expenses and other compen-
26 sation of referees [, probation officers and all employees] shall be
27 fixed by the judge within the limit provided by the county therefor.

28 SEC. 10. This act shall become effective upon passage and approval.

S. J. R. 18

 SENATE JOINT RESOLUTION NO. 18—COMMITTEE ON
 GOVERNMENT AFFAIRS

 APRIL 7, 1975

Referred to Committee on Government Affairs

 SUMMARY—Proposes amendment of Nevada constitution to specify authority for
 establishing and criteria for testing court budgets. (BDR C-1621)

—o—

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

 SENATE JOINT RESOLUTION—Proposing to amend article 6 of the constitution,
 relating to the judiciary, by defining the authority of and limitations upon legis-
 lative bodies in providing financial support for the judiciary.

- 1 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
 2 That article 6 of the constitution of the State of Nevada be amended by
 3 adding thereto a new section which shall read as follows:
 4 1. *The legislature shall provide by law for the support of the judicial*
 5 *department by direct appropriation, by the provision of services to the*
 6 *courts through agencies within another department, by requiring the sev-*
 7 *eral counties and cities of this state so to appropriate or provide services,*
 8 *or by any combination of these methods. The court established by this*
 9 *constitution or created by statute shall present budgets in conformity with*
 10 *law to the legislative bodies respectively charged with their support.*
 11 2. *Each legislative body shall act upon these budgets in the manner*
 12 *provided by law for budgets generally. Unless the amount appropriated*
 13 *for the support of a particular court, considered in conjunction with any*
 14 *other services provided to the court, precludes the court from effectively*
 15 *exercising the powers and performing the duties imposed upon it by this*
 16 *constitution or by statute, is grossly unfair in comparison to the appropri-*
 17 *ations made for other departments of the government, the decision of the*
 18 *legislative body is conclusive.*

A. B. 397

ASSEMBLY BILL NO. 397—COMMITTEE ON COMMERCE

MARCH 12, 1975

Referred to Committee on Government Affairs

SUMMARY—Adjusts fees charged by commissioner of civil marriages.
Fiscal Note: No. (BDR 11-1224)EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to marriage; adjusting fees charged by the commissioner of civil marriages.

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

- 1 SECTION 1. NRS 122.181 is hereby amended to read as follows:
 2 122.181 The commissioner of civil marriages or his deputy commis-
 3 sioner of civil marriages is entitled to receive as his fee for solemnizing
 4 a marriage during regular office hours on weekdays the sum of not [more
 5 than \$15.] *less than \$25.* The fee for solemnizing a marriage on Satur-
 6 days, Sundays, holidays or during any hours other than regular business
 7 hours is not [more than \$20.] *less than \$30.* All fees received for solemn-
 8 izing marriages by the commissioner or his deputy shall be deposited in
 9 the county general fund.

A. B. 435

ASSEMBLY BILL NO. 435—ASSEMBLYMAN DINI

MARCH 19, 1975

Referred to Committee on Government Affairs

SUMMARY—Dissolves Fernley Sanitation District and Fernley Water District, merging their respective areas into the unincorporated Town of Fernley. Fiscal Note: No. (BDR S-1284)

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

AN ACT dissolving and abolishing the Fernley Sanitation District and the Fernley Water District, merging their respective areas into the unincorporated Town of Fernley; providing for the assumption of all bonded indebtedness and other obligations of the districts by the unincorporated Town of Fernley; ratifying, approving, conforming and validating proceedings pertaining thereto; 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. By this act, the Fernley Sanitation District, in the County
2 of Lyon and State of Nevada, and the Fernley Water District, in the
3 County of Lyon and State of Nevada, are each hereby dissolved and abol-
4 ished; and the area formerly comprising each district is merged into and
5 by this act is made a part of the unincorporated Town of Fernley in the
6 County of Lyon and State of Nevada.

7 SEC. 2. The unincorporated Town of Fernley shall operate and main-
8 tain the public sanitary sewer system and all appurtenant facilities of the
9 Fernley Sanitation District. The Town shall also operate and maintain the
10 public water system and all appurtenant facilities of the Fernley Water
11 District. The Town may consolidate such system or systems with any sani-
12 tary sewer system, water system, or joint water and sewer system pres-
13 ently owned, operated and maintained by the Town. The Town may also
14 operate the sanitary sewer system and water system as a joint system.

15 SEC. 3. The unincorporated Town of Fernley, in the County of Lyon
16 and State of Nevada, shall assume and succeed to all the properties,
17 debts, bonded indebtedness, and other obligations, of each district abol-
18 ished by this act, including without limitation, the obligations imposed
19 upon each such district by contract evidenced in part by the district's
20 outstanding general obligation bonds, whether or not their payment is
21 additionally secured with pledged revenues, and to the liabilities, duties,
22 privileges, powers, disabilities, immunities and rights of both the Fernley
23 Sanitation District and the Fernley Water District.

1 SEC. 4. General obligation bonds outstanding on the effective date
2 of this act of both the Fernley Sanitation District and the Fernley Water
3 District, whether or not their payment is additionally secured with pledged
4 revenues, shall become the general obligation bonds of the unincorpor-
5 ated Town of Fernley to the same extent as if originally issued pursuant
6 to the provisions of NRS 269.400 to 269.470, inclusive. Taxes shall be
7 levied annually, without regard to any statutory tax limitations now or
8 hereafter existing, to pay the interest on such general obligation bonds
9 and to pay and retire the same as provided in the Local Government
10 Securities Law, NRS 350.500 to 350.720, inclusive, and any act supple-
11 mental thereto; but this act does not prevent the use of any other funds,
12 that may be available for that purpose, for the payment of the interest
13 on or the principal of such general obligation bonds as the same respec-
14 tively mature, and upon such payments the levy or levies of taxes pro-
15 vided in the Local Government Securities Law may to that extent be
16 diminished.

17 SEC. 5. General obligation bonds, outstanding on the effective date of
18 this act, of both the Fernley Sanitation District and the Fernley Water
19 District shall continue to be paid in accordance with the terms of the con-
20 tract, resolution, indenture or other instrument authorizing the issuance
21 of such bonds.

22 SEC. 6. Any bonds, including without limitation any revenue bonds,
23 or any general obligation bonds, whether or not their payment is addi-
24 tionally secured with pledged revenues, outstanding on the effective date
25 of this act and issued by either the Fernley Water District or the Fernley
26 Sanitation District, may be refunded by the unincorporated Town of
27 Fernley by the issuance of its general obligation bonds, the payment of
28 which may be additionally secured by a pledge of and lien on the net rev-
29 enues of the sewer system, the water system or joint water and sewer sys-
30 tem or any part thereof as provided in the resolution or other proceedings
31 authorizing the issuance of the refunding bonds, even though by such
32 refunding there may be modified the revenue sources for the payment of
33 the bonds, the pledges of and liens on such revenues to secure the pay-
34 ment of the bonds, and the taxable property subject to the levy of general
35 (ad valorem) taxes for the payment of bonds, or any combination of such
36 factors. Any refunding bonds issued for such purpose shall be issued as
37 provided by the Local Government Securities Law.

38 SEC. 7. The powers conferred by this act are supplemental to, and
39 the limitations imposed by this act do not affect, the powers conferred by
40 any other law. Insofar as the provisions of this act are inconsistent with
41 the provisions of any other law, the provisions of this act are controlling.

42 SEC. 8. This act is intended to cure any and all defects, if any, in
43 Ordinance No. 83 of the unincorporated Town of Fernley, effective on
44 the first day of July 1972, merging the Fernley Sanitation District with
45 the unincorporated Town of Fernley, and any and all defects, if any, in
46 Ordinance No. 84 of the unincorporated Town of Fernley, effective on
47 the first day of July 1972, merging the Fernley Water District with the
48 unincorporated Town of Fernley.

1 SEC. 9. All acts by the Fernley Sanitation District, the Fernley Water
2 District, the unincorporated Town of Fernley and their respective gov-
3 erning bodies directed toward the dissolution of the Fernley Sanitation
4 District, the dissolution of the Fernley Water District, and the assump-
5 tion by the unincorporated Town of Fernley of the bonded indebtedness
6 of each of those districts, and the payment of such bonded indebted-
7 ness, or other obligations, by the unincorporated Town of Fernley are
8 hereby ratified, approved, confirmed and validated.

9 SEC. 10. This act being necessary to secure and preserve the public
10 health, safety, convenience and welfare, shall be liberally construed to
11 effect its purposes.

12 SEC. 11. If any provision of this act or the application thereof to any
13 person, thing, or circumstance is held invalid, such invalidity shall not
14 affect the provisions or application of this act that can be given effect
15 without the invalid provision or application, and to this end the provi-
16 sions of this act are declared to be severable.

17 SEC. 12. This act shall become effective upon passage and approval.

A. B. 435

ASSEMBLY BILL NO. 435—ASSEMBLYMAN DINI

MARCH 19, 1975

Referred to Committee on Government Affairs

SUMMARY—Dissolves Fernley Sanitation District and Fernley Water District, merging their respective areas into the unincorporated Town of Fernley. Fiscal Note: No. (BDR S-1284)

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

AN ACT dissolving and abolishing the Fernley Sanitation District and the Fernley Water District, merging their respective areas into the unincorporated Town of Fernley; providing for the assumption of all bonded indebtedness and other obligations of the districts by the unincorporated Town of Fernley; ratifying, approving, conforming and validating proceedings pertaining thereto; 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. By this act, the Fernley Sanitation District, in the County
2 of Lyon and State of Nevada, and the Fernley Water District, in the
3 County of Lyon and State of Nevada, are each hereby dissolved and abol-
4 ished; and the area formerly comprising each district is merged into and
5 by this act is made a part of the unincorporated Town of Fernley in the
6 County of Lyon and State of Nevada.
- 7 SEC. 2. The unincorporated Town of Fernley shall operate and main-
8 tain the public sanitary sewer system and all appurtenant facilities of the
9 Fernley Sanitation District. The Town shall also operate and maintain the
10 public water system and all appurtenant facilities of the Fernley Water
11 District. The Town may consolidate such system or systems with any sani-
12 tary sewer system, water system, or joint water and sewer system pres-
13 ently owned, operated and maintained by the Town. The Town may also
14 operate the sanitary sewer system and water system as a joint system.
- 15 SEC. 3. The unincorporated Town of Fernley, in the County of Lyon
16 and State of Nevada, shall assume and succeed to all the properties,
17 debts, bonded indebtedness, and other obligations, of each district abol-
18 ished by this act, including without limitation, the obligations imposed
19 upon each such district by contract evidenced in part by the district's
20 outstanding general obligation bonds, whether or not their payment is
21 additionally secured with pledged revenues, and to the liabilities, duties,
22 privileges, powers, disabilities, immunities and rights of both the Fernley
23 Sanitation District and the Fernley Water District.

1 SEC. 4. General obligation bonds outstanding on the effective date
2 of this act of both the Fernley Sanitation District and the Fernley Water
3 District, whether or not their payment is additionally secured with pledged
4 revenues, shall become the general obligation bonds of the unincorporated
5 Town of Fernley to the same extent as if originally issued pursuant
6 to the provisions of NRS 269.400 to 269.470, inclusive. Taxes shall be
7 levied annually, without regard to any statutory tax limitations now or
8 hereafter existing, to pay the interest on such general obligation bonds
9 and to pay and retire the same as provided in the Local Government
10 Securities Law, NRS 350.500 to 350.720, inclusive, and any act supple-
11 mental thereto; but this act does not prevent the use of any other funds,
12 that may be available for that purpose, for the payment of the interest
13 on or the principal of such general obligation bonds as the same respec-
14 tively mature, and upon such payments the levy or levies of taxes pro-
15 vided in the Local Government Securities Law may to that extent be
16 diminished.

17 SEC. 5. General obligation bonds, outstanding on the effective date of
18 this act, of both the Fernley Sanitation District and the Fernley Water
19 District shall continue to be paid in accordance with the terms of the con-
20 tract, resolution, indenture or other instrument authorizing the issuance
21 of such bonds.

22 SEC. 6. Any bonds, including without limitation any revenue bonds,
23 or any general obligation bonds, whether or not their payment is addi-
24 tionally secured with pledged revenues, outstanding on the effective date
25 of this act and issued by either the Fernley Water District or the Fernley
26 Sanitation District, may be refunded by the unincorporated Town of
27 Fernley by the issuance of its general obligation bonds, the payment of
28 which may be additionally secured by a pledge of and lien on the net rev-
29 enues of the sewer system, the water system or joint water and sewer sys-
30 tem or any part thereof as provided in the resolution or other proceedings
31 authorizing the issuance of the refunding bonds, even though by such
32 refunding there may be modified the revenue sources for the payment of
33 the bonds, the pledges of and liens on such revenues to secure the pay-
34 ment of the bonds, and the taxable property subject to the levy of general
35 (ad valorem) taxes for the payment of bonds, or any combination of such
36 factors. Any refunding bonds issued for such purpose shall be issued as
37 provided by the Local Government Securities Law.

38 SEC. 7. The powers conferred by this act are supplemental to, and
39 the limitations imposed by this act do not affect, the powers conferred by
40 any other law. Insofar as the provisions of this act are inconsistent with
41 the provisions of any other law, the provisions of this act are controlling.

42 SEC. 8. This act is intended to cure any and all defects, if any, in
43 Ordinance No. 83 of the unincorporated Town of Fernley, effective on
44 the first day of July 1972, merging the Fernley Sanitation District with
45 the unincorporated Town of Fernley, and any and all defects, if any, in
46 Ordinance No. 84 of the unincorporated Town of Fernley, effective on
47 the first day of July 1972, merging the Fernley Water District with the
48 unincorporated Town of Fernley.

1 **SEC. 9.** All acts by the Fernley Sanitation District, the Fernley Water
2 District, the unincorporated Town of Fernley and their respective gov-
3 erning bodies directed toward the dissolution of the Fernley Sanitation
4 District, the dissolution of the Fernley Water District, and the assump-
5 tion by the unincorporated Town of Fernley of the bonded indebtedness
6 of each of those districts, and the payment of such bonded indebted-
7 ness, or other obligations, by the unincorporated Town of Fernley are
8 hereby ratified, approved, confirmed and validated.

9 **SEC. 10.** This act being necessary to secure and preserve the public
10 health, safety, convenience and welfare, shall be liberally construed to
11 effect its purposes.

12 **SEC. 11.** If any provision of this act or the application thereof to any
13 person, thing, or circumstance is held invalid, such invalidity shall not
14 affect the provisions or application of this act that can be given effect
15 without the invalid provision or application, and to this end the provi-
16 sions of this act are declared to be severable.

17 **SEC. 12.** This act shall become effective upon passage and approval.

A. B. 449

ASSEMBLY BILL NO. 449—ASSEMBLYMAN JACOBSEN

MARCH 20, 1975

Referred to Committee on Government Affairs

SUMMARY—Revises provision in Carson City charter on borrowing money in certain circumstances without voter approval. Fiscal Note: No. (BDR S-1189)



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

AN ACT to amend an act entitled "An Act relating to Carson City; consolidating Ormsby County and Carson City into one municipal government to be known as Carson City; providing a charter therefor; and providing other matters properly relating thereto," approved April 1, 1969, as amended.

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

- 1 SECTION 1. Section 7.030 of Article VII of the above-entitled act,
2 being chapter 213, Statutes of Nevada 1969, at page 308, is hereby
3 amended to read as follows:
4 Section 7.030 Borrowing money.
5 1. Subject to the limitations imposed by this article, Carson City may
6 borrow money for any corporate purpose, including without limitation
7 any purpose expressly authorized by this charter or by Nevada Revised
8 Statutes for a city or county or both, and for such purpose may issue
9 bonds or other securities. The Local Government Securities Law applies
10 to all securities so issued.
11 2. The board shall submit any proposal to borrow money, except [an
12 emergency loan] *short-term financing*, as defined and authorized by
13 chapter 354 of NRS, to the registered voters of the affected area in the
14 manner provided by NRS 350.010 to 350.070, inclusive.
15 3. If the indebtedness is for the urban district:
16 (a) The question shall be submitted only to the registered voters resid-
17 ing in the urban district.
18 (b) Any property tax levied to pay the principal of or interest on such
19 indebtedness shall be levied only upon taxable property within the urban
20 district.
21 4. If the indebtedness is for the city as a whole:
22 (a) The question shall be submitted to the registered voters of the city.

— 2 —

1 (b) Any property tax levied to pay the principal of or interest on such
2 indebtedness shall be levied upon all taxable property within the city.
3 5. Any ordinance pertaining to the sale or issuance of bonds or other
4 securities may be adopted in the same manner as is provided for cases of
5 emergency. A declaration by the board in any ordinance that it is of this
6 kind shall be conclusive in the absence of fraud or gross abuse of discre-
7 tion.

Ⓢ

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 466

 ASSEMBLY BILL NO. 466—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 25, 1975

Referred to Committee on Government Affairs

SUMMARY—Replaces state committee on federal land laws with state multiple use advisory committee on federal lands. Fiscal Note: Yes. (BDR 18-710)

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

AN ACT relating to the state department of conservation and natural resources; replacing the state committee on federal land laws with the state multiple use advisory committee on federal lands; providing for its organization and functions; 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 232.151 is hereby amended to read as follows:
 2 232.151 [To study, advise and recommend the State of Nevada's
 3 position regarding federal legislation relating to the Federal Land Law
 4 Review Commission's recommendations, there is hereby created in the
 5 department the state committee on federal land laws, referred to in NRS
 6 232.152 to 232.156, inclusive, as the committee.] *There is hereby created*
 7 *in the department the state multiple use advisory committee on federal*
 8 *lands, referred to in NRS 232.152 to 232.157, inclusive, as the committee,*
 9 *which shall:*
- 10 1. *Review on a continuing basis federal legislation relating to lands*
 11 *within this state under the jurisdiction of the Federal Government and the*
 12 *proposed actions of agencies charged with the administration or entitled to*
 13 *the use of such lands;*
 - 14 2. *Formulate advisory positions as to the administration and use of*
 15 *such lands from the perspective of local governments and private users;*
 16 *and*
 - 17 3. *Provide advice and recommendations concerning such lands to the*
 18 *State of Nevada through the governor's office of planning coordination.*
- 19 SEC. 2. NRS 232.152 is hereby amended to read as follows:
 20 232.152 [The committee shall select one of its members to serve as
 21 chairman of the committee, and the assistant director provided for in NRS

1 232.157 shall be the committee's secretary. The governor shall appoint 11
2 other members, each chosen to represent one of the following interests:

- 3 1. Conservationists;
- 4 2. City and county governments;
- 5 3. Woolgrowers;
- 6 4. Livestock raising;
- 7 5. Sportsmen;
- 8 6. Mining;
- 9 7. Agriculture;
- 10 8. Education;
- 11 9. Recreation users;
- 12 10. Railroads and utilities; and
- 13 11. The general public.】

14 1. *The governor shall appoint 13 members to the committee as fol-*
15 *lows:*

16 (a) *Each of 10 members shall be appointed to represent respectively*
17 *each of the following entities and shall be chosen from a list of three lay*
18 *persons recommended by each entity:*

- 19 (1) *Advisory mining board.*
- 20 (2) *Central committee of Nevada state grazing boards.*
- 21 (3) *Nevada League of Cities.*
- 22 (4) *State board of agriculture.*
- 23 (5) *State board of fish and game commissioners.*
- 24 (6) *State conservation commission.*
- 25 (7) *State environmental commission.*
- 26 (8) *State land use planning advisory council.*
- 27 (9) *State park advisory commission.*
- 28 (10) *Nevada association of county commissioners.*

29 (b) *Each of three members shall be appointed to represent respectively*
30 *the interests of each of the following:*

- 31 (1) *Railroads and utilities.*
- 32 (2) *Sportsmen.*
- 33 (3) *Off-road vehicle enthusiasts.*

34 2. *The committee shall select one of its members to serve as chair-*
35 *man. The assistant director provided for in NRS 232.157 shall serve as*
36 *secretary but shall have no vote.*

37 SEC. 3. NRS 232.155 is hereby amended to read as follows:

38 232.155 Expenditures authorized by the provisions of NRS 232.153
39 [and 232.154] shall be from funds appropriated to the department.

40 SEC. 4. NRS 232.1555 is hereby amended to read as follows:

41 232.1555 All state agencies [and boards] shall cooperate with and
42 make appearances before the committee to assist it in performing the
43 functions assigned to it by law.

44 SEC. 5. NRS 232.156 is hereby amended to read as follows:

45 232.156 The committee shall from time to time, *as it deems neces-*
46 *sary, or as requested by the state planning coordinator, report in writing*
47 *to the governor through the state planning coordinator and to the legis-*
48 *lature and shall make recommendations concerning [public lands and*
49 *federal land laws.] state and federal lands.*

1 SEC. 6. NRS 232.157 is hereby amended to read as follows:

2 232.157 1. The director shall appoint an assistant director [whose
3 first responsibility shall be] to act as the secretary of the [state] com-
4 mittee [on federal land laws] as provided in NRS 232.152. In addition,
5 he shall perform such other duties as may be designated by the director.

6 2. The assistant director shall:

7 (a) Be in the unclassified service of the state notwithstanding the
8 provisions of NRS 232.060 or 284.140 or any other law; and

9 (b) Receive an annual salary in an amount determined pursuant to
10 the provisions of NRS 284.182.

11 (c) Devote his entire time and attention to the business of his office
12 and shall not pursue any other business or occupation or hold any other
13 office of profit.

14 SEC. 7. NRS 232.158 is hereby amended to read as follows:

15 232.158 1. The assistant director appointed pursuant to the pro-
16 visions of NRS 232.157 shall, under the direction of the director, make
17 a study of and prepare a report on state land problems. The required
18 study shall include, but is not limited to:

19 (a) An evaluation of state lands, which will determine insofar as
20 possible the existing and future needs for such lands by state agencies
21 and institutions.

22 (b) The preparation of a plan for the disposition, transfer or retention
23 of such lands.

24 (c) The results of investigations concerning the possibilities of
25 exchanging state lands with the Federal Government or the acquisition
26 of additional lands under existing federal statutes.

27 2. The director shall transmit the report to the 1967 session of the
28 legislature. The report shall:

29 (a) Suggest legislative action to be taken concerning state lands in
30 accordance with the plan.

31 (b) Recommend to the legislature any changes in state land laws
32 which may be necessary to insure the most equitable solution to the
33 state's land problems.

34 (c) Evaluate existing problems concerning lands held in the names
35 of state agencies and institutions and make recommendations for cor-
36 rection.

37 (d) Relate what revisions in procedure have been made or which will
38 be made in the office of the state land registrar to effect the greatest effi-
39 ciency in implementing the plan.

40 3. Except as otherwise provided in this subsection, and notwith-
41 standing [Notwithstanding] the provisions of chapters 321, 322 and 323
42 of NRS, the state land registrar shall not sell, lease or exchange any
43 state lands until [the report required by subsection 2 is transmitted to
44 the legislature and] the legislature, by concurrent resolution, [thereafter
45 adopted,] authorizes the resumption of sales, leases or exchanges. [The
46 limitations of this subsection shall not apply to prohibit the effectiveness
47 of any special acts of the 1965 legislature authorizing the state land
48 registrar to convey specifically described lands owned by the state to
49 school districts or corporations sole.]

50 SEC. 8. NRS 232.154 is hereby repealed.

1 SEC. 9. 1. Section 7 of this act shall become effective at 12:01
2 a.m. on July 1, 1975.

3 2. All other sections of this act shall become effective on July 1,
4 1975.

S. B. 528

SENATE BILL NO. 528—SENATOR YOUNG

APRIL 14, 1975

Referred to Committee on Government Affairs

SUMMARY—Directs state land register to convey certain real property to City of Reno. Fiscal Note: No. Description verified. (BDR S-1665)



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

AN ACT directing the state land register to convey certain real property situated in Washoe County to the City of Reno, 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. Notwithstanding the provisions of NRS 232.158 or any
2 other law, the state land register on behalf of the State of Nevada and any
3 of its boards, commissions and agencies, shall convey to the City of Reno,
4 Nevada, upon satisfaction of the condition prescribed in section 2, of this
5 act, that certain real property owned by the State of Nevada and situated
6 in the County of Washoe, State of Nevada, and described as follows:
7

PARCEL NO. 1

8 A portion of Lot 1 of the NW $\frac{1}{4}$ of Section 7, T. 19 N., R. 20 E.,
9 M.D.B. & M., in Washoe County, Nevada, more particularly described
10 as follows:
11

12 Beginning at the point of intersection of the southeasterly right of
13 way line of Kietzke Lane with the westerly right of way line of the
14 North-South Freeway, designated as U. S. Highway No. 395; thence
15 southeasterly along the westerly right of way line of the North-South
16 Freeway, designated as U. S. Highway No. 395, to the point of inter-
17 section of said westerly right of way line of the North-South Freeway,
18 designated as U. S. Highway No. 395, with the northerly low water
19 mark of the Truckee River; thence westerly along the northerly low
20 water mark of the Truckee River to the point of intersection of said
21 northerly low water mark of the Truckee River with the southeasterly
22 right of way line of Kietzke Lane; thence northeasterly along the
23 southeasterly right of way line of Kietzke Lane to the true point of
24 beginning, and containing 0.138 acres, more or less; said described

1 parcel of land being a somewhat triangular parcel bounded north-
 2 westerly by Kietzke Lane, northeasterly by the North-South Freeway,
 3 designated as U. S. Highway No. 395, and southerly by the northerly
 4 low water mark of the Truckee River.
 5

PARCEL NO. 2

6
 7 A portion of Lots I and II of the NW¼ of Section 7, T. 19 N., R.
 8 20 E., M.D.B. & M., in Washoe County, Nevada, more particularly
 9 described as follows:

10 Beginning at the point of intersection of the easterly right of way line
 11 of the North-South Freeway, designated as U. S. Highway No. 395,
 12 with the southerly right of way line of Kietzke Lane; thence along
 13 the several courses of the southerly right of way line of Kietzke Lane
 14 to the point of intersection of the said southerly right of way line of
 15 Kietzke Lane with the North-South centerline of said Section 7, T.
 16 19 N., R. 20 E., M.D.B. & M.; thence southerly along the North-
 17 South centerline of Section 7, T. 19 N., R. 20 E., M.D.B. & M., to
 18 its point of intersection with the northerly low water mark of the
 19 Truckee River; thence northwesterly and westerly along the north-
 20 erly low water mark of the Truckee River to its point of intersection
 21 with the easterly right of way line of the North-South Freeway, des-
 22 ignated as U. S. Highway No. 395; thence northerly along the east-
 23 erly right of way line of the North-South Freeway, designated as
 24 U. S. Highway No. 395, to the true point of beginning; excepting
 25 and reserving from said described parcel of land all that portion of
 26 land as described in Document No. 178550 and recorded in Book
 27 245 of "Deeds" at page 53 et seq., Washoe County, Nevada, rec-
 28 ords, as is presently enclosed by a fence and occupied by the Nevada
 29 Department of Agriculture; which described parcel of land is
 30 bounded southerly by the low water mark of the Truckee River,
 31 westerly by the easterly right of way line of the North-South Free-
 32 way, designated as U. S. Highway No. 395, northerly by the south-
 33 erly right of way line of Kietzke Lane, northeasterly by lands
 34 occupied by the Nevada Department of Agriculture and easterly by
 35 the North-South centerline of Section 7, T. 19 N., R. 20 E., M.D.B.
 36 & M., containing 5.4 acres, more or less.

37 SEC. 2. The real property described in section 1 of this act shall be
 38 conveyed by the state land register upon receipt of a record of survey of
 39 Parcel 2 from the City of Reno, Nevada.

S. B. 529

SENATE BILL NO. 529—SENATOR YOUNG

APRIL 14, 1975

Referred to Committee on Government Affairs

SUMMARY—Allows incorporated cities to contract for towing services and permits collection of fee from certain motor carriers utilizing airport or air navigation facilities. Fiscal Note: No. (BDR 58-1678)



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

AN ACT relating to cities; allowing incorporated cities to contract with a tow car owner for towing services; permitting the collection of a fee from certain motor carriers utilizing the airport or air navigation facilities of an incorporated city; 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 268 of NRS is hereby amended by adding
 2 thereto a new section which shall read as follows:
 3 1. *The city council or other governing body of each incorporated city*
 4 *or town may contract with a tow car owner for the purpose of providing*
 5 *exclusive towing services for the city or town.*
 6 2. *Any agreement or contract between the city or town and the tow*
 7 *car owner shall be made in accordance with the Local Government Pur-*
 8 *chasing Act.*
 9 SEC. 2. NRS 268.097 is hereby amended to read as follows:
 10 268.097 1. Notwithstanding the provisions of any local, special or
 11 general law, after July 1, 1963, the governing body of any incorporated
 12 city in this state, whether incorporated by general or special act, or other-
 13 wise, shall have no power or authority to supervise or regulate any taxicab
 14 motor carrier as defined in NRS 706.126 who is under the supervision and
 15 regulation of the public service commission of Nevada pursuant to law.
 16 2. Nothing contained in subsection 1 shall be construed to prohibit the
 17 governing body of any incorporated city in this state, whether incorporated
 18 by general or special act, or otherwise, from fixing, imposing and collecting
 19 a license tax on and from such taxicab motor carrier for revenue purposes
 20 only.
 21 3. *The city council or other governing body of any incorporated city*
 22 *or town having a population of less than 200,000, as determined by the*
 23 *last preceding national census of the Bureau of the Census of the United*

— 2 —

1 *States Department of Commerce, may collect a fee, for revenue purposes,*
2 *from every common motor carrier of passengers and every taxicab motor*
3 *carrier utilizing the airport or air navigation facilities of the city or town.*

Ⓢ

S. B. 530

SENATE BILL NO. 530—SENATOR BLAKEMORE

APRIL 14, 1975

Referred to Committee on Government Affairs

SUMMARY—Enables town boards or boards of county commissioners to provide for rural television reception. Fiscal Note: No. (BDR 21-1673)

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

AN ACT relating to unincorporated towns; enabling town boards or boards of county commissioners to provide for television reception; 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 269 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

- 3 *A town board or board of county commissioners may:*
4 1. *Make application for and hold any license required to provide*
5 *television signals.*
6 2. *Contract with any person, corporation or association to provide*
7 *the equipment, facilities and services necessary to furnish television signals*
8 *for a period not to exceed 10 years.*
9 3. *Enter into contracts for the purposes of this section that extend*
10 *beyond the term of office of any member of the board or commission.*
11 4. *Levy and collect a tax upon the assessed value of property within*
12 *an unincorporated town to cover the costs of providing television signals*
13 *to that town.*

14 SEC. 2. NRS 354.626 is hereby amended to read as follows:
15 354.626 1. No governing body or member thereof, officer, office,
16 department or agency shall, during any fiscal year, expend or contract to
17 expend any money or incur any liability, or enter into any contract which
18 by its terms involves the expenditure of money, in excess of the amounts
19 appropriated for that function, other than bond repayments, short-term
20 financing repayments and any other long-term contract expressly author-
21 ized by law. Any officer or employee of a local government who willfully
22 violates NRS 354.470 to 354.626, inclusive, is guilty of a misdemeanor,
23 and upon conviction thereof shall cease to hold his office or employment.
24 Prosecution for any violation of this section may be conducted by the

1 attorney general, or, in the case of incorporated cities or towns, school
2 districts or special districts, by the district attorney.

3 2. Without limiting the generality of the exceptions contained in sub-
4 section 1, the provisions of this section specifically do not apply to:

5 (a) Purchase of comprehensive general liability policies of insurance
6 which require an audit at the end of the term thereof.

7 (b) Long-term cooperative agreements as authorized by chapter 277 of
8 NRS.

9 (c) Long-term contracts in connection with planning and zoning as
10 authorized by NRS 278.010 to 278.630, inclusive.

11 (d) Long-term contracts for the purchase of utility service such as, but
12 not limited to, heat, light, sewerage, power, water and telephone service.

13 (e) Contracts between a local government and an employee covering
14 professional services to be performed within 24 months following the date
15 of such contract or contracts entered into between local government
16 employers and employee organizations.

17 (f) Contracts between a local government and any person, firm or cor-
18 poration for the construction or completion of public works, funds for
19 which have been provided by the proceeds of a sale of bonds or short-term
20 financing. Unappropriated surplus funds shall not be used unless appropri-
21 ated in a manner provided by law.

22 (g) *Long-term contracts for the furnishing of television signals as*
23 *authorized by section 1 of this act.*