

Senate

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - April 28, 1975

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

Also Present:

Dr. Gwen O'Brien, M. H. & M.R.
 Dr. Chuck Dickson, Div. of M.H. & M.R.
 Howard Barrett, Budget Division
 Robert Bruce, State Controller
 Earl T. Oliver, Legislative Auditor
 Robert Moss, State Controller
 Ed Greer, Clark County School Dist.
 George Flint, Nevada Wedding Assn.
 Wilson McGowan, State Controller
 Jim Lien, Tax Commission
 Joe Lattimore, City of Reno

The thirty eighth meeting of the Government Affairs Committee was called to order at 2:55 p.m. by Chairman Gibson, a quorum was present.

Chairman Gibson had two bills that he wanted the committee to consider for committee introduction:

1. A bill permitting certain counties to exercise control over health aspects of subdivisions in certain instances.
2. A resolution that directs the Legislative Commission to appoint a committee to study interrelation of regulations by health division of department of human resources and power of local governments to approve construction projects.

There was no objection to have these bills introduced by the committee.

Chairman Gibson had another bill that had been given to him by Senator Young which authorizes a county cigarette tax, monies derived will be used to sponsor a sports center in Reno and Las Vegas.

The committee did not wish to have this bill introduced.

SB-570 Provides criteria for year-end pay periods in Fiscal and Accounting Procedures Law. (BDR 31-1907)

Mr. Oliver, L.C.B. Audit Div., stated that until the computer system is working they would like this legislation passed to enable them to drop the six working days that carry-over from one fiscal year into the next. The present system takes a great deal of time to provide payment for these overlapping pay periods.

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Mr. Howard Barrett, Budget Division, stated that he is against this bill as in 10 or 11 years you will have to add 3.8% to the salaries in order to make up for the overlapping days that have been dropped off each year. Feels that this is totally inadequate.

Mr. Wilson McGowan, State Controller, stated that he is in favor of SB-570 and had written testimony supporting his position. (See the attached)

Chairman Gibson suggested that Mr. Oliver, Barrett and McGowan meet and discuss the bill and come up with a solution that would be acceptable to all of them.

SB-572 Provides for payment of costs of medical care for prisoners held in jails. (BDR 16-1908)

Bob Broadbent, County Commissioners, stated that they presently reimburse the hospitals for the people who are unable to pay for their expenses. Mr. Broadbent stated that he had not consulted with his people on this bill and will check back to the committee after getting some opinions.

Joe Lattimore, City of Reno, stated that this subject has caused a great deal of controversy and Mr. Lattimore hopes that this bill will make clear the responsibilities the city of Reno has in this area. Presently the city of Reno feels that they are not obligated to pay medical care costs for prisoners.

The committee held action on this bill in order to get more information.

SB-575 Requires state to assume expense of detention and care of mentally ill persons detained in county hospitals after a court orders commitment. (BDR 39-1656)

Bob Petroni, representing Southern Nevada Medical Hospital, stated that these cases are so expensive and as the law now reads the county should pick up the costs until the person is committed. Mr. Petroni felt that it would cost approximately \$200,000. per year to have the type of medical facility that is needed for the detention and care of mentally ill persons.

Bob Broadbent, County Commissioners, feels that the hospitals need the equity and this bill will help in many areas.

Dr. Chuck Dickson, Division of Mental Health and Mental Retardation, stated that he was not in favor of this bill in its present form. Dr. Dickson had a breakdown sheet prepared for the committee's consideration on the costs to the state if this bill were enacted. (see the attached). Dr. Dickson concluded by stating that the money should go for more preventative programs for the mentally ill.

Chairman Gibson suggested that Mr. Petroni present some figures to the committee on the fiscal impact that the Southern Nevada Memorial

Hospital would incur. It was also suggested that due to the fiscal impact that it be re-referred to Finance.

Motion to "Re-refer to Committee on Finance" by Senator Hilbrecht, seconded by Senator Dodge, motion carried unanimously.

SB-545 Allows board of county commissioners to issue special obligation securities for hospital facilities. (BDR 40-1655)

Chairman Gibson stated that Dr. Ravenholt gave testimony in favor of SB-545 on 4-24 at 7:00 p.m. meeting. (See Meeting No. 37)

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

SB-535 Authorizes county recorders to remove and store records under certain circumstances. (BDR 20-1751)

In a previous meeting Mr. Riggan, County Recorders Association and Mr. Jim Lien, Tax Commission were asked to work out the proper amendment to suit both parties.

Jim Lien stated that the changes they came up with are as follows: On Line 3, page 1, delete County Recorder and replace with Custodian of Records. Also on Line 4, delete "on file in his office". These changes makes all records apply. On Line 6, add "or he may arrange for the transfer to another location for duplication or reproduction. On Line 9, delete reference to 48 hours and insert "3 working days".

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

SB-100 Makes provisions on fair employment practices applicable to school districts and district departments. (BDR 23-439)

Senator Hilbrecht presented a consolidation of the amendments to the committee for their consideration. He went over the changes made and gave reasons for these changes. (see the attached for details)

Gene Phelps, Highway Department, stated that he is in favor of the amendments proposed and favors the bill in its amended form.

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

AB-29 Abolishes state dairy commission. (BDR-51-406)

SB-28 Changes composition of state dairy comm. (BDR 51-438)

SB-178 Changes composition of state dairy comm. (BDR 51-400)

Chairman Gibson had some suggested changes for the composition of the Dairy Commission. There was discussion on whether or not to

have a representative from the senior citizens group, the financial area or the P.T.A. group. Discussion followed regarding the ability of each group to be a consumer representative. (SB-28)

The committee decided that a representative from the P.T.A. would be the better choice, as suggested by Senator Hilbrecht.

On AB-29 it was suggested by Senator Dodge to amend the bill regarding the pricing and "price transfer" language and re-refer back to committee.

Motion to "Amend and Re-refer back to Committee" by Senator Hilbrecht, seconded by Senator Dodge. Motion carried unanimously.

SB-178 - Motion to "Indefinitely Postpone" by Senator Hilbrecht, seconded by Senator Dodge, motion carried unanimously.

AB-435 Dissolves Fernley Sanitation District and Fernley Water District merging their respective areas into the unincorporated Town of Fernley. (BDR S-1284)

Assemblyman Joe Dini stated that this bill is to re-establish the Farmers Home Administration.

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

AB-340 Requires verbatim transcript of proceedings of local government meetings to establish combined tax rate. (BDR 32-1032)

Assemblyman Joe Dini stated that this bill was drafted on the recommendation of the Tax Commission. The testimony will be transcribed only in the event of a dispute.

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

AB-407 Increases number of counties where county commissioners serve as ex officio trustees of certain general improvement districts. (BDR 25-1248)

Assemblyman Dini stated that this bill was meant to deal with more than Clark County, as the law presently stands, and include Washoe County as well.

Bob Broadbent, County Commissioners, stated that in a conversation with Mr. Frank Farenkopf regarding AB-407, Mr. Farenkopf wanted the bill to be permissive and not mandatory.

It was the decision of the committee to hold AB-407 until Mr. Russ McDonald could be present. In a conversation with Mr. McDonald's

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secretary it was related that Russ McDonald felt that AB-407 was unconstitutional in its present form.

It was suggested by the committee to delete the bracketed 200,000 on line 2 and then change the 100,000 on line 3 to 200,000.

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

AB-510 Authorizes county commissioners to exercise any improvement powers delegated to board of trustees of general improvement district and to fill existing vacancies on such board. (BDR 20-713)

Assemblyman Dini stated that this bill eliminates the formation of a district.

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

AB-511 Permits service charges and fees of general improvement districts to be collected on county tax roll. (BDR 25-712)

Assemblyman Dini stated that Bob McDonald claimed that without this legislation you could not put the charges on the improvement district against the land and put it on the tax roll.

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

SB-335 Limits campaign expenses of candidates for specified state, county and city offices and requires reports of such expenses. (BDR 24-1056)

Senator Foote stated that rather than having a chart of amounts it should be set amount or set figure per voter. They came up with a figure for the Governor of \$150,000. or 80¢ per vote, per election.

Discussion followed on what would be fair for the larger counties and be enough for the small areas. Lt. Governor would be \$75,000. or 40¢. Attorney General would be the same as the Lt. Governor. The committee suggested changing the District Judge to 80¢ per vote, changing the \$5,000. to \$7,500. It was also suggested that adding "volunteer personal services" to the list of those things to be exempted from expenses.

Chairman Gibson read the amendment to the committee giving the items in the bill that should be included in this report of expenditures. The newspaper people felt that it was unconstitutional to require them to have public records. The amendment also changed the date that the keeping of records becomes effective. The effective date will be the first day that any candidate files for office.

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Chairman Gibson suggested that these amendments be incorporated into the bill and the reprint be available for viewing a few days before the bill will be submitted to the Senate.

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

SB-553 Authorizes acquisition of certain land for park and game refuge. (BDR S-1873)

Senator Dodge stated that the Cleveland Ranch is the land being considered for purchase and that the owners had wanted the State to purchase it for park and game refuge purposes. This bill will allow the purchase of the land without going through the interim finance committee first.

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

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

Richard Bunker, Clark County, stated that their people had no objection to the increased fees.

Senator Walker indicated that Washoe County had no objection to the fee increase either.

The suggested amendment was to mandate a fee of \$25.00 during regular office hours on weekdays and on weekends, holidays, or during any hours other than regular business hours, have a fee of \$30.00.

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

SB-411 Requires filing of notice of intent and modifies recall procedures. (BDR 24-1378)

Bill Adams, City of Las Vegas, stated that he would like to have a specified period of time established regarding intent. Mr. Adams indicated that he could have some amendment prepared and submit it to the committee during the next meeting.

Bob Warren, Nevada League of Cities, suggested a time period be put in when a notice of intent should be filed. Should only be registered voters. Also suggested a 60 day limit to file a petition of complaint. Not less than 25% of the registered voters who voted in the last election to sign this petition. Mr. Warren noted that the Assembly committee felt that 20% was a more realistic figure.

The committee discussed the above and agreed that 20% would be a better percentage to go with.

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

Chairman Gibson requested Senator Hilbrecht to be responsible for the amendments.

SB-179 Authorizes the division of Colorado River resources of state department of conservation and natural resources on behalf of the State to acquire water facilities and to issue securities thereof.
(BDR S-778)

SB-501 Places Southern Nevada Water Project and Alfred Merritt Smith Water Treatment facility under control of Las Vegas Valley Water District.
(BDR S-1602)

Chairman Gibson read a letter from the law firm of Dawson, Nagel, Sherman & Howard (Mr. Robert M. Johnson) (see the attached)

Don Paff, Division of Colorado River Resources, had some additional amendments to be considered by the committee. (See the attached, Resolution)

There was discussion on the effects that SB-501 would have if SB-179 were enacted and it was suggested that a date of effecting SB-501 could be added to the bill.

Senator Dodge wanted the records to reflect that Pat Head felt that this should be transferred to the water district. (SB-179)

Jack Mitchell, City of North Las Vegas, stated that SB-501 and SB-179 create a conflict of interest and that the Las Vegas Valley Water District will be the only one benefiting from SB-501. (See attached)

When questioned by the committee on the completion date of the facilities described in SB-179 Mr. Paff stated that it would be partially completed in 1980 and could be in full operation by 1982.

Chairman Gibson suggested passing SB-179 and leaving the responsibility with the State and processing SB-501 setting a time frame expressing legislative intent.

Tom Rice, Southern Nevada Water District, defended the water system stating that they were very fair in their water distribution and feels that the above bills will make for a much better water system. Feels that he can live with the date suggested by the committee on SB-501 of July 1, 1982.

Urban Schreiner, counsel for the S.N.W.D., stated that there are two problems in SB-501, (1) administering the system as it now exists must be eliminated. (2) building the second stage of the project. Mr. Schreiner indicated that the suggested amendments do give the transitional language needed on page 2.

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After further discussion the committee felt that making SB-501 effective July 1, 1982 and having a committee to check with the Bureau of Reclamation to work out any problems that might arise.

Motion to "Amend and Do Pass" SB-501 by Senator Dodge, seconded by Senator Hilbrecht. Motion carried unanimously.

Motion to "Amend and Do Pass" SB-179 by Senator Hilbrecht, seconded by Senator Dodge. Motion carried unanimously.

Chairman Gibson suggested that Mr. Don Paff and Mr. Tom Rice work out the amendment in SB-501 and they should check with Mr. Bob Johnson on these suggested amendments.

SB-497 Requires creation of joint river development review boards in certain counties. (BDR 22-1686)

Chairman Gibson informed the committee that Mr. Teglia of Sparks reiterated his views on SB-497, urging passage of the bill.

Senator Dodge stated that he was against SB-497 as it creates just one more committee that really isn't necessary and creates more red tape.

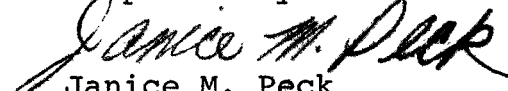
It was the opinion of the committee to hold action on this bill until some amendments could be prepared for the committee's consideration.

SB-387 Amends charter of City of Reno by increasing number of appointive officers. (BDR S-1385)

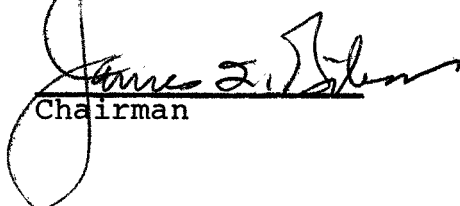
Frank Daykin, Legislative Counsel Bureau, indicated that most of the fears were from the civil service in Reno. Mr. Daykin suggested that the head of each department and two principle assistants be appointed. These people would be allowed one personal secretary that would be outside the classified area. Mr. Daykin stated that he would work up the amendments and have them ready for the committee's consideration.

As there was no further business the meeting was adjourned at 6:30 p.m.

Respectfully submitted


Janice M. Peck
Committee Secretary

Approved:


Chairman

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

DATE Monday - 4-28-75 TIME 2:45 & 7:00 P. ROOM 345

BILLS OR RESOLUTIONS
TO BE CONSIDERED

COUNSEL
REQUESTED

- SB-570 SUMMARY—Provides criteria for year-end pay periods in Fiscal and Accounting Procedures Law. Fiscal Note: No. (BDR 31-1907)
Notify: Earl Oliver, Howard Barrett
- SB-572 SUMMARY—Provides for payment of costs of medical care for prisoners held in jails. Fiscal Note: No. (BDR 16-1908)
- SB-575 SUMMARY—Requires state to assume expense of detention and care of mentally ill persons detained in county hospitals after a court orders commitment. Fiscal Note: Yes. (BDR 39-1656)
Notify: Sen.s Hilbrecht, Walker, Clark County
Mr. Trounday
- SB-545 SUMMARY—Allows board of county commissioners to issue special obligation securities for hospital facilities. Fiscal Note: No. (BDR 40-1655)
For Committee action.
- SB-535 SUMMARY—Authorizes county recorders to remove and store records under certain circumstances. Fiscal Note: No. (BDR 20-1751)
FOR COMMITTEE CONSIDERATION OF AMENDMENT
AND ACTION
- SB-100 SUMMARY—Makes provisions on fair employment practices applicable to school districts and district departments. Fiscal Note: No. (BDR 23-439)
COMMITTEE CONSIDER AMENDMENT & ACTION
- AB-29 SUMMARY—Abolishes state dairy commission. Fiscal Note: No. (BDR 51-406)
- SB-28 SUMMARY—Changes composition of state dairy commission. Fiscal Note: No. (BDR 51-438)
- SB-178 SUMMARY—Changes composition of state dairy commission. Fiscal Note: No. (BDR 51-400)
COMMITTEE CONSIDER AMENDMENTS AND ACTION
- SB-335 SUMMARY—Limits campaign expenses of candidates for specified state, county and city offices and requires reports of such expenses. Fiscal Note: No. (BDR 24-1056)
COMMITTEE CONSIDER AMENDMENT & ACTION
- SB-553 SUMMARY—Authorizes acquisition of certain land for park and game refuge. Fiscal Note: No. (BDR S-1873)
Notify: Senator Lamb (2nd time)
- AB-397 SUMMARY—Adjusts fees charged by commissioner of civil marriages. Fiscal Note: No. (BDR 11-1224)
Notify: Clark County (for Committee action)
- AB-435 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)
Notify: Assemblyman Dini (2nd time)

SB-497

SUMMARY—Requires creation of joint river development review boards in certain counties. Fiscal Note: No. (BDR 22-1686)

FOR COMMITTEE ACTION

SB-411

SUMMARY—Requires filing of notice of intent and modifies recall procedures. Fiscal Note: No. (BDR 24-1378)

FOR COMMITTEE DISCUSSION

SB-179

SUMMARY—Authorizes the division of Colorado River resources of state department of conservation and natural resources on behalf of the State to acquire water facilities and to issue securities therefor. Fiscal Note: No. (BDR S-778)

SB-501

SUMMARY—Places Southern Nevada Water Project and Alfred Merritt Smith Water Treatment facility under control of the Las Vegas Valley Water District. Fiscal Note: No. (BDR S-1602)

FOR COMMITTEE DISCUSSION & ACTION

SB-387

SUMMARY—Amends charter of City of Reno by increasing number of appointive officers. Fiscal Note: No. (BDR S-1385)

FOR COMMITTEE DISCUSSION & ACTION

AB-340

SUMMARY—Requires verbatim transcript of proceedings of local government meetings to establish combined tax rate. Fiscal Note: No. (BDR 32-1032)

Notify: Assemblyman Dini, Jim Lien, Tax Comm.

SENATE GOVERNMENT AFFAIRS
MEETING ON MONDAY, April 28, 1975 @ 2:45 & 7:00 P.M.
Room 345

1238

- AB-407 SUMMARY—Increases number of counties where county commissioners serve as ex officio trustees of certain general improvement districts. Fiscal Note: No. (BDR 25-1248)
- AB-510 SUMMARY—Authorizes county commissioners to exercise any improvement powers delegated to board of trustees of general improvement district and to fill existing vacancies on such board. Fiscal Note: No. (BDR 20-713)
- AB-511 SUMMARY—Permits service charges and fees of general improvement districts to be collected on county tax roll. Fiscal Note: No. (BDR 25-712)

Notify: Assemblyman Benkovich, Jim Lien
 Bob Broadbent



WILSON McGOWAN
State Controller

STATE OF NEVADA
OFFICE OF
STATE CONTROLLER
CARSON CITY, NEVADA 89701

1307

April 28, 1975

SENATE BILL NO. 570--COMMITTEE ON
GOVERNMENT AFFAIRS

SUMMARY--Provides criteria for year-end pay periods in
Fiscal and Accounting Procedures Law.

The Office of the State Controller would like to obtain relief from the confusion generated by having to process a split-payroll using the existing payroll system.

The Legislature has appropriated funds to Central Data Processing for the design of a new automated payroll system. This new system should be in operation in time for the next legislative session.

We would appreciate receiving the relief that SB-570 would provide from now until the next legislative session.



WILSON McGOWAN
State Controller

STATE OF NEVADA
OFFICE OF
STATE CONTROLLER
CARSON CITY, NEVADA 89701

1308

April 28, 1975

SPLIT PAYROLL PROCEDURES

PHASE I - GET CHECKS TO EMPLOYEES

1. During final complete pay period of the fiscal year two special exception reports for both classified and unclassified employees are distributed to the agencies. This report is a listing of all employees with computed hours based on the percentage of the pay period applicable to the prior fiscal year.
2. Agencies make adjustments such as money adjustments, overtime, comp time, terminations, transfers, LWOP etc. and submit the exception report applicable to the first portion to pre-audit.
3. Pre-audit approves and submits to controller with support documentation such as NPD-35's etc.
4. Everything gets balanced and a dummy payroll register for gross pay and States' share of retirement applicable to the old fiscal year is produced. This produces a labor distribution tape which eventually will be used to charge agencies' budgets.
5. Step 2 gets repeated. Special exception reports applicable to second portion of the split pay period are submitted by agencies to pre-audit.

6. Pre-audit approves second set of exception reports and submits to controller.
7. Controller balances second portion. Cards from first portion applicable to personnel who have changed funds budget accounts etc. must be manually pulled, duplicated except for the new organization which is manually key punched. We now have two tapes - one for the first portion and one for the second portion.
8. The two tapes are combined to produce the master payroll register including all deductions such as withholding, retirement, etc. At this time checks and all supporting deduction registers etc. are produced.

PHASE II - LABOR DISTRIBUTION

1. Prior to the time the second set of special exception reports are received back from agencies, the first payroll tape is run through the labor distribution system and the agencies' budgets are charged. This is normally a fairly straightforward procedure.
2. The two combined tapes which produced the master payroll register are run through the labor distribution system to charge the new year. However this tape contains 100% of the payroll costs and therefore the tape containing the prior year portion is deducted from the two combined tapes leaving only that portion applicable to the new fiscal year. However, prior to deducting the first tape from the total tape, cards must be physically manipulated for

those employees whose Fund, Budgets and organizational relationships have changed. This requires careful and timely submission by agencies of all necessary labor distribution file maintenance documents.

PROBLEM AREAS:

1. Coordination with agencies relating to the two special exception reports. (510 agencies must receive and return two special exception reports)
2. Time frame - all work on the split payroll must be accomplished during a critical three week period of time during which the controller's office is involved with closing books for old year and opening books for the new year. By the time this is completed pay period 2 is already started, a longevity payroll is in the works and it is usually mid-August before proper accounting information is made available to the agencies.
3. Often at the beginning of a bi-ennium, retirement rates and group insurance rates change which require payroll program modifications before the second half of the pay period can be completed.
4. Coordination with agencies regarding labor distribution file maintenance documents. Each employee must be deleted from his old Fund Budget account etc. and established in the new.

5. Additional workload on the part of agency, pre-audit, controller and computer facility personnel. We estimate that at least four times the amount of work is involved in processing the split payroll than required for a normal payroll.
6. Additional computer facility costs due to multiplicity of balancing runs.
7. Overtime costs on the part of controller personnel.
8. The delay in making labor distribution causes other serious problems in such areas as check reconciliation .

END RESULT - Mass confusion, excessive overtime, excessive delay in properly making labor distribution to agencies' budgets. The reconciling problem can become enormous and might take as much as a year or more to accomplish.

Passage of SB-570 would significantly alleviate all of the above problem areas.



STATE OF NEVADA
 DIVISION OF MENTAL HYGIENE
 AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108
 RENO, NEVADA 89502
 (702) 784-4071

1312

MIKE O'CALLAGHAN
 Governor

CHARLES R. DICKSON, Ph.D.
 Administrator
 MENTAL HYGIENE AND
 MENTAL RETARDATION

JACK MIDDLETON
 Associate Administrator for
 Mental Retardation

April 28, 1975

MEMORANDUM

To: Senator Gibson, Chairman
 Governmental Affairs

From: Charles R. Dickson, Ph.D., Administrator
 Division of Mental Hygiene and Mental Retardation *C.R.D.*

Subject: S.B. 575 and Projected Cost to the State

There is no way to predict how much the county hospitals services would be used as stipulated in S.B. 575.

If the county hospitals were to be used exclusively for persons with a court-ordered commitment, the cost to the state could be as much as \$2,135,798.00 annually based on the following projections.

<u>HOSPITAL -</u>	<u># OF</u> <u>PSYCHIATRIC BEDS</u>	<u>X</u>	<u>COST PER DAY</u>	<u>X</u>	<u># OF</u> <u>DAYS IN YEAR</u>	<u>=</u>	<u>TOTAL</u>
Washoe Medical Center	30		\$88.00		365		\$963,600.00
Southern Nevada Memorial Hospital	24		\$81.00		365		709,560.00
Rural area- (based on 1 bed each rural county)	15		\$84.50 (average)		365		462,638.00
<u>TOTAL PROJECTED COST OF COUNTY PSYCHIATRIC CARE ----</u>							<u>\$2,135,798.00</u>

CRD:GO:vje

cost of ^{42,500}
Memorial
Hospital

75-1 RESOLUTION

COLORADO RIVER ADVISORY COMMISSION

WHEREAS, Chapter 268 of Statutes of Nevada, 1967, authorized the predecessor of this Commission (Colorado River Commission) to acquire, hold, operate, maintain and improve facilities for the purpose of transporting, treating and delivering Lake Mead water for industrial, commercial, residential, culinary or domestic use within Clark County, Nevada; and

WHEREAS, the staff of the Division of Colorado River Resources, pursuant to NRS 538.041 through NRS 538.251, inclusive, have undertaken and are presently accomplishing preconstruction planning activities leading to Stage Two of the Southern Nevada Water System in cooperation and coordination with the United States Bureau of Reclamation; and

WHEREAS, It is essential to the welfare of the citizens of the State, and especially to those in Clark County that the Second Stage of the Southern Nevada Water System should not suffer any delay in planning and construction;

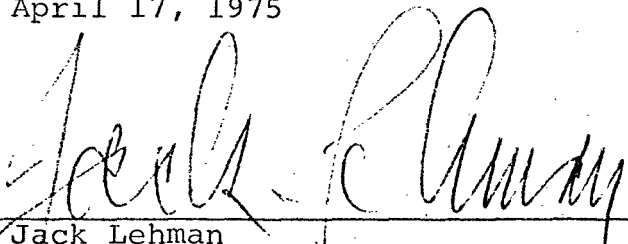
NOW, THEREFORE, BE IT RESOLVED, that the Colorado River Advisory Commission hereby reaffirms its endorsement of the Stage Two project as undertaken by the staff of the Division of Colorado River Resources, including the coordination and cooperation with the United States

Bureau of Reclamation under the Federal Southern Nevada
Water Project Act; and

BE IT FURTHER RESOLVED, that the Colorado River
Advisory Commission urges the Senate Committee on
Government Affairs to seek immediate passage of
S.B. 179 of the 1975 Legislature; and

~~BE IT FURTHER RESOLVED, that copies of this~~
resolution be forwarded to Governor O'Callaghan, to
members of the Senate Committee on Government Affairs
and the Assembly Committee of Government Affairs, and
to Elmo DeRicco, Director of the Department of Con-
servation and Natural Resources.

Unanimously adopted April 17, 1975



Jack Lehman
Chairman
Colorado River Advisory Commission

Not available
on April 23

DAWSON, NAGEL, SHERMAN & HOWARD

FRITZ A. NAGEL 1315
COUNSEL

CLYDE C. DAWSON	JAMES B. DALEY
SAMUEL S. SHERMAN, JR.	LARRY M. BAKER
WINSTON S. HOWARD	CHARLES EDWARD PALMER
GILBERT M. JOHNSON	JAMES E. HAUTZINGER
JR. K. UNDERWOOD, JR.	DON H. SHERWOOD
W. W. LOW	HOWARD B. SWEIG
WILLIAM F. VOELKER	CHARLES R. FREDERICKSON
THOMAS B. FAXON	W. DAVID PANTLE
HUGH A. BURNS	JAMES L. CUNNINGHAM
RAYMOND J. TURNER	WILLIAM S. HERSHBERGER
GARTH C. GRISSOM	DOUGLAS M. CAIN
WILLIAM P. CANTWELL	DUANE F. WURZER
DONALD W. ROE	DAVID R. JOHNSON
MICHAEL D. GROSHEK	GARY L. GREER
WILLIAM F. SCHOEBERLEIN	STEPHEN M. BRETT
MICHAEL A. WILLIAMS	CONSTANCE L. HAUVER
ARTHUR J. SEIFERT	CHAPMAN B. COX

2900 FIRST OF DENVER PLAZA

633 SEVENTEENTH STREET

DENVER, COLORADO 80202

(303) 893-2900

April 18, 1975

JAMES H. PERSHING (1863-1948)
ROBERT G. BOSWORTH (1888-1954)
LEWIS A. DICK (1889-1954)

TXW 910-931-0812

E. LEE DALE	H. CLAY WHITLOW
CHRISTOPHER LANE	PAMELA A. RAY
CRAIG A. CHRISTENSEN	JERRY A. FOWLER
PAUL J. SCHLAUCH	WILLIAM R. MARSH
KURT A. KAUFMANN	DUNCAN A. CAMPBELL
R. MICHAEL SANCHEZ	KATHRYN P. REIMER
THEODORE E. WORCESTER	CHARLES W. NEWCOM
ANDREW L. BLAIR, JR.	SUSAN D. PROCTOR
RODNEY D. KNUTSON	LARRY C. JOHNSON
STEPHEN P. KREGSTEIN	LARRY R. MARTINEZ
EDWARD W. NOTTINGHAM	WILLIAM E. WALTERS, III
HAL B. TUDOR	MARK L. FULFORD
JACK M. MERRITTS	JAMES F. WOOD
FREDERICK Y. YU	

AIR MAIL

State of Nevada
Division of Colorado River Resources
P. O. Box 1748
Las Vegas, NV 89101

Attention: Mr. Donald L. Paff

Gentlemen:

State of Nevada
Division of Colorado River Resources
(Formerly Colorado River Commission of Nevada)

In connection with the bill (BDR S-340) which you forwarded to me with a copy of your letter of March 24th to Howard Barrett, after my last conversation with Jim Long on March 3rd concerning your letter of February 3rd to me, I called Stan Peck on March 5th and made several suggestions concerning the form of the proposed special act. I have no further suggestions or other comments concerning it.

I have also received Jim Long's letter to me of March 17th and a copy of A.B. 393, which I discussed with Guild Gray and its implications in connection with the bill which I drafted, A.B. 384. Thank you for the copy of your letter of March 20th to Senator Gibson and for your plug for A.B. 384.

On Monday, April 14th, I received your letter to me of April 11th and a copy of S.B. 501. (As I reported to Jim Long shortly after my conversation a week or two ago with County Commissioner Bob Broadbent, he and Guild Gray telephoned me and Mr. Broadbent indicated that he did not understand my opinion to you of October 1, 1974, and asked for a yes or no answer as

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to whether the facilities could be transferred to the control of the County without impairing the obligations of contract. I replied that an unequivocal answer could not be given, but such a transfer could be made if the various federal officials designated in my letter expressly consent to or otherwise approve such a transfer.)

We made substantially the following points on pages 10 through 13 of our letter of October 1, 1974, to the State, marked for your attention.

1. Plant Site Lease.

The United States leased for a term of 50 years (Article 8, Plant Site Lease) to the State and the Commission the site on which is located the water treatment plant which constitutes a major part of the State Facilities (Article 6, Plant Site Lease). Any attempted transfer or assignment of any interest in the Plant Site Lease by the State or Commission shall cause the lease to be subject to annulment at the option of the United States (Article 10, Plant Site Lease), but the lease or a right thereunder may be assigned or sublet with the written consent of the Regional Director of the Bureau of Reclamation, Region 3, Department of the Interior (Article 14, Plant Site Lease). Otherwise the lease shall terminate for a failure to cure any breach of a condition of the lease after written notice thereof (Article 11(b), Plant Site Lease).

2. Grant Agreement.

Presumably pursuant to the Grant Agreement between the Commission and the United States, Secretary of Housing and Urban Development, the State, acting by and through the Commission, received \$1,500,000 or 50 per cent of the "Eligible Project Costs" as determined by the United States on completion of the first stage of the Southern Nevada Water Project, whichever is the lesser, in order to aid in financing the Project, estimated in the Grant Agreement to cost \$9,250,500. (We assume that the cost of the Project was somewhat less than the designated estimate and thus that the amount received was less than \$1,500,000.) The State, however, is not a party to this contract, but it was approved by the governor as possibly required by NRS 538.251.

In Section 34 of the Terms and Conditions attached to the Grant Agreement it is provided that the "Applicant (i.e., the Commission) covenants that it will operate and maintain the project or provide for the operation and maintenance thereof, to serve the objects and purposes for which the grant has been made available under the Federal Law and the terms of the agreement."

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The agreement contains no provision either expressly prohibiting nor expressly permitting the Applicant to assign its interest to any political subdivision or other person for the purpose of operating and maintaining the acquired facilities or otherwise. But the quoted provision necessarily implies (?) that no other legal entity can be responsible for the operation and maintenance of the project and thus that the Commission's interests cannot be assigned nor transferred.

3. Repayment Contract.

The State and the Commission entered into the Federal Contract, also commonly called the Repayment Contract, with the Federal Government for the construction and other acquisition of the Federal Facilities and under which contract the State is to reimburse the Federal Government most of the cost thereby incurred. In Article 24, Federal Contract, it is provided that the Commission shall prepare the Water User Contracts (of which there are 5), that the Water User Contracts shall be approved as to form and substance by the Secretary of Interior before the Commission shall submit such contracts to the Water Users for final approval, that after Secretarial approval such contracts shall not be amended or abrogated without further written approval of the Secretary of Interior, but that such approval by the Secretary of such contractual arrangements shall not relieve the State or the Commission, or both, of any obligation or duty assumed by the State or the Commission, or both, under the Federal Contract, nor constitute any Water User a party to the Federal Contract, or the holder of any right of any kind thereunder against the United States for any purpose whatsoever.

In Article 30, Federal Contract, it is provided that the Federal Contract shall apply to and bind the successors and assigns of the parties thereto, but that no assignment or transfer of the contract or any part or interest therein shall be valid until approved by the Secretary of the Interior.

In Article 17(a), Federal Contract, it is stated that the construction charge obligation is by the contract made a general obligation of the State and the Commission, and the State and Commission are separately and jointly obligated to pay the United States the charges becoming due as provided in the Federal Contract notwithstanding the failure or inability of the Commission, for whatever reason, to dispose of all or any part of the water which the Commission is entitled to receive under such contract or to dispose of such water at rates or charges sufficient to permit the Commission to meet its obligations to the United States thereunder and notwithstanding any delinquency or default in the payment to the Commission of any charges due from any project Water User which contracts with the Commission.

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The Federal Contract also provides, in Article 17 (a), that the faith and credit of the State by the Federal Contract are and shall be irrevocably pledged for the performance and observance of all covenants, conditions, limitations, promises and undertakings made or specified to be kept, observed or fulfilled on the part of the State and the Commission under the Federal Contract. (Article 10, Federal Contract, sets forth the construction charge obligations under the contract.)

4. NRS 538.230.

NRS 538.230(3) provides in part in connection with the installation of water service facilities and electorical generating machinery and equipment, that "the faith and credit of the State of Nevada hereby is and shall be irrevocably pledged for the performance and observance of all covenants, conditions, limitations, promises and undertakings made or specified to be kept, observed or fulfilled on the part of this State, in any contract heretofore or hereafter entered into with the United States of America." (Since the material modification of ch. 538, NRS, substantially the same provision is stated in NRS 538.211(3).)

5. Federal Facilities.

Under Article 12(a), Federal Contract, upon the completion of the construction of the Federal Facilities (i.e., the Project) by the United States, as determined and announced to the Commission by notice from the Secretary of the Interior, the Commission shall assume the care, operation and maintenance of the Federal Facilities pursuant to the provisions of such notice.

Under Article 16, Federal Contract, title to all Federal Facilities shall remain in the United States until otherwise provided by Congress, notwithstanding the transfer of the care, operation and maintenance of such facilities to the Commission, but when all of the costs allocable to reimbursable purposes incurred by the United States in constructing, operating and maintaining the facilities, together with appropriate interest charges, have been returned or paid to the United States, the State shall have permanent right to use the Federal Facilities in accordance with the Federal Contract.

Under Article 13(a), Federal Contract, if, in the opinion of the Secretary of the Interior, the Commission shall have failed at any time, or from time to time, to comply substantially with any provision of the Contract, the United States may give the Commission written notice specifying the respects in which the Commission shall have failed so to perform, and, following the giving of such notice, if the Commission fails to

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cure or take appropriate steps to cure such default within the time fixed in the notice, the United States, may, upon giving at least 60 days' written notice to the Commission, take over the care, operation and maintenance of the Federal Facilities as well as all equipment available to the Commission for such purpose and thereafter may care for, operate and maintain the same.

6. Water User Contracts.

In our letter of October 1, 1974, we did not indicate (subject to our comments about the Repayment Contract) that the "Utility Service Contract" between the United States, represented by the General Services Administration for and in behalf of the United States Air Force, the State and the Commission, for supplying water to Nellis Air Force Base, provides that "[n]o transfer of this contract shall be made without (i) the written consent of the Commission, except to a public water district, and (ii) the written consent of the Secretary of the Interior," but such is so provided in Article 16 of such contract. Each of the other 4 water user contracts, in Article 18, contains the same statement and also provides that "[n]o transfer or assignment of this contract shall relieve the Contractor (i.e. the water user) of its obligation hereunder."

In our view an assignment or transfer of the Commission's interests (regardless of the nonassignment of the State's interests) is prevented by the above-designated federal contracts in the absence of the consent of:

1. The Secretary of the Interior as required by the Repayment Contract and the 5 water user contracts;
2. The Regional Director of the Bureau of Reclamation, Region 3, Department of the Interior, as required by the Plant Site Lease; and
3. The Secretary of Housing and Urban Development, as required to avoid the provisions of the Grant Agreement.

S.B. 501 refers to the approvals required by the Repayment Contract, dated August 25, 1967, and the contract for the delivery of water between the State and Commission on the one hand and the Federal Government on the other hand for use at the Nellis Air Force Base by the United States Air Force (we suggest a reference to all 5 water user contracts), but does not require the approval of the Regional Director of the Bureau of Reclamation, Region 3, as required by the Plant Site Lease nor of the Secretary of Housing and Urban Development because of the Grant Agreement.

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Thus, the bill for an act, as now drafted, in our view, would provide for the transfer of duties and responsibilities without requiring the approval of 2 federal officers whose approval is required in order to avoid a problem of an impairment of the obligations of contract.

Section 1 of S.B. 501 amends subsection 2 of § 1.1 of the water district's enabling act, as amended by ch. 646, Statutes of Nevada 1971. The subsection will read, if S.B. 501 is adopted without modification, the "water district [shall assume] is hereby designated as the agency of the State of Nevada responsible for supervision, operation and maintenance of all existing and future Southern Nevada water project facilities and water treatment plants,***."

Notwithstanding the new subsection 3 to be added to § 1.1 by S.B. 501, which provides in effect that the water district is conditionally the successor of the commission, the amendment of subsection 2, in our opinion, raises some conceptual problems.

At present the water district is the operating agent of both the State and the Commission pursuant to the Water Distribution and Quality Control Service Contract, among the water district, the State and the Commission, dated as of August 1, 1971, as required by ch. 646, Statutes of Nevada 1971, and ch. 616, Statutes of Nevada 1971. (The latter act was repealed by subsection 1, § 44, ch. 790, Statutes of Nevada 1973, i.e. the County Sewage and Waste Water Law, but this point is irrelevant to the subject matter of this letter.)

The Commission contracted in its own name as a principal, as well as in the name of the State, in the Repayment Contract, the 5 water user contracts, including the federal water contract designated in the new subsection 3 of § 1.1 of the water district's enabling act in S.B. 501, and the Plant Site Lease, as well as other contracts to which the Federal Government is not a party and which are here irrelevant. In the case of the Grant Agreement the Commission contracted only in its name and not in the State's name.

In our view the State's redesignation of the Commission as the Division of Colorado River Resources probably does not constitute a proscribed assignment or transfer. In substance the same agency is a party to the federal contracts designated above, regardless of its reorganization by a 1973 act.

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But in our opinion a designation of the water district as the successor of the Commission by state legislation would constitute a transfer or assignment proscribed by the federal contracts in the absence of consents of the above-designated federal officials. A designation of the water district as a state agency which may act in the name and on behalf of the State does not change the fact that such legislation would purport to assign or transfer the Commission's interests in those contracts which they expressly prohibit, except for the Grant Agreement which probably prohibits any such assignment or transfer by implication.

In contrast in the case of the 1971 Service Contract implementing chs. 646 and 616, Statutes of Nevada 1971, the water district became an operating agency but subject to controls exercised by both the State and the Commission as principals in the agency relationship. Both also remained parties to the federal contracts without any modification of them by any assignment or transfer of interest therein.

We also suggest that S.B. 501 should provide that some state official is responsible to determine whether the needed consents are obtained and the transfers and assignments conditionally made by the act are effective, e.g. the governor or the attorney general. It may be difficult to determine whether a given response by a federal official is in fact a needed consent or whether the response is so qualified as legally not to constitute such a consent.

If we may assist you in any further way at this time, please so inform us.

Yours truly,

Dawson, Nagel, Sherman & Howard

RMJ/pas

NORTH LAS VEGAS POSITION

on

S.B. 501

North Las Vegas (with approximately 55,000 water customers) is the second largest user of the water delivered by the Southern Nevada Water Project. We are the largest competitor of the Las Vegas Valley Water District. Transfer of the Colorado River Commission's responsibilities to the L.V.V.W.D. will create a conflict of interest that will work hardships on North Las Vegas, as well as the other three water users. Some of the reasons for our seeing and understanding this situation are:

- (1) Our experiences as a retail customer of the LVVWD.
- (2) The closed door policy of the LVVWD's engineering and technical branch.
- (3) The LVVWD's past efforts to wipe out their competitors by supporting legislation to create a master water agency.

Comparing these facts with the fair and impartial treatment that all project water users have received from the Colorado River Commission, indicates that only the LVVWD will gain by the transfer called for in S.B. 501.

CONSOLIDATION OF AMENDMENTS

-SB-100

Proposal: NRS 281.370 is hereby amended to read as follows:

1. All personnel actions taken by state, county, school district, district or municipal departments, agencies, boards or appointing officers thereof shall be based solely on merit and fitness.

2. Except as provided in NRS 284.3781 and 613.350(4) state, county, school district, district or municipal departments, agencies, boards or appointing officers thereof shall not:

(a) Refuse to hire a person because of such person's race, color, creed, national origin, sex or age, unless based upon a bona fide occupational classification.

(b) Discharge or bar any person from employment because of such person's race, creed, color, national origin, sex or age.

(c) Discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color, national origin, sex or age (, except as provided in NRS 284.3781).

3. Counties, school districts, municipal governments, and agencies, boards or appointing officers thereof will hire, retain, or in the case of certificated personnel, in school districts, re-employ, any person who is 65 years of age or older and otherwise qualified for employment subject to an annual review in order to determine physical and mental fitness for continued service.

over

NRS 284.3781 is hereby amended to read as follows:

1. (Beginning on July 1, 1973,) Any-employee in the classified service of the state personnel system who is 65 years of age or older (may be hired or continued in the classified service on a year-to-year basis) and has established eligibility for benefits under NRS 286.550 shall be separated from the service.

2. Any person who is 65 years of age or older and otherwise qualified for employment may be hired or rehired in the classified service of the state personnel system on a year-to-year basis or for some lesser term.

S. B. 570

**SENATE BILL NO. 570—COMMITTEE ON
GOVERNMENT AFFAIRS**

APRIL 23, 1975

Referred to Committee on Government Affairs

SUMMARY—Provides criteria for year-end pay periods in Fiscal and Accounting Procedures Law. Fiscal Note: No. (BDR 31-1907)



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

AN ACT relating to the Fiscal and Accounting Procedures Law; providing criteria for year-end pay periods; 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 353.293 is hereby amended to read as follows:
2 353.293 1. It is the purpose of the Fiscal and Accounting Procedures
3 Law to set forth legislative policy governing that phase of the state's
4 fiscal procedures which relates to financial funds. Generally accepted
5 accounting principles and fiscal procedures shall be applied except when
6 in conflict with constitutional and statutory provisions.
7 2. The legislature reserves the right to establish funds not otherwise
8 provided for by the Nevada constitution.
9 3. It is the policy of the legislature that: **[all]**
10 (a) All general governmental programs and functions **[shall be]** are
11 subject to its review, regardless of the sources of revenue available to the
12 various departments, institutions or agencies.
13 (b) All general governmental agencies shall account for at least 26 but
14 not more than 27 complete and undivided biweekly pay periods if such
15 pay periods are used in any one fiscal year. The fiscal year in which the
16 last day of the biweekly pay period falls determines its year of accounta-
17 bility.
18 **SEC. 2.** This act shall become effective upon passage and approval.

S. B. 572

SENATE BILL NO. 572—SENATOR WALKER

APRIL 24, 1975

Referred to Committee on Government Affairs

SUMMARY—Provides for payment of costs of medical care for prisoners held in jails. Fiscal Note: No. (BDR 16-1908)

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

AN ACT relating to county and city jails; providing for payment of costs of medical care for prisoners; 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 211.140 is hereby amended to read as follows:
 2 211.140 1. The sheriff of each county shall have charge and control
 3 over all prisoners committed to his care and keeping, in their respective
 4 county jails, and the chiefs of police and town marshals in the several
 5 cities and towns throughout this state shall have charge and control over
 6 all prisoners committed to their respective city and town jails.
 7 2. The sheriffs, chiefs of police and town marshals, and each of
 8 them, shall see that the prisoners under their care are at all times kept at
 9 labor on the public works in their respective counties, cities and towns,
 10 at least 6 hours a day during 6 days of the week, when the weather will
 11 permit, when so required by either the board of county commissioners
 12 of their respective counties, or by the mayor and board of aldermen of
 13 their respective cities, or by the board of trustees of their respective
 14 towns.
 15 3. By the public works, as used in NRS 211.120 to 211.170, inclu-
 16 sive, is understood the construction, or repair, or cleaning of any streets,
 17 road, sidewalks, public square, park, building, cutting away hills, grading,
 18 putting in sewers, or other work whatever, which is or may be authorized
 19 to be done by and for the use of any of the counties, cities or towns, and
 20 the expense of which is not to be borne exclusively by individuals or
 21 property particularly benefited thereby.
 22 4. *The sheriff, chief of police or town marshal shall arrange for the*
 23 *administration of such medical care as may be required by prisoners*
 24 *committed to his custody. The cost of the medical care constitutes a*
 25 *charge upon the county, city or town maintaining the jail. If the medical*
 26 *care is furnished by a county hospital, the cost of the care shall be paid*
 27 *forthwith into the county treasury for credit to the hospital fund.*

S. B. 575

SENATE BILL NO. 575—COMMITTEE ON
GOVERNMENT AFFAIRS

APRIL 24, 1975

Referred to Committee on Government Affairs

SUMMARY—Requires state to assume expense of detention and care of mentally ill persons detained in county hospitals after a court orders commitment. Fiscal Note: Yes. (BDR 39-1656)



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

AN ACT relating to mentally ill persons; requiring state to assume the expense of detention and care of mentally ill persons detained in county hospitals after a court orders commitment; authorizes mental hygiene and mental retardation division of the department of human resources to contract with county hospitals for such care; 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 433.6981 is hereby amended to read as follows:
 2 433.6981 1. The expenses of hospitalization of:
 3 (a) A mentally ill person prior to commitment; or
 4 (b) A person who is admitted to a hospital pursuant to this chapter and
 5 released without commitment,
 6 shall be paid by the county in which such person resides, unless voluntarily
 7 paid by such person or on his behalf.
 8 2. The county may recover all or any part of the expenses paid by it,
 9 in a civil action against:
 10 (a) The person whose expenses were paid;
 11 (b) The estate of such person; or
 12 (c) A relative made responsible by NRS 433.699, to the extent that
 13 financial ability is found in such action to exist.
 14 3. *In any county in which the mental hygiene and mental retardation*
 15 *division of the department of human resources does not maintain a state*
 16 *mental health facility properly equipped for the secure detention of all*
 17 *types of mental patients, the administrator of the mental hygiene and men-*
 18 *tal retardation division shall contract with the county hospital for the*
 19 *entire cost of medical services, including psychiatric, required for a men-*
 20 *tally ill person who is detained in the county hospital pursuant to a court*
 21 *order of commitment.*
 22 4. *The State of Nevada is responsible for the entire cost of care of a*
 23 *mentally ill person detained in a county hospital pursuant to a court order*
 24 *of commitment.*

S. B. 545

SENATE BILL NO. 545—COMMITTEE ON
GOVERNMENT AFFAIRS

APRIL 15, 1975

Referred to Committee on Government Affairs

SUMMARY—Allows board of county commissioners to issue special obligation securities for hospital facilities. Fiscal Note: No. (BDR 40-1655)

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

AN ACT relating to county hospitals and districts; allowing the board of county commissioners to issue special obligation securities without an election for hospital facilities; providing for payment of the securities from net revenues or gross revenues of the hospital facilities; 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 450.290 is hereby amended to read as follows:
 2 450.290 1. Subject to the provisions of NRS 450.010 to 450.510,
 3 inclusive, for any hospital project stated in a bond question approved as
 4 provided in NRS 350.070, the board of county commissioners, at any
 5 time or from time to time, in the name and on the behalf of the county,
 6 may issue:
 7 [1.] (a) General obligation bonds, payable from taxes; and
 8 [2.] (b) General obligation bonds, payable from taxes, which pay-
 9 ment is additionally secured by a pledge of gross or net revenues derived
 10 from the operation of such hospital facilities, and, if so determined by the
 11 board of county commissioners, further secured by a pledge of such other
 12 gross or net revenues as may be derived from any other income-producing
 13 project of the county or from any license or other excise taxes levied by
 14 the county for revenue, as may be legally made available for their pay-
 15 ment.
 16 2. *The board of county commissioners, in the name and on behalf of*
 17 *the county, may issue, for any hospital project, without the securities being*
 18 *authorized at any election, special obligation municipal securities payable*
 19 *solely from net revenues or gross revenues derived from the operation of*
 20 *hospital facilities.*

S. B. 535

SENATE BILL NO. 535—SENATOR SHEERIN

APRIL 14, 1975

Referred to Committee on Government Affairs

SUMMARY—Authorizes county recorders to remove and store records under certain circumstances. Fiscal Note: No. (BDR 20-1751)



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

AN ACT relating to county recorders; authorizing county recorders to remove and store certain records under certain circumstances; 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 247 of NRS is hereby amended by adding
 2 thereto a new section which shall read as follows:
 3 1. *A county recorder may remove books of records, maps, charts,*
 4 *surveys and other papers on file in his office for storage in an appropriate*
 5 *facility if he believes that the removal of such records is necessary for*
 6 *their protection or permanent preservation.*
 7 2. *If a county recorder receives a request for a particular item which*
 8 *has been stored pursuant to subsection 1, he shall produce a microfilmed*
 9 *copy of such item or the original within 48 hours.*

S. B. 100

**SENATE BILL NO. 100—COMMITTEE ON
GOVERNMENT AFFAIRS**

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Makes provisions on fair employment practices applicable to school districts and district departments. Fiscal Note: No. (BDR 23-439)



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

AN ACT relating to fair employment practices; making provisions on fair employment practices applicable to school districts and district departments.

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

- 1 SECTION 1. NRS 281.370 is hereby amended to read as follows:
 2 281.370 1. All personnel actions taken by state, county, *school dis-*
 3 *trict, district* or municipal departments, agencies, boards or appointing
 4 officers thereof shall be based solely on merit and fitness.
 5 2. State, county, *school district, district* or municipal departments,
 6 agencies, boards or appointing officers thereof shall not:
 7 (a) Refuse to hire a person because of such person's race, color, creed,
 8 national origin, sex or age, unless based upon a bona fide occupational
 9 classification.
 10 (b) Discharge or bar any person from employment because of such
 11 person's race, creed, color, national origin, sex or age.
 12 (c) Discriminate against any person in compensation or in other terms
 13 or conditions of employment because of such person's race, creed, color,
 14 national origin, sex or age, except as provided in NRS 284.3781.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 29

ASSEMBLY BILL NO. 29—ASSEMBLYMEN MANN, MELLO,
LOWMAN, WITTENBERG, DREYER, DEMERS, VERGIELS,
BENNETT, BREMNER, CHANEY, SENA, POLISH AND
SCHOFIELD

JANUARY 22, 1975

Referred to Committee on Agriculture

SUMMARY—Abolishes state dairy commission. Fiscal Note:
No. (BDR 51-406)



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

AN ACT relating to dairy products and substitutes; altering the composition and duties of the state dairy commission; limiting the regulation of retail prices; providing for an executive director of the commission to be in the unclassified service of the state; 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 584.410 is hereby amended to read as follows:
2 584.410 The purposes of NRS 584.325 to 584.690, inclusive, are:
3 1. To provide funds for administration and enforcement of NRS
4 584.325 to 584.690, inclusive, by assessments to be paid by producers
5 of fluid milk or fluid cream or both, and from licenses issued to distrib-
6 utors in the manner prescribed herein.
7 2. To authorize and enable the commission to prescribe marketing
8 areas and to fix prices at which fluid milk or fluid cream, or both, may be
9 sold by producers [, distributors and retailers,] and distributors, which
10 areas and prices are necessary due to varying factors of costs of produc-
11 tion, health regulations, transportation and other factors in the marketing
12 areas of this state; but the price of fluid milk or fluid cream within any
13 marketing area shall be uniform for all purchasers of fluid milk or fluid
14 cream of similar grade or quality under like terms and conditions.
15 3. To authorize and enable the commission to formulate stabilization
16 and marketing plans subject to the limitations [herein] prescribed in NRS
17 584.325 to 584.690, inclusive, with respect to the contents of such stabil-
18 ization and marketing plans and declare such plans in effect for any mar-
19 keting area.
20 4. To enable the dairy industry with the aid of the state to correct

1 existing evils, develop and maintain satisfactory marketing conditions and
 2 bring about a reasonable amount of stability and prosperity in the pro-
 3 duction and marketing of fluid milk and fluid cream.

4 SEC. 2. NRS 584.420 is hereby amended to read as follows:

5 584.420 1. There is hereby created the state dairy commission of the
 6 State of Nevada in which shall be vested the administration of the provi-
 7 sions of NRS 584.325 to 584.690, inclusive.

8 2. The commission shall consist of ~~nine~~ *eight* members appointed
 9 by the governor. The members shall select a chairman from among their
 10 number.

11 SEC. 2.5. NRS 584.425 is hereby amended to read as follows:

12 584.425 ~~["The members"]~~ 1. *Except as provided in subsection 2,*
 13 *each member* of the commission shall serve ~~["at the pleasure of the gov-~~
 14 ~~ernor; but no appointment shall extend beyond a period of 4 years from~~
 15 ~~the date of expiration of the preceding appointment."]~~ *for a term of 4*
 16 *years.*

17 2. *As soon as convenient after July 1, 1975, the governor shall*
 18 *appoint:*

19 (a) *Two members whose terms expire June 30, 1976;*

20 (b) *Two members whose terms expire June 30, 1977;*

21 (c) *Two members whose terms expire June 30, 1978; and*

22 (d) *Two members whose terms expire June 30, 1979.*

23 *One consumer member shall be appointed into each of these classes,*
 24 *and the two producer members shall be appointed into different classes.*

25 3. *Any vacancy shall be filled by appointment for the unexpired term.*

26 SEC. 3. NRS 584.430 is hereby amended to read as follows:

27 584.430 Two members of the commission shall be producers, one
 28 member shall be a distributor ~~["], and one member shall be"]~~ *or a producer-*
 29 *distributor, ["two members shall be operators of retail stores and three"]*
 30 *one member shall be an operator of a retail store and four members shall*
 31 *be persons representing the consuming public who have no connection*
 32 *with producers, distributors, producer-distributors, or ["the"] retail stores.*

33 SEC. 4. NRS 584.435 is hereby amended to read as follows:

34 584.435 ~~["Continued absence from meetings of the commission may~~
 35 ~~constitute"]~~ *Absence from two consecutive meetings of the commission*
 36 *constitutes good and sufficient cause for removal of a member by the gov-*
 37 *ernor.*

38 SEC. 4.5. NRS 584.455 is hereby amended to read as follows:

39 584.455 1. The commission, with the approval of the governor, *shall*
 40 *appoint an executive director, who shall serve ex officio as its secretary.*
 41 *The commission may arrange and classify its work and may appoint such*
 42 *assistants, deputies, agents, experts and other employees as are necessary*
 43 *for the administration of NRS 584.325 to 584.690, inclusive, prescribe*
 44 *their duties and fix their salaries in accordance with classifications made*
 45 *by the ["state department of"] personnel [.] division of the department of*
 46 *administration.*

47 2. *The executive director shall be in the unclassified service of the*
 48 *state. All assistants, deputies, agents, experts and other employees shall*
 49 *be ["subject"] in the classified service pursuant to the provisions of chap-*
 50 *ter 284 of NRS.*

1 3. *The executive director may be removed by a vote of six members*
2 *of the commission. The commission need not seek the approval of the*
3 *governor prior to removing the executive director.*

4 SEC. 5. NRS 584.520 is hereby amended to read as follows:

5 584.520 1. The commission may amend or terminate any stabiliza-
6 tion and marketing plan, after notice and public hearing as prescribed in
7 NRS 584.550 to 584.565, inclusive, if it finds that such plan is no longer
8 in conformity with the standards prescribed in, or will not tend to effec-
9 tuate the purposes of, NRS 584.325 to 584.690, inclusive.

10 2. Such hearing may be held upon the motion of the commission and
11 shall be held upon receipt of a petition signed by producers representing
12 not less than 55 percent of the total number of all of the producers and
13 not less than 55 percent of the total production of all producers who are
14 eligible to petition the commission for the formulation of such plan.

15 3. Notwithstanding the provisions of subsections 1 and 2 of this sec-
16 tion, if the producers wish to abandon an existing stabilization and market-
17 ing plan and establish a Federal Milk Marketing Order or other similar
18 type of milk marketing order, the commission may continue a marketing
19 and stabilization plan in effect for any given area, insofar as wholesale
20 [and retail] provisions are concerned, whenever it appears that 55 per-
21 cent of the distributors in any given area, whose major interest in the fluid
22 milk and fluid cream business consists of at least 55 percent of the fluid
23 milk and fluid cream distributed within the area by volume, desire that
24 the wholesale [and retail] provisions, including price regulations, be
25 continued.

26 4. Notwithstanding the provisions of subsections 1, 2 and 3 of this
27 section, areas which are nonproducing may terminate a stabilization and
28 marketing plan insofar as it affects wholesale [and retail prices providing
29 that] *prices if* 55 percent of the licensed distributors delivering 55 percent
30 of the products to such area wish to terminate such plan after notice and
31 public hearing as prescribed in NRS 584.550 to 584.565, inclusive.

32 SEC. 6. NRS 584.568 is hereby amended to read as follows:

33 584.568 1. Each stabilization and marketing plan shall contain pro-
34 visions fixing the price at which fluid milk and fluid cream may be sold by
35 producers [, distributors and retailers] *and distributors* and regulating
36 all discounts allowed by producers [, distributors and retailers.] *and*
37 *distributors.*

38 2. In determining the minimum prices to be paid by distributors to
39 producers the commission shall consider, but not be limited to, the fol-
40 lowing factors:

41 (a) Cost of production.

42 (b) Reasonable return upon capital investment.

43 (c) Producer transportation costs.

44 (d) Cost of compliance with health regulations.

45 (e) Current and prospective supplies of fluid milk and fluid cream in
46 relation to current and prospective demands for such fluid milk and fluid
47 cream.

48 3. In determining the minimum prices to be paid by retailers to
49 [wholesalers and by consumers to retailers] *distributors* the commission
50 shall consider, but not be limited to, the following factors:

1 (a) The quantities of fluid milk or fluid cream, or both, distributed in
2 the marketing area covered by the stabilization and marketing plan.

3 (b) The quantities of fluid milk or fluid cream, or both, normally
4 required by consumers in such marketing area.

5 (c) The cost of fluid milk or fluid cream, or both, to distributors [and
6 retail stores,] , which in all cases shall be [, respectively,] the prices paid
7 by distributors to producers [and the minimum wholesale prices,] as
8 established pursuant to NRS 584.325 to 584.690, inclusive.

9 (d) The reasonable cost of handling fluid milk or fluid cream, or both,
10 incurred by distributors, [and retail stores, respectively,] including all
11 costs of hauling, processing, selling and delivering by the several methods
12 used in such marketing area in accomplishing such hauling, processing,
13 selling and delivering, as such costs are determined by impartial audits
14 of the books and records, or surveys, or both, of all or such portion of
15 the distributors [and retail stores, respectively,] of each type or class in
16 such marketing area as are reasonably determined by the commission to
17 be sufficiently representative to indicate the costs of all distributors [and
18 retail stores, respectively,] in such marketing area.

19 SEC. 7. NRS 584.570 is hereby amended to read as follows:

20 584.570 1. No distributor may engage in any of the practices set
21 forth in paragraphs (a) to (d), inclusive, of subsection 2 of this section,
22 whether or not a stabilization and marketing plan is in effect in the area in
23 which he carries on his business.

24 2. Each stabilization and marketing plan shall contain provisions for
25 prohibiting distributors [and retail stores] from engaging in the unfair
26 practices [hereinafter] set forth [:] in this subsection:

27 (a) The payment, allowance or acceptance of secret rebates, secret
28 refunds or unearned discounts by any person, whether in the form of
29 money or otherwise.

30 (b) The giving of any milk, cream, dairy products, services or articles
31 of any kind, except to bona fide charities, for the purpose of securing or
32 retaining the fluid milk or fluid cream business of any customer.

33 (c) The extension to certain customers of special prices or services not
34 made available to all customers who purchase fluid milk or fluid cream
35 or like quantity under like terms and conditions.

36 (d) The purchase of any fluid milk in excess of 200 gallons monthly
37 from any producer or association of producers unless a written contract
38 has been entered into with such producer or association of producers
39 stating the amount of fluid milk to be purchased for any period, the quan-
40 tity of such milk to be paid for as class 1 in pounds of milk or pounds of
41 milk fat or gallons of milk, and the price to be paid for all milk received.
42 The contract shall also state the date and method of payment for such
43 fluid milk, which shall be that payment shall be made for approximately
44 one-half of the milk delivered in any calendar month not later than the 1st
45 day of the next following month and the remainder not later than the 15th
46 day of the month, the charges for transportation if hauled by the distribu-
47 tor, and may contain such other provisions as are not in conflict with NRS
48 584.325 to 584.690, inclusive, and shall contain a proviso to the effect
49 that the producer shall not be obligated to deliver in any calendar month
50 fluid milk to be paid for at the minimum price for fluid milk that is used

1 for class 3, as that class is defined in NRS 584.490. A signed copy of such
2 contract shall be filed by the distributor with the commission within 5 days
3 from the date of its execution. The provisions of this subsection relating to
4 dates of payment [shall] do not apply to contracts for the purchase of
5 fluid milk from nonprofit cooperative associations of producers.

6 SEC. 8. NRS 584.583 is hereby amended to read as follows:

7 584.583 1. No distributor or retailer may sell *fluid milk, fluid cream,*
8 *butter or fresh dairy byproducts* below cost. "Fresh dairy byproducts"
9 includes but is not limited to the following items: buttermilk, skim milk,
10 chocolate drink, ice cream, ice milk mix, sherbet, sour cream, sour cream
11 dressing and cottage cheese; and does not necessarily define the class of
12 fluid milk or fluid cream which is used to make such products.

13 2. In determining cost in the case of a [manufacturing] distributor
14 [.] who processes or manufactures *fluid milk, fluid cream, butter or fresh*
15 *dairy byproducts*, the following factors [shall be] are included, but cost
16 [shall] is not necessarily [be] limited to such factors:

17 (a) Cost of raw products based on actual cost or on current and pro-
18 spective supplies of fluid milk and fluid cream in relation to current and
19 prospective demands for such fluid milk and fluid cream.

20 (b) Cost of production.

21 (c) Reasonable return upon capital investment.

22 (d) Producer transportation costs.

23 (e) Cost of compliance with health regulations.

24 (f) Overhead cost of handling based on a percentage of overall plant
25 and sales operating cost.

26 3. In determining cost in the case of a peddler-distributor, [or
27 retailer.] the following factors [shall be] are included, but cost [shall]
28 is not necessarily [be] limited to such factors:

29 (a) Purchase price of product.

30 (b) Overhead cost for handling.

31 (c) Reasonable return upon capital investment.

32 4. In determining cost in the case of a retailer, the following factors
33 shall be considered:

34 (a) The invoice price paid by the retailer or, in the case of a retailer
35 who processes or manufactures *fluid milk, fluid cream, butter or fresh*
36 *dairy byproducts*, the transfer price; and
37 (b) The retailer's cost of doing business.

38 For purposes of this section the "transfer price" shall be determined pur-
39 suant to the factors contained in subsection 2. For purposes of this section
40 the "retailer's cost of doing business" means all overhead costs incurred by
41 the retailer in operating his retail business. A retailer's cost of doing busi-
42 ness shall be presumed to be equal to 10 percent of the invoice price or
43 transfer price paid by such retailer for his dairy byproducts unless he can
44 substantiate a lower price.

45 5. Each [manufacturing] distributor who processes or manufactures
46 *fluid milk, fluid cream, butter or fresh dairy byproducts* shall file with the
47 commission a statement of costs, listing separately the items set forth in
48 subsection 2 of this section and any other applicable cost factors. Such
49 statements shall be kept current by supplement under regulations promul-
50 gated by the commission. All such statements shall be kept confidential by

1 the commission except when used in judicial proceedings or administrative
2 proceedings under NRS 584.325 to 584.690, inclusive.

3 **[5.]** 6. Each **[manufacturing]** distributor *who processes or manu-*
4 *factures fluid milk, fluid cream, butter or fresh dairy byproducts* and each
5 peddler-distributor shall file with the commission a list of wholesale, retail
6 and distributor or dock prices. No such distributor shall sell at prices other
7 than those contained in such list, except in the case of bids to departments
8 or agencies of federal, state and local governments; but in no case shall the
9 distributor sell below cost as provided in this section.

10 *Prices which are filed pursuant to this subsection shall not become effec-*
11 *tive until the seventh day after filing, but any other distributor may meet*
12 *such price so filed if such other distributor files with the commission a*
13 *schedule of prices in the manner required by NRS 584.584.*

14 **[6.]** 7. The commission or any agent of the commission may
15 examine, at any reasonable time and place, the books and records of any
16 **[manufacturing distributor or]** *distributor who processes or manufac-*
17 *tures fluid milk, fluid cream, butter or fresh dairy byproducts, any*
18 *peddler-distributor or any retailer* relating to cost and prices.

19 SEC. 9. NRS 584.650 is hereby amended to read as follows:

20 584.650 Every distributor who purchases fluid milk or fluid cream
21 from a producer *and every producer cooperative organization which*
22 *handles milk for its members or other producers* shall make and keep for
23 1 year a correct record showing in detail the following *information for*
24 *each producer* with reference to the handling, sale or storage of such
25 fluid milk or fluid cream:

- 26 1. The name and address of the producer.
- 27 2. The date the fluid milk or fluid cream was received.
- 28 3. The amount of fluid milk or fluid cream received.
- 29 4. The official butterfat test of the fluid milk or fluid cream if pur-
30 chased on a butterfat basis.
- 31 5. The usage of the fluid milk or fluid cream.
- 32 6. Evidence of payment for the fluid milk or fluid cream purchased
33 **[.]** *or handled.*

34 SEC. 10. NRS 584.665 is hereby amended to read as follows:

35 584.665 In addition to the compilation of information pertaining to
36 fluid milk and fluid cream from the reports required by NRS 584.325 to
37 584.690, inclusive, the commission shall collect, assemble, compile, and
38 distribute statistical data relative to fluid milk, fluid cream, other milk and
39 milk products, and such other information as may relate to the dairy
40 industry and the provisions of NRS 584.325 to 584.690, inclusive. *For*
41 *purposes of this section the commission may require such information as it*
42 *deems necessary from distributors, producers, cooperative associations of*
43 *producers, retailers and others who are engaged in the production, sale,*
44 *distribution, handling or transportation of fluid milk, fluid cream or other*
45 *dairy products.*

46 SEC. 11. NRS 584.690 is hereby amended to read as follows:

47 584.690 **[NRS 584.325 to 584.685, inclusive,** shall apply to retail
48 stores in the following particulars only:

- 49 1. The examination by the commission of the purchase records of
50 retail stores from distributors.

1 2. The unfair practices prohibited in NRS 584.570.
 2 3. The provisions of any stabilization and marketing plan which
 3 includes retailers.] *The provisions of paragraphs (a), (b) and (c) of sub-*
 4 *section 2 of NRS 584.570 apply to retailers.*

5 SEC. 12. Chapter 584 of NRS is hereby amended by adding thereto
 6 the provisions set forth as sections 13 to 15, inclusive, of this act.

7 SEC. 13. 1. *Any petition requesting a hearing for the amendment*
 8 *of a stabilization and marketing plan shall be filed in ten copies and*
 9 *include:*

10 (a) *The name and address of every person joining in the petition. If*
 11 *the petitioner is a cooperative association of producers, a partnership or*
 12 *corporation the names of the duly authorized representative or repre-*
 13 *sentatives thereof shall be listed.*

14 (b) *A concise statement of the specific relief requested.*

15 (c) *A specific statement of the reasons why such relief is needed.*

16 (d) *A statement of the substantiating evidence.*

17 2. *The petition shall be signed by the petitioners and an affidavit shall*
 18 *accompany each such petition setting forth that the facts set forth therein*
 19 *are true and correct to the best of the petitioners' knowledge, information,*
 20 *and belief.*

21 3. *There shall be attached as an exhibit to the original copy only of*
 22 *each petition filed substantiating evidence in support of such petition.*
 23 *Additional information shall be supplied to the commission upon request.*

24 4. *Any person may, before the hearing, examine a copy of the peti-*
 25 *tion and accompanying statements, but not the exhibits attached thereto*
 26 *and file an answer, protest or any other statement concerning the petition,*
 27 *and may appear at the hearing to give evidence in support of or in pro-*
 28 *test of the petition.*

29 5. *Additional copies of the petition must be available for distribution*
 30 *at the scheduled hearing.*

31 6. *At least 20 days before the date set for the hearing, the secretary*
 32 *shall mail a notice of the date and a copy of the petition to each member*
 33 *of the commission.*

34 SEC. 14. *It is unlawful for any distributor or retailer to manipulate*
 35 *the prices of fluid milk, fluid cream, butter or fresh dairy byproducts for*
 36 *the purpose of injuring, harassing or destroying competition.*

37 SEC. 15. 1. *If after public hearing the commission finds that condi-*
 38 *tions in the market with regard to wholesale or retail milk prices are such*
 39 *as to cause, or threaten to cause, irreparable damage to the fluid milk*
 40 *industry or to cause or threaten to cause the creation of monopoly in the*
 41 *fluid milk industry, the commission shall establish the price or prices*
 42 *below which fluid milk shall not be sold by distributors and retailers, and*
 43 *shall regulate any discounts allowed by distributors and retailers. Any*
 44 *price established pursuant to this section shall not be effective for a period*
 45 *longer than 6 months.*

46 2. *The minimum prices so established shall be at a level which the*

1 *commission determines will maintain fair price competition and promote*
 2 *orderly marketing conditions.*

3 SEC. 16. The terms of office of all members of the state dairy com-
 4 mission incumbent on July 1, 1975, expire on that date.

S. B. 28

SENATE BILL NO. 28—SENATORS HILBRECHT,
NEAL, GOJACK, FOOTE AND BRYAN

JANUARY 27, 1975

Referred to Committee on Government Affairs

SUMMARY—Changes composition of state dairy commission.
Fiscal Note: No. (BDR 51-438)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to the state dairy commission of the State of Nevada; reconstituting the membership thereof; 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 584.430 is hereby amended to read as follows:
2 584.430 [Two members of the commission shall be producers, one
3 member shall be a distributor, and one member shall be a producer-
4 distributor, two members shall be operators of retail stores and three
5 members shall be persons representing the consuming public who have
6 no connection with producers, distributors, producer-distributors, or the
7 retail stores.] *The composition of the commission shall be as follows:*
8 1. *Two members shall be producers;*
9 2. *One member shall be a distributor or a producer-distributor;*
10 3. *One member shall be an operator of a retail store; and*
11 4. *Five members shall be persons representing the consuming public*
12 *who have no connection with producers, distributors, producer-distribu-*
13 *tors or the retail stores, as follows:*
14 (a) *One representative from a business employing no more than 10 per-*
15 *sons;*
16 (b) *One representative from a nonprofit consumer organization;*
17 (c) *One representative from a senior citizens' organization;*
18 (d) *One representative from a financial institution; and*
19 (e) *One representative from the public at large.*
20 SEC. 2. The governor shall, no later than August 1, 1975, remove one
21 member of the state dairy commission of the State of Nevada who is a
22 producer, one member who is an operator of a retail store and three mem-
23 bers who are representatives of the consuming public and appoint five
24 representatives of the consuming public, as specified in section 1 of this
25 act, to replace them.

S. B. 178

SENATE BILL NO. 178—SENATORS
BRYAN AND HILBRECHT

FEBRUARY 11, 1975

Referred to Committee on Government Affairs

SUMMARY—Changes composition of state dairy commission.
Fiscal Note: No. (BDR 51-400)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to the state dairy commission of the State of Nevada; reconstituting the membership thereof; 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 584.430 is hereby amended to read as follows:
 2 584.430 **[Two members]** *One member* of the commission shall be
 3 **[producers,]** *a producer*, one member shall be a distributor, **[and]** one
 4 member shall be a producer-distributor, **[two members]** *one member*
 5 shall be **[operators of retail stores and three]** *an operator of a retail*
 6 *store and five* members shall be persons representing the consuming
 7 public who have no connection with producers, distributors, producer-
 8 distributors, or the retail stores.
 9 SEC. 2. The governor shall, no later than August 1, 1975, remove
 10 one member of the state dairy commission of the State of Nevada who
 11 is a producer and one member who is an operator of a retail store and
 12 appoint two representatives of the consuming public to replace them.

S. B. 335

SENATE BILL NO. 335—SENATORS CLOSE, BLAKEMORE,
BROWN, BRYAN, DODGE, ECHOLS, FOOTE, GIBSON,
GOJACK, HERR, HILBRECHT, LAMB, MONROE, NEAL,
RAGGIO, SCHOFIELD, SHEERIN, WALKER, WILSON AND
YOUNG

MARCH 12, 1975

Referred to Committee on Government Affairs

SUMMARY—Limits campaign expenses of candidates for specified state, county and city offices and requires reports of such expenses. Fiscal Note: No. (BDR 24-1056)



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

AN ACT relating to elections; setting limits on campaign expenses of candidates for specified state, county and city offices; requiring reports of campaign expenses; 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 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
3 SEC. 2. *1. In any primary or general election, the campaign expenses*
4 *of a candidate for one of the following offices shall not exceed the*
5 *amount indicated for that office:*

6	(a) Governor.....	\$200,000
7	(b) Lieutenant governor.....	100,000
8	(c) Secretary of state.....	50,000
9	(d) State treasurer.....	50,000
10	(e) State controller.....	50,000
11	(f) Attorney general.....	50,000
12	(g) Justice of the supreme court.....	25,000
13	(h) District court judge.....	15,000
14	(i) County commissioner.....	15,000
15	(j) Mayor of Carson City.....	20,000
16	(k) Supervisor of Carson City.....	20,000
17	(l) County clerk.....	20,000
18	(m) County treasurer.....	20,000
19	(n) County assessor.....	20,000

1	(o) County recorder.....	\$20,000
2	(p) Sheriff.....	20,000
3	(q) District attorney.....	20,000
4	(r) Public administrator.....	5,000
5	(s) Constable.....	5,000
6	(t) Justice of the peace.....	10,000
7	(u) Mayor.....	20,000
8	(v) City councilman.....	15,000
9	(w) City clerk.....	15,000
10	(x) City treasurer.....	15,000
11	(y) City attorney.....	15,000
12	(z) Police judge.....	15,000

13 2. As used in this section, "campaign expenses" means all expendi-
 14 tures contracted for or made for advertising on television, radio, bill-
 15 boards, posters and in newspapers, and all other expenditures contracted
 16 for or made to further directly the campaign for election of the candidate,
 17 and includes all costs incurred or moneys expended with the knowledge
 18 of the candidate for such purposes during the periods:

- 19 (a) Up to the primary election; and
- 20 (b) After the primary election and up to the general election.

21 3. Any candidate who willfully exceeds the limitations upon campaign
 22 expenses prescribed in this section is guilty of a gross misdemeanor.

23 SEC. 3. 1. Every candidate shall file, within 15 days after a primary
 24 election and 30 days after a general election, an affidavit listing all his
 25 campaign expenses as defined in section 2 of this act:

- 26 (a) With the secretary of state, for an office listed in paragraphs (a) to
 27 (h), inclusive, of subsection 1 of section 2 of this act;
- 28 (b) With the county clerk, for all other offices listed in section 2 of
 29 this act.

30 2. Every candidate who willfully fails to file such affidavit, or who
 31 willfully falsifies such affidavit, is guilty of a misdemeanor.

32 SEC. 4. The secretary of state shall prepare a form for use by candi-
 33 dates described in section 2 of this act to list campaign expenses, as
 34 defined in section 2 of this act. Such form and a copy of sections 2 and
 35 3 of this act shall be presented by the filing officer to the candidate at
 36 the time he files his candidacy for office.

37 SEC. 5. 1. A newspaper, radio broadcasting station, outdoor adver-
 38 tising company or television broadcasting station shall not accept, pub-
 39 lish or broadcast any advertisement during a political campaign for any
 40 candidate for an office listed in section 2 of this act unless the advertise-
 41 ment has been authorized in writing by the candidate or his authorized
 42 representative. Any newspaper, radio broadcasting station, outdoor
 43 advertising company or television broadcasting station which violates
 44 this subsection is guilty of a misdemeanor for each advertisement pub-
 45 lished or broadcast in violation of this subsection.

46 2. Every newspaper, radio broadcasting station, outdoor advertising
 47 company or television broadcasting station which accepts, publishes or
 48 broadcasts advertising material from any candidate shall make available
 49 for inspection at any reasonable time beginning:

- 50 (a) Fifteen days after a primary election; and

1 (b) Thirty days after a general election,
 2 information setting forth the cost of all advertisements accepted and
 3 published or broadcast for each of the candidates who has, either per-
 4 sonally or through his duly authorized representative, authorized the
 5 publication or broadcasting of material.

6 3. For purposes of this section, "authorized representative" means
 7 a person who has been authorized in writing to represent a political
 8 candidate. The authorization to represent the candidate shall continue
 9 until the newspaper, radio broadcasting station, outdoor advertising
 10 company or television broadcasting station is given written notice of
 11 revocation of the authority.

S. B. 553

SENATE BILL NO. 553—SENATORS LAMB, DODGE, BLAKE—
MORE, GIBSON, BROWN, MONROE, WALKER, RAGGIO
AND YOUNG

APRIL 18, 1975

Referred to Committee on Government Affairs

SUMMARY—Authorizes acquisition of certain land for park and game
refuge. Fiscal Note: No. (BDR S-1873)



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

AN ACT authorizing the acquisition of certain land by the division of parks of the
state department of conservation and natural resources and the Nevada depart-
ment of fish and game; and providing other matters properly relating thereto.

1 WHEREAS, The Cleveland Ranch, situated in Spring Valley, White Pine
2 County, Nevada, has appurtenant water rights to more than 200 cold
3 water springs naturally suited to the raising of fish; and

4 WHEREAS, By planting grain in scattered areas of the ranch, feed and
5 shelter can be provided for ducks, geese, pheasants, sagehens and many
6 other species of birds, as well as grazing for antelope throughout the year;
7 and

8 WHEREAS, The location and natural features of the ranch make it an
9 excellent park site, offering outdoor recreation opportunities such as
10 boating, fishing, hiking, horseback riding and hunting; now, therefore,

11
12 *The People of the State of Nevada, represented in Senate and Assembly,*
13 *do enact as follows:*
14

15 SECTION 1. The division of state parks of the state department of
16 conservation and natural resources, in cooperation with the Nevada
17 department of fish and game, is authorized, without the necessity of
18 obtaining the concurrence of the interim finance committee, to acquire in
19 the name of the State of Nevada the property known as the Cleveland
20 Ranch, situated in Spring Valley of White Pine County, Nevada. Any
21 moneys available to the Nevada department of fish and game or to the
22 division of state parks from endowments, gifts or grants or from any
23 other federal, state or local source may be used for this purpose.

24 SEC. 2. This act shall become effective upon passage and approval.

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 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.

S. B. 497

SENATE BILL NO. 497—SENATORS YOUNG AND GOJACK

APRIL 8, 1975

Referred to Committee on Government Affairs

SUMMARY—Requires creation of joint river development review boards in certain counties. Fiscal Note: No. (BDR 22-1686)

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

AN ACT relating to planning and zoning; requiring the creation of joint river development review boards in certain counties; specifying the recommendatory powers and duties of such boards; providing for the payment of expenses of such boards; 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 278 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The legislature finds that:*
4 (a) *Pursuant to NRS 278.160 the conservation and recreation plans,*
5 *elements of the master plan, are required to include provisions for flood*
6 *control, the prevention and control of the pollution of streams and other*
7 *waters, the prevention, control and correction of the erosion of soils*
8 *through proper clearing, grading and landscaping, and the reservation*
9 *of riverbank strips.*
10 (b) *The rivers of Nevada possess scenic, recreational and other values*
11 *of present and future benefit which require review of activities reasonably*
12 *adjacent thereto for the purpose of determining possible effects which*
13 *such activities will have on the rivers' channels, banks and vegetation and*
14 *to insure proper controls over drainage and site improvements necessary*
15 *to protect the water quality of the rivers and their appearance.*
16 (c) *The institution of additional safeguards are necessary whereby prop-*
17 *erty owners, land developers and governing bodies of local governments*
18 *can be assured that activities within reasonable distances from the river*
19 *bank will be of high quality and in the best interests of the public.*
20 (d) *Uncontrolled development, construction and the use of land adja-*
21 *cent to a river may affect detrimentally the future preservation of*
22 *Nevada's rivers as valuable natural resources and recreational assets.*
23 2. *In a county having a population of not less than 100,000 or more*
24 *than 200,000, as determined by the last preceding national census of the*
25 *Bureau of the Census of the United States Department of Commerce,*
26 *containing one or more interstate rivers and in which a regional planning*
27 *commission exists pursuant to the provisions of NRS 278.090, the board*

1 of county commissioners and the governing bodies of the municipalities
2 within the county shall, by ordinance to be effective within 90 days of
3 the effective date of this act:

4 (a) Create a joint river development review board, specifying the num-
5 ber, terms, compensation, if any, and the method of removal of the mem-
6 bers thereof.

7 (b) Specify the dimensions of the riverbank area subject to review by
8 such board.

9 (c) Specify the powers and duties of such board. The powers and duties
10 shall be only recommendatory and may pertain to but shall not be limited
11 to:

12 (1) Review of development plans on property along the river.

13 (2) Recommendations to the regional planning commission, zoning
14 boards of adjustment and building inspectors with respect to maintaining
15 the river as a natural environmental corridor.

16 (3) Cooperative development along the river.

17 (4) Maintenance of open space along the river.

18 (5) Public access to the river.

19 (6) Water quality of the river.

20 (7) Acquisition and retention of the riverbank for public use.

21 3. Except as otherwise provided in this subsection, the regional plan-
22 ning commission, zoning boards of adjustment and building inspectors
23 shall not proceed to consider, hear, grant or make recommendations to
24 governing bodies of local governments until the recommendations of the
25 joint river development review board have been received concerning:

26 (a) Applications for building permits where the estimated value of the
27 proposed improvement exceeds \$1,000.

28 (b) Changes of land use classification.

29 (c) Variances.

30 (d) Special use permits.

31 (e) Tentative subdivision plats.

32 (f) Parcel maps.

33 Immediately upon the filing of an application for a building permit,
34 change of land use, variance, special use permit, tentative subdivision map
35 or parcel map which concerns land lying within the riverbank area subject
36 to review by the joint river development review board, the officer, board
37 or commission with whom such application or map is filed shall transmit a
38 copy of such application or map to the joint river development board for
39 its written recommendations. Failure of the joint river development review
40 board to respond to such application or map within 10 days from the date
41 of transmittal shall be deemed to be a recommendation of approval.

42 4. The joint river development review board may make independent
43 recommendations to the regional planning commission concerning the
44 desirability of regulations for the protection of the river as a natural
45 resource and recreational asset.

46 5. Expenses of the joint river development review board may be paid
47 from appropriations made to the regional planning commission pursuant
48 to NRS 278.120.

49 SEC. 2. This act shall become effective upon passage and approval.

S. B. 411

 SENATE BILL NO. 411—COMMITTEE ON
 GOVERNMENT AFFAIRS

MARCH 27, 1975

 Referred to Committee on Government Affairs

 SUMMARY—Requires filing of notice of intent and modifies recall
 procedures. Fiscal Note: No. (BDR 24-1378)

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

AN ACT relating to the recall of public officers; requiring that a notice of intent be filed when petition for recall is initiated; establishing an expiration date; modifying recall procedures; 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 306 of NRS is hereby amended by adding
 2 thereto a new section which shall read as follows:
 3 1. *Whenever a petition for the purpose of recalling any public officer*
 4 *is to be circulated, the persons proposing to circulate the petition shall*
 5 *file a notice of intent with the officer with whom the petition for nomi-*
 6 *nation to such office is required by law to be filed.*
 7 2. *The notice of intent shall be:*
 8 (a) *Signed by three registered voters who actually voted in the state*
 9 *or in the county, district or municipality electing such officer at the last*
 10 *preceding general election.*
 11 (b) *Verified before an officer authorized by law to administer oaths*
 12 *that the statements and signatures contained in the notice are true.*
 13 (c) *Valid for a period of 60 days.*
 14 3. *The petition for the purpose of recalling any public officer expires*
 15 *if it is not filed with the proper officer on or before the expiration of the*
 16 *notice of intent. Copies of an expired petition are not valid for any subse-*
 17 *quent petition.*
 18 SEC. 2. NRS 306.020 is hereby amended to read as follows:
 19 306.020 1. For the purpose of recalling any public officer, there
 20 may be filed with the officer with whom the petition for nomination to
 21 such office is required by law to be filed a petition signed by a number of
 22 registered voters not less than 25 percent of the number who actually

1 voted in the state, or in the county, district or municipality electing such
2 officer at the last preceding general election.

3 2. The petition shall: [also contain]

4 (a) Contain the residence addresses of the signers [, shall set] and the
5 date that the petition was signed;

6 (b) Set forth in not to exceed 200 words the reason why the recall is
7 demanded; [, and shall contain]

8 (c) Contain a statement of the minimum number of signatures neces-
9 sary to the validity of the petition; [.]

10 (d) Include the date that a notice of intent was filed; and

11 (e) Have the designation: "Signatures of registered voters seeking the
12 recall of(name of public officer for whom
13 recall is sought)" on each page if the petition contains more than one
14 page.

15 SEC. 3. NRS 306.030 is hereby amended to read as follows:

16 306.030 1. The petition [shall] may consist of any number of copies
17 [thereof,] which are identical in form with the original, except for the
18 signatures and residence addresses of the signers. The signature pages of
19 the petition and of any copy shall be consecutively numbered.

20 2. Every copy shall be verified by at least one of the signers thereof,
21 who shall swear or affirm, before an officer authorized by law to admin-
22 ister oaths, that the statements and signatures contained in the petition
23 are true. The verification shall also contain a statement of the number
24 of signatures being verified by the signer.

S. B. 179

SENATE BILL NO. 179—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 11, 1975

Referred to Committee on Government Affairs

SUMMARY—Authorizes the division of Colorado River resources of state department of conservation and natural resources on behalf of the State to acquire water facilities and to issue securities therefor. Fiscal Note: No. (BDR S-778)

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

AN ACT relating to certain water services and facilities; supplementing chapter 268, Statutes of Nevada 1967; authorizing the acquisition of certain water service facilities and properties appurtenant thereto and the issuance of bonds and other securities by the State of Nevada, acting by and through the division of Colorado River resources of the state department of conservation and natural resources; relating to the construction, other acquisition, equipment, operation, maintenance, improvement and disposition of properties appertaining to such facilities; otherwise concerning such securities and properties, and revenues, taxes and pledges and liens pertaining thereto by reference to the State Securities Law; requiring Clark County to reimburse the division of Colorado River resources funds previously advanced pursuant to the provisions of chapter 616, Statutes of Nevada 1971; 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. Terms used or referred to in this act are as defined in the
2 State Securities Law; but the following terms, wherever used or referred
3 to in this act, unless the context otherwise requires, have the meanings
4 ascribed to them in sections 2 to 6, inclusive, of this act.
5 SEC. 2. "Division" means the division of Colorado River resources of
6 the state department of conservation and natural resources.
7 SEC. 3. "Facilities" means collectively the federal facilities, as defined
8 in this act, and the state facilities, as defined in this act.
9 SEC. 4. "Federal facilities" means the works, facilities and appurte-
10 nances constructed by the Federal Government under the authorization of
11 the Southern Nevada Water Project Act, or by the State of Nevada pursu-
12 ant to this act and other acts supplemental thereto, or by both the Federal
13 Government and the state, including without limitation all pipelines, con-
14 duits, pumping plants, intake facilities, aqueducts, laterals, water storage
-

1 and regulatory facilities, electric substations, and related works to be
2 constructed for the purpose of transporting water from storage in Lake
3 Mead to points of delivery established for the project within Clark
4 County, Nevada.

5 SEC. 5. "Project" means the construction and other acquisition of the
6 federal facilities, as defined in this act, and of the state facilities, as defined
7 in this act, by the state, acting by and through the division, as authorized
8 by this act and by other acts supplemental thereto.

9 SEC. 6. "State facilities" means the works, facilities and appurte-
10 nances constructed by the State of Nevada pursuant to this act and other
11 acts supplemental thereto, for the acquisition of a water plant for the
12 treatment of raw water and the disposal of potable water for industrial,
13 commercial, residential, culinary, or domestic use, or any combination
14 thereof, including without limitation collection and disposal lines, lands,
15 easements, rights in lands, water rights, distribution and storage reser-
16 voirs, other storage facilities, trunk, connection and other water mains,
17 inlets, tunnels, flumes, conduits, canals, hydrants, filtration works, meters,
18 pumping and gaging stations, and equipment, in supplementation of the
19 federal facilities, as herein defined.

20 SEC. 7. 1. The division, on the behalf and in the name of the state,
21 may:

22 (a) Acquire, hold and improve the facilities;

23 (b) Acquire, hold, improve and dispose of properties appertaining to
24 the facilities, including without limitation water and water rights, for the
25 benefit and welfare of the people of the state;

26 (c) Acquire the facilities, wholly or in part, directly by construction
27 contract or otherwise, or indirectly by contract with the Federal Govern-
28 ment, or any combination thereof, as the division may from time to time
29 determine;

30 (d) Borrow money and otherwise become obligated in a total principal
31 amount of not exceeding \$60,000,000 to defray wholly or in part the cost
32 of acquiring the state facilities, and issue state securities to evidence such
33 obligations; and

34 (e) Borrow money and otherwise become obligated in a total principal
35 amount of not exceeding \$60,000,000 to defray wholly or in part the cost
36 of acquiring the federal facilities, and issue state securities to evidence
37 such obligations.

38 2. The power to issue securities hereunder in a total principal amount
39 of not exceeding \$120,000,000 under paragraph (e), subsection 1 of this
40 section, shall decrease to the extent, for the acquisition of the federal
41 facilities, Congress by federal act appropriates funds, the Office of Man-
42 agement and Budget apportions funds, the Bureau of Reclamation allots
43 funds, the Federal Government is obligated to pay earnings under con-
44 tract for the construction and other acquisition of the federal facilities, or
45 any part thereof, and the state is obligated by contract with the Federal
46 Government to pay to it sums equal to such earnings and any incidental
47 expenses due under such contract; but such power to issue securities shall
48 not be decreased because of any moneys due under such contract from the
49 state to the Federal Government in the nature of interest charges to com-
50 pensate it for moneys advanced by it until their repayment by the state.

1 SEC. 8. 1. Subject to the limitations as to maximum principal
2 amounts in section 7 of this act, the division may issue to defray the cost
3 of the project, or any part thereof, at any time or from time to time after
4 the adoption of this act, but not after 10 years from the effective date
5 thereof, as the division may determine, the following types of state securi-
6 ties in accordance with the provisions of the State Securities Law:

7 (a) General obligation bonds and other general obligation securities
8 payable from taxes, the payment of which securities is additionally
9 secured with net pledged revenues;

10 (b) Revenue bonds and other securities constituting special obligations
11 and payable from net pledged revenues; or

12 (c) Any combination of such securities.

13 2. Nothing in this act shall be construed as preventing the division
14 from funding, refunding or reissuing any outstanding state securities
15 issued by the division at any time as provided in the State Securities Law.

16 3. Subject to contractual obligations, the net revenues pledged, if any,
17 for the payment of state securities by the division may be derived from
18 the operation of all or any part of the income-producing facilities under
19 the jurisdiction of the division, including without limitation the facilities
20 acquired by the project.

21 SEC. 9. Any and all contracts entered into pursuant to the provisions
22 of this act shall not be binding upon the state until executed or otherwise
23 approved by the governor, including without limitation the execution of
24 securities in the manner and as otherwise provided in the State Securities
25 Law.

26 SEC. 10. The powers conferred by this act shall be in addition to and
27 supplemental to, and the limitations imposed by this act shall not affect,
28 the powers conferred by any other law, general or special, particularly
29 chapter 268, Statutes of Nevada 1967; and securities may be issued here-
30 under without regard to the procedure required by any other such law
31 except as otherwise provided in this act or in the State Securities Law.
32 Insofar as the provisions of this act are inconsistent with the provisions
33 of any other law, general or special, the provisions of this act shall be
34 controlling.

35 SEC. 11. It is hereby declared as a matter of legislative determina-
36 tion:

37 1. That pursuant to subsection 2 of section 44 of chapter 790,
38 Statutes of Nevada 1973, Clark County has succeeded to certain liabilities
39 incurred by the Las Vegas Valley water district through the water dist-
40 rict's expenditure of \$1,078,622.33 derived from General Obligation
41 Colorado River Water Acquisition Bonds, Series June 1, 1968. Such
42 funds were made available to the Las Vegas Valley water district by the
43 division in accordance with subsection 1 of section 3 of chapter 616,
44 Statutes of Nevada 1971, which chapter was subsequently repealed by
45 said chapter 790, Statutes of Nevada 1973.

46 2. That funds reimbursed to Clark County by the Environmental
47 Protection Agency as a Federal share of the project planning costs
48 exceeded the \$1,078,622.33 mentioned in subsection 1.

49 3. That the proceeds from the General Obligation Colorado River
50 Water Acquisition Bond funds so expended are now considered to be

1 urgently needed for their original intent and purpose in the planning and
2 construction of the expansion of water treatment facilities.

3 4. That the said principal plus accrued interest be reimbursed to the
4 division by Clark County for the purpose of planning, administering and
5 acquiring the necessary facilities of the second stage of the Southern
6 Nevada Water System treatment facilities as determined by the adminis-
7 trator of the division; notwithstanding any other provisions of chapter
8 790, Statutes of Nevada 1973, to the contrary.

9 SEC. 12. Pursuant to the above determinations, Clark County shall
10 pay to the division, for the State of Nevada, Colorado River Water State
11 Facilities Capital Improvement and Replacement Fund for use as pro-
12 vided in subsection 4 of section 11 of this act, the principal amount of
13 \$1,078,622.33, plus \$140,287.49 interest on or before March 21, 1975.

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

19 SEC. 14. This act shall become effective upon passage and approval.

SENATE BILL NO. 501—COMMITTEE ON
GOVERNMENT AFFAIRS

APRIL 9, 1975

Referred to Committee on Government Affairs

SUMMARY—Places Southern Nevada Water Project and Alfred Merritt Smith Water Treatment facility under control of the Las Vegas Valley Water District. Fiscal Note: No. (BDR S-1602)

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

AN ACT to amend an act entitled "An Act to create a water district in the Las Vegas valley, Clark County, Nevada; to designate such district as the agency responsible for water distribution; to provide for the procurement, storage, and distribution and sale of water and rights in the use thereof from Lake Mead for industrial, irrigation, municipal, and domestic uses; to provide for the conservation of the groundwater resources of the Las Vegas valley, and to create authority to purchase, acquire and construct the necessary works to carry out the provisions of this act; to provide for the issuance of district bonds and other securities; to provide for the levy of taxes for the payment of operation and maintenance expenses and to supplement other revenues available for the payment of principal of and interest on such bonds and other securities of said district; granting said district the franchise to carry on its operations in municipal corporations within its boundaries; exempting the property and bonds of said district from taxation; validating the creation and organization of said district; and for other purposes related thereto," approved March 27, 1947, as amended.

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

1 SECTION 1. Section 1.1 of the above-entitled act, being chapter 646,
2 Statutes of Nevada 1971, at page 1514, is hereby amended to read as fol-
3 lows:

4 Section 1.1. 1. The Las Vegas Valley water district is hereby desig-
5 nated as the agency responsible for water distribution within the bound-
6 aries of the district. The water district may exercise, in connection with its
7 distribution functions, all of the powers granted in this act.

8 2. The water district [shall assume] *is hereby designated as the*
9 *agency of the State of Nevada responsible for supervision, operation and*
10 *maintenance of all existing and future Southern Nevada water project*
11 *facilities and water treatment plants, and shall assess the costs against the*
12 *users of water.*

— 2 —

1 3. *Responsibility for the administration, performance and enforce-*
2 *ment of all contracts, rights and obligations incurred by the Colorado*
3 *River commission of Nevada (now the division of Colorado River*
4 *resources of the state department of conservation and natural resources) in*
5 *connection with the Southern Nevada Water Project and the Alfred Mer-*
6 *ritt Smith Water Treatment facility are hereby delegated to the district as*
7 *successor to the Colorado River Commission, subject to such approval as*
8 *is required of the United States by Article 18 of those contracts between*
9 *the Southern Nevada Water Project water users and the Commission*
10 *dated August 25, 1967, and by Article 16 of that Contract No. GS-OOT-*
11 *1710, dated January 8, 1969, between the United States and the Commis-*
12 *sion. This delegation does not diminish or affect the rights of the United*
13 *States or the "Project Water Users" under these contracts or the rights of*
14 *the holder of any bond issued to finance the construction of any of the*
15 *facilities described herein.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 387

 SENATE BILL NO. 387—COMMITTEE ON
 GOVERNMENT AFFAIRS

MARCH 25, 1975

 Referred to Committee on Government Affairs

 SUMMARY—Amends charter of City of Reno by increasing number
 of appointive officers. Fiscal Note: No. (BDR S-1385)

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

AN ACT to amend an act entitled "An Act incorporating the City of Reno, in Washoe County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved May 6, 1971, as amended.

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

- 1 SECTION 1. Section 1.090 of Article I of the above-entitled act, being
 2 chapter 662, Statutes of Nevada 1971, as amended by chapter 553,
 3 Statutes of Nevada 1973, at page 876, is hereby amended to read as
 4 follows:
 5 Section 1.090 Appointive officers.
 6 1. The city council shall provide for the appointment of a city
 7 manager to perform the duties outlined in section 3.020. A vacancy in
 8 the office of city manager shall be filled within 6 months.
 9 2. The city council may establish [such other] appointive offices as
 10 it may deem necessary for the operation of the city by designating the
 11 position and the qualifications therefor by ordinance. Appointment of
 12 such officers shall be made by the city manager and confirmed by the
 13 city council. [Such appointive offices may include:
 14 (a) Airport manager.
 15 (b) Animal regulation officer.
 16 (c) Assistant city manager.
 17 (d) Chief building inspector.
 18 (e) Chief license inspector.
 19 (f) Chief of police.
 20 (g) City controller.
 21 (h) City engineer.
 22 (i) Data processing director.
-

- 1 (j) Director of finance.
- 2 (k) Director of parks, recreation and public properties.
- 3 (l) Director of personnel.
- 4 (m) Director of public safety.
- 5 (n) Director of public works.
- 6 (o) Fire chief.
- 7 (p) Sign and paint superintendent.
- 8 (q) Signal and fire alarm superintendent.
- 9 (r) Superintendent of city shops.
- 10 (s) Superintendent of communications.
- 11 (t) Superintendent of parks.
- 12 (u) Superintendent of recreation.
- 13 (v) Superintendent of sanitation.
- 14 (w) Superintendent of sewer plant.
- 15 (x) Superintendent of sewers.
- 16 (y) Superintendent of streets.
- 17 (z) Traffic engineer.]

18 3. A city clerk shall be appointed by the city council.

19 SEC. 2. Section 9.020 of Article IX of the above-entitled act, being
20 chapter 553, Statutes of Nevada 1973, at page 884, is hereby amended to
21 read as follows:

22 Section 9.020 Civil service and exempt positions. There is hereby
23 created a civil service system applicable to and for the purpose of gov-
24 erning the selection, appointment and promotion of all employees of the
25 city except the following exempt positions: Elected officials of the city,
26 city manager, secretary to the city manager, [assistant city manager, city
27 clerk, airports manager, animal control center supervisor, building super-
28 intendent, building inspection superintendent, chief license and sewer
29 collections inspector, city engineer, communications superintendent,
30 comptroller, data processing manager, equipment maintenance superin-
31 tendent, finance director, fire chief, parks and recreation director, parks
32 superintendent, personnel director, personnel officer, police chief, public
33 safety director, public works director, recreation superintendent, sewage
34 plant superintendent, sewer lines superintendent, sign and paint superin-
35 tendent, streets superintendent, traffic safety engineer, traffic signal and
36 fire alarm superintendent,] *persons appointed by the city manager pur-*
37 *suant to subsection 2 of section 1.090, persons employed in the office of*
38 *the city attorney, persons employed by the city less than eighteen hours*
39 *per week, the chief examiner of the civil service commission, persons*
40 *employed in positions which are funded 50 percent or more by noncity*
41 *funds, and persons employed in trainee positions on a limited-term basis;*
42 *provided, however, that no employee of the City of Reno whose position*
43 *has heretofore been within the civil service system shall by this enactment*
44 *lose the rights or privileges held by him prior to the effective date of this*
45 *article.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 340

ASSEMBLY BILL NO. 340—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 4, 1975

Referred to Committee on Government Affairs

SUMMARY—Requires verbatim transcript of proceedings of local government meetings to establish combined tax rate. Fiscal Note: No. (BDR 32-1032)



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

AN ACT relating to the levy of property taxes and the reduction of the combined tax rate of local governments to meet constitutional limitations; requiring that a record be kept of the proceedings of local government meetings to establish such rate; requiring timely submission of the transcript to the Nevada tax commission if the ballots cast by the local governments are not unanimous; 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 361.455 is hereby amended to read as follows:
2 361.455 1. Subsequent to the approval of the final budgets for the
3 various local governments as defined in NRS 354.474 and their submission
4 to the Nevada tax commission, for examination and approval, the
5 Nevada tax commission shall certify to the board of county commissioners
6 of each of the several counties the combined tax rate necessary to produce
7 the amount of revenue required by the approved budgets, and shall certify
8 such combined rate, to each of the boards of county commissioners.
9 2. Immediately upon adoption of the final budgets, if the combined
10 tax rate together with the established state tax rate exceeds the constitu-
11 tional tax rate limit, the chairman of the board of county commissioners
12 in each county concerned shall call a meeting of the governing boards of
13 each of the local governments within such county for the purpose of estab-
14 lishing a combined tax rate that conforms to the constitutional limitations.
15 The chairman shall convene the meeting [on April 14 or, if April 14 falls
16 on a Saturday or Sunday, on the Monday next following.] *no later than*
17 *April 14 of each year.*
18 3. The governing boards of the local governments shall meet in public
19 session and the county clerk shall keep appropriate records, *pursuant to*
20 *regulations of the Nevada tax commission*, of all proceedings. *The costs of*
21 *taking and preparing the record of the proceedings, including the costs of*
22 *transcribing and summarizing tape recordings, shall be borne by the*
23 *county and participating incorporated cities in proportion to the final tax*
-

1 rate as certified by the Nevada tax commission. The chairman of the
2 board of county commissioners or his designee shall preside at such
3 meeting. The governing boards shall explore areas of mutual concern so
4 as to agree upon a combined tax rate that does not exceed the constitu-
5 tional limit. That portion of the proposed tax rate of the county school
6 district for the operation and maintenance of public schools composed of
7 the mandatory tax levy specified in paragraph (a) of subsection 2 of NRS
8 387.195 and the recommended tax levy to be made pursuant to paragraph
9 (b) of subsection 2 of NRS 387.195 may not be reduced by action of the
10 governing boards in order to establish a combined tax rate conforming to
11 constitutional limitations; but that portion of the proposed tax rate of the
12 county school district specified for debt service requirements pursuant to
13 paragraph (c) of subsection 2 of NRS 387.195 is subject to a rate adjust-
14 ment by action of the governing boards pursuant to this section.

15 4. The governing boards shall determine final decisions by a unani-
16 mous vote of all entities present and qualified to vote, as defined in this
17 subsection. No ballot may be cast on behalf of any governing board unless
18 a majority of such individual board is present. A majority vote of all
19 members of each governing board is necessary to determine the ballot cast
20 for that entity. All ballots must be cast not later than the day following the
21 day the meeting is convened. The district attorney shall be the legal
22 advisor for such proceedings.

23 5. The county clerk shall immediately thereafter advise the Nevada
24 tax commission of the results of the ballots cast and the tax rates set for
25 local governments concerned. [and shall submit a written summary of the
26 discussions to the commission.] If the ballots for the entities present at the
27 meeting in such county are not unanimous, the county clerk shall [notify
28 the Nevada tax commission of the ballots cast indicating that a unanimous
29 vote could not be obtained.] *transmit all records of the proceeding to the
30 commission within 5 days after the meeting.*

31 6. If a unanimous vote is not obtained and the combined rate in any
32 county together with the established state tax rate exceeds the constitu-
33 tional tax rate limit, the Nevada tax commission shall examine the
34 [summary] record of the discussions and the budgets of all local
35 governments concerned. On May 1 or, if May 1 falls on a Saturday or
36 Sunday, on the Monday next following, the Nevada tax commission shall
37 meet to set the tax rates for the next succeeding year for all local govern-
38 ments so examined. In setting such tax rates for the next succeeding year
39 the Nevada tax commission shall not reduce that portion of the proposed
40 tax rate of the county school district for the operation and maintenance of
41 public schools composed of the mandatory tax levy specified in paragraph
42 (a) of subsection 2 of NRS 387.195 and the recommended tax levy to be
43 made pursuant to paragraph (b) of subsection 2 of NRS 387.195.

44 7. Any local government affected by a rate adjustment, made in
45 accordance with the provisions of this section, which necessitates a budget
46 revision shall file a copy of its revised budget by June 30 next after the
47 approval and certification of the rate by the Nevada tax commission.

48 8. A copy of the certificate of the Nevada tax commission sent to the
49 board of county commissioners shall be forwarded to the county auditor.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 340

 ASSEMBLY BILL NO. 340—COMMITTEE ON
 GOVERNMENT AFFAIRS

 MARCH 4, 1975

Referred to Committee on Government Affairs

SUMMARY—Requires verbatim transcript of proceedings of local government meetings to establish combined tax rate. Fiscal Note: No. (BDR 32-1032)



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

AN ACT relating to the levy of property taxes and the reduction of the combined tax rate of local governments to meet constitutional limitations; requiring that a record be kept of the proceedings of local government meetings to establish such rate; requiring timely submission of the transcript to the Nevada tax commission if the ballots cast by the local governments are not unanimous; 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 361.455 is hereby amended to read as follows:
 2 361.455 1. Subsequent to the approval of the final budgets for the
 3 various local governments as defined in NRS 354.474 and their submis-
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 5 Nevada tax commission shall certify to the board of county commissioners
 6 of each of the several counties the combined tax rate necessary to produce
 7 the amount of revenue required by the approved budgets, and shall certify
 8 such combined rate. to each of the boards of county commissioners.
 9 2. Immediately upon adoption of the final budgets, if the combined
 10 tax rate together with the established state tax rate exceeds the constitu-
 11 tional tax rate limit, the chairman of the board of county commissioners
 12 in each county concerned shall call a meeting of the governing boards of
 13 each of the local governments within such county for the purpose of estab-
 14 lishing a combined tax rate that conforms to the constitutional limitations.
 15 The chairman shall convene the meeting ~~on April 14 or, if April 14 falls~~
 16 ~~on a Saturday or Sunday, on the Monday next following.]~~ *no later than*
 17 *April 14 of each year.*
 18 3. The governing boards of the local governments shall meet in public
 19 session and the county clerk shall keep appropriate records, *pursuant to*
 20 *regulations of the Nevada tax commission*, of all proceedings. *The costs of*
 21 *taking and preparing the record of the proceedings, including the costs of*
 22 *transcribing and summarizing tape recordings, shall be borne by the*
 23 *county and participating incorporated cities in proportion to the final tax*
-

1 rate as certified by the Nevada tax commission. The chairman of the
2 board of county commissioners or his designee shall preside at such
3 meeting. The governing boards shall explore areas of mutual concern so
4 as to agree upon a combined tax rate that does not exceed the constitu-
5 tional limit. That portion of the proposed tax rate of the county school
6 district for the operation and maintenance of public schools composed of
7 the mandatory tax levy specified in paragraph (a) of subsection 2 of NRS
8 387.195 and the recommended tax levy to be made pursuant to paragraph
9 (b) of subsection 2 of NRS 387.195 may not be reduced by action of the
10 governing boards in order to establish a combined tax rate conforming to
11 constitutional limitations; but that portion of the proposed tax rate of the
12 county school district specified for debt service requirements pursuant to
13 paragraph (c) of subsection 2 of NRS 387.195 is subject to a rate adjust-
14 ment by action of the governing boards pursuant to this section.

15 4. The governing boards shall determine final decisions by a unani-
16 mous vote of all entities present and qualified to vote, as defined in this
17 subsection. No ballot may be cast on behalf of any governing board unless
18 a majority of such individual board is present. A majority vote of all
19 members of each governing board is necessary to determine the ballot cast
20 for that entity. All ballots must be cast not later than the day following the
21 day the meeting is convened. The district attorney shall be the legal
22 advisor for such proceedings.

23 5. The county clerk shall immediately thereafter advise the Nevada
24 tax commission of the results of the ballots cast and the tax rates set for
25 local governments concerned. [and shall submit a written summary of the
26 discussions to the commission.] If the ballots for the entities present at the
27 meeting in such county are not unanimous, the county clerk shall [notify
28 the Nevada tax commission of the ballots cast indicating that a unanimous
29 vote could not be obtained.] *transmit all records of the proceeding to the
30 commission within 5 days after the meeting.*

31 6. If a unanimous vote is not obtained and the combined rate in any
32 county together with the established state tax rate exceeds the constitu-
33 tional tax rate limit, the Nevada tax commission shall examine the
34 [summary] record of the discussions and the budgets of all local
35 governments concerned. On May 1 or, if May 1 falls on a Saturday or
36 Sunday, on the Monday next following, the Nevada tax commission shall
37 meet to set the tax rates for the next succeeding year for all local govern-
38 ments so examined. In setting such tax rates for the next succeeding year
39 the Nevada tax commission shall not reduce that portion of the proposed
40 tax rate of the county school district for the operation and maintenance of
41 public schools composed of the mandatory tax levy specified in paragraph
42 (a) of subsection 2 of NRS 387.195 and the recommended tax levy to be
43 made pursuant to paragraph (b) of subsection 2 of NRS 387.195.

44 7. Any local government affected by a rate adjustment, made in
45 accordance with the provisions of this section, which necessitates a budget
46 revision shall file a copy of its revised budget by June 30 next after the
47 approval and certification of the rate by the Nevada tax commission.

48 8. A copy of the certificate of the Nevada tax commission sent to the
49 board of county commissioners shall be forwarded to the county auditor.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 407

ASSEMBLY BILL NO. 407—ASSEMBLYMEN BENKOVICH,
CHRISTENSEN, HEANEY, WITTENBERG, BARENGO AND
MURPHY

MARCH 14, 1975

Referred to Committee on Government Affairs

SUMMARY—Increases number of counties where county commissioners serve as ex officio trustees of certain general improvement districts. Fiscal Note: No. (BDR 25-1248)



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

AN ACT relating to general improvement districts; adding to the category of counties where the board of county commissioners is to serve as ex officio board of trustees of certain districts; authorizing the boards of county commissioners in all counties to serve as ex officio board of trustees of certain districts; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 318.0953 is hereby amended to read as follows:
2 318.0953 1. In every county having a population of [200,000]
3 100,000 or more, as shown by the most recent decennial census of the
4 Bureau of the Census of the United States Department of Commerce,
5 notwithstanding the provisions of NRS 318.080 to 318.0952, inclusive,
6 the board of county commissioners shall be, *and in counties with a popu-*
7 *lation of less than 100,000 the board of county commissioners may be,* ex
8 officio, the board of trustees of each district organized or reorganized pur-
9 suant to this chapter and being authorized to exercise the basic power of
10 furnishing sanitary sewer facilities as provided in NRS 318.140, regardless
11 of whether the district is also authorized to furnish storm drainage facili-
12 ties, but excluding any district which is authorized, in addition to such
13 basic powers, to exercise any one or more other basic powers designated in
14 this chapter, except as provided in subsections 2 and 3.
15 2. The board of county commissioners of [such a] any county may
16 be, at its option, ex officio, the board of trustees of any district organized
17 or reorganized pursuant to this chapter and being authorized to exercise
18 the basic power of furnishing water facilities as provided in NRS 318.144.
19 or, furnishing both water facilities and sanitary sewer facilities as pro-
20 vided in NRS 318.144 and 318.140, respectively, regardless of whether
-

1 the district is also authorized to furnish storm drainage facilities, but
2 excluding any district which:

3 (a) Is authorized, in addition to such basic powers, to exercise any one
4 or more other basic powers designated in this chapter.

5 (b) Is organized or reorganized pursuant to this chapter the boundaries
6 of which include all or a portion of any incorporated city or all or a por-
7 tion of a water district created by special law.

8 3. ~~【The】~~ A board of county commissioners may exercise ~~【such~~
9 option by~~】~~ the options provided in subsections 1 and 2 by providing in
10 the ordinance creating the district or in an ordinance thereafter adopted
11 at any time that the board is, ex officio, the board of trustees of the
12 district. The board of county commissioners shall, in the former case, be
13 the board of trustees of the district when the ordinance creating the dis-
14 trict becomes effective, or in the latter case, become the board of the dis-
15 trict 30 days after the effective date of the ordinance adopted after the
16 creation of the district. In the latter case promptly within such 30-day
17 period the county clerk shall cause a copy of the ordinance to be:

18 (a) Filed in his office;

19 (b) Transmitted to the secretary of the district; and

20 (c) Filed in the office of the secretary of state without the payment of
21 any fee and otherwise in the same manner as articles of incorporation
22 are required to be filed under chapter 78 of NRS.

23 4. When the board of trustees of any district is so constituted, the
24 following special provisions shall apply and supersede the corresponding
25 provisions of NRS 318.080 to 318.0952, inclusive:

26 (a) The members need not file the oath of office or bond required by
27 NRS 318.080.

28 (b) The members of the board of county commissioners shall receive
29 no additional compensation as trustees of the district.

30 (c) The chairman of the board of county commissioners shall be chair-
31 man of the board and president of the district.

32 (d) The secretary and treasurer of the district shall not be members of
33 the board of county commissioners. The board may designate the county
34 clerk and county treasurer, respectively, to act ex officio as secretary and
35 treasurer, or it may designate some other person to fill either or both of
36 such offices. No additional bond may be required of the county treasurer
37 as ex officio district treasurer nor of any other county officer appropri-
38 ately bonded as ex officio a district officer.

39 (e) No member of the board of county commissioners may be removed
40 from the office of trustee under the authority of subsection 4 of NRS
41 318.080, but any such member shall be automatically removed from
42 such office upon his removal from the office of county commissioner in
43 the manner provided by law.

44 (f) The regular place of meeting of the board need not be within the
45 corporate limits of the district but shall be within the corporate limits of
46 the county and shall be the regular meeting place of the board of county
47 commissioners unless the board otherwise provides by resolution.

48 (g) The times of regular meetings of the board shall be the same as
49 the times of the regular meetings of the board of county commissioners
50 unless the board otherwise provides by resolution.

1 (h) Special meetings may be held on notice to each member of the
2 board as often as, and at such place or places within the county as, the
3 board may determine, unless it otherwise provides by resolution.

4 (i) The office or principal place of the district need not be located
5 within the corporate limits of the district and shall be the office of the
6 county clerk unless the board otherwise provides by resolution.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 510

 ASSEMBLY BILL NO. 510—COMMITTEE ON
GOVERNMENT AFFAIRS

APRIL 1, 1975

 Referred to Committee on Government Affairs

SUMMARY—Authorizes county commissioners to exercise any improvement powers delegated to board of trustees of general improvement district and to fill existing vacancies on such board. Fiscal Note: No. (BDR 20-713)



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

AN ACT relating to county commissioners; authorizing county commissioners to exercise within any unincorporated areas any improvement powers delegated to boards of trustees of general improvement districts upon compliance with the same procedures required of such boards of trustees; 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 244 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *Subject to the conditions imposed in subsection 2, the board of*
4 *county commissioners of any county of this state has the power to make*
5 *any improvement in any unincorporated area within its county that a*
6 *board of trustees of any general improvement district, if organized, would*
7 *be permitted to make pursuant to the provisions of chapter 318 of NRS.*
8 2. *A board of county commissioners may make improvements author-*
9 *ized under subsection 1 only upon compliance with the same procedures*
10 *that a board of trustees of a general improvement district would be*
11 *required to follow for the same class of improvements within an improve-*
12 *ment district.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 511

 ASSEMBLY BILL NO. 511—COMMITTEE ON
 GOVERNMENT AFFAIRS

APRIL 1, 1975

 Referred to Committee on Government Affairs

 SUMMARY—Permits service charges and fees of general improvement districts
 to be collected on county tax roll. Fiscal Note: No. (BDR 25-712)

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

 AN ACT relating to general improvement districts; permitting service charges and
 fees of general improvement districts to be collected on county tax roll; and
 providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 318.201 is hereby amended to read as follows:
 2 318.201 1. Any board which has adopted rates pursuant to this
 3 chapter may, by resolution or by separate resolutions, elect to have such
 4 charges for the forthcoming fiscal year collected on the tax roll in the
 5 same manner, by the same persons, and at the same time as, together
 6 with and not separately from, [its] *the county's* general taxes. In such
 7 event, it shall cause a written report to be prepared and filed with the
 8 secretary, which shall contain a description of each parcel of real prop-
 9 erty receiving such services and facilities and the amount of the charge
 10 for each parcel for such year, computed in conformity with the charges
 11 prescribed by the resolution.
- 12 2. The powers authorized by this section [shall be] *are* alternative to
 13 all other powers of the district, and alternative to other procedures
 14 adopted by the board for the collection of such charges.
- 15 3. The real property may be described by reference to maps pre-
 16 pared by and on file in the office of the county assessor or by descrip-
 17 tions used by him, or by reference to plats or maps on file in the office of
 18 the secretary.
- 19 4. The board may make the election specified in subsection 1 with
 20 respect only to delinquent charges and may do so by preparing and filing
 21 the written report, giving notice and holding the hearing therein required
 22 only as to such delinquencies.
- 23 5. The secretary shall cause notice of the filing of the report and of a
 24 time and place of hearing thereon to be published once a week for 2
-

1 weeks prior to the date set for hearing, in a newspaper of general circula-
2 tion printed and published within the district if there is one and if not then
3 in such paper printed and published in a county within which the district
4 is located.

5 6. Before the board may have such charges collected on the tax roll,
6 the secretary shall cause a notice in writing of the filing of the report pro-
7 posing to have such charges for the forthcoming fiscal year collected on
8 the tax roll and of the time and place of hearing thereon, to be mailed to
9 each person to whom any parcel or parcels of real property described in
10 the report is assessed in the last equalized assessment roll available on the
11 date the report is prepared, at the address shown on the assessment roll or
12 as known to the secretary. If the board adopts the report, then the require-
13 ments for notice in writing to the persons to whom parcels of real prop-
14 erty are assessed [shall] does not apply to hearings on reports prepared in
15 subsequent fiscal years but notice by publication as [herein provided shall
16 be] provided in this section is adequate.

17 7. At the time stated in the notice, the board shall hear and consider
18 all objections or protests, if any, to the report referred to in the notice
19 and may continue the hearing from time to time. If the board finds that
20 protest is made by the owners of a majority of separate parcels of prop-
21 erty described in the report, then the report shall not be adopted and the
22 charges shall be collected separately from the tax roll and shall not con-
23 stitute a lien against any parcel or parcels of land.

24 8. Upon the conclusion of the hearing, the board may adopt, revise,
25 change, reduce or modify any charge or overrule any or all objections and
26 shall make its determination upon each charge as described in the report,
27 which determination [shall be] is final.

28 9. [Prior to the time the county treasurer posts taxes to the county
29 tax roll each year following such final determination, the secretary shall
30 file with him a copy of the report with a statement endorsed thereon over
31 his signature that it has been finally adopted by the board, and the county
32 treasurer shall enter the amounts of the charges against the respective lots
33 or parcels of land as they appear on the current assessment roll. Where
34 any such parcels are outside the boundaries of the district they shall be
35 added to the assessment roll of such district for the purpose of collecting
36 such charges. If the property is not described on the roll, the county treas-
37 urer may enter the description thereon together with the amounts of the
38 charges, as shown in the report.] After the hearing, when the board has
39 made a final decision on a service charge or fee to be collected on the
40 county tax roll, the secretary shall prepare and file a final report, which
41 shall contain a description of each parcel receiving the services and the
42 amount of the charge, with the county assessor for inclusion on the assess-
43 ment roll. If a report is filed after the closing of the assessment roll but
44 before the extension of the tax roll, the auditor shall insert the charges in
45 such extension.

46 10. The amount of the charges shall constitute a lien against the lot or
47 parcel of land against which the charge has been imposed as of the time
48 when the lien of taxes on the roll attach.

49 11. The county treasurer shall include the amount of the charges on
50 bills for taxes levied against the respective lots and parcels of land.

1 Thereafter the amount of the charges shall be collected at the same time
2 and in the same manner and by the same persons as, together with and
3 not separately from, the general taxes for the [district, and shall be]
4 county. The charges shall become delinquent at the same time [and
5 thereafter be] as such taxes and are subject to the same delinquency pen-
6 alties.

7 12. All laws applicable to the levy, collection and enforcement of
8 general taxes of the [district,] county, including, but not limited to, those
9 pertaining to the matters of delinquency, correction, cancellation, refund,
10 redemption and sale, are applicable to such charges.

11 13. The county treasurer may [in his discretion,] issue separate bills
12 for such charges and separate receipts for collection on account of such
13 charges.