

Senate

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - April 3, 1975

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

Also Present:

Bob Warren, Nevada League of Cities
 Henry A. Hooks, III, Nev. Comm. on Equal Rights of Citizens
 Stan Colton, Clark County, Registrar of Voters
 Merle Snyder, Council on the Arts

Vice Chairman Walker called the twenty seventh meeting of the Government Affairs Committee to order at 2:55 p.m. quorum was present.

AB-291 Provides that roster of absent ballot central counting board be used by county clerk in compiling list of registered voters. (BDR 24-918)

Stan Colton, Clark County Registrar of Voters indicated that this was simply a technical change of clarification. This bill allows them to add as well as delete names on the roster they use at the polls.

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

AB-383 Reduces membership of Nevada State Council on Arts and its executive board in specified stages.

Merle Snyder, Council on the Arts, indicated that the board of 21 approved the measure by 15 votes in favor of the bill. It will reduce their council over a period of years to 11 members. Also provides that the presidents of the three universities and the representative from the Governor's office are no longer ex-officio members. When their council goes down to 11 members the executive board will also be reduced from six to five.

AB-400 Shortens name of Nevada commission on equal rights of citizens. BDR 18-1227)

Henry Hooks, III, Nevada Commission on Equal Rights of Citizens, stated that their name was too long and the bill would only deal with the shortening of their name.

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

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AB-338 Requires regional street and highway fund to be accounted for as separate fund.

Due to a previous commitment Jim Lien, Tax Commission was unable to testify but the written testimony is provided. (see the attached).

Senator Dodge explained to the committee that most of the larger communities due provide a separate fund for regional street and highway accounting. The smaller communities will be the ones affected by this bill and it will make it more uniform throughout the state.

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

AB-343 Allows local governments, conservation districts and irrigation districts to utilize purchasing division facilities.

See attached testimony provided by Jim Lien, Tax Commission.

The committee was confused with the intent of some of the language i.e. line 15 of page 1 appears to be opposed to the objectives of the bill. It was decided to hold action on this until Mr. Lien could be present to answer the questions the committee has on this bill.

As there was no further business the meeting was adjourned at 4:15 p.m.

Respectfully submitted,



Janice M. Peck
Committee Secretary

Approved:


Vice Chairman

STATE OF NEVADA
Nevada Tax Commission

CARSON CITY, NEVADA 89701⁷³²

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MIKE O'CALLAGHAN, Governor

JOHN J. SHEEHAN, Secretary

MEMORANDUM

April 2, 1975

TO: Honorable James Gibson, Chairman, Senate Governmental Affairs Committee

FROM: James C. Lien, Assistant Secretary

SUBJECT: AB 338 and 343

Due to an out-of-state commitment, I will be unable to attend the April 3rd committee meeting which is considering AB 338 and 343. Accordingly, I am setting forth my views in writing for the committee's consideration. The two bills were initiated by the Local Government Advisory Committee to the Nevada Tax Commission as clarifying present statute and/or policy.

AB 338 merely clarifies what this agency and independent auditors presently consider to be the law. We feel that statute requires counties to have a Road Fund pursuant to NRS 403.210 and a Regional Street and Highway Fund pursuant to NRS 373.110. (The latter is only when the county has availed itself of the optional 1¢ or 2¢ gas tax under Chapter 373, NRS.) We find two counties have deposited all Regional Street and Highway monies in the County Road Fund. Although the independent auditors have indicated that the practice was wrong, we felt it best to clarify that the two funds should be accounted for separately; thus the language on lines 7 and 8. In essence, AB 338 states that the Regional Street and Highway Fund must be maintained as a separate fund, and, considering the restrictions on the expenditures therefrom, this appears the most logical accounting approach. We feel this would be a valid clarification consistent with expressed intent and are supportive of the bill.

AB 343 is an amendment to the State Purchasing Act to more clearly identify those local governments who may utilize the State Purchasing Division's services. Presently, counties, municipalities, irrigation districts and school districts are specifically mentioned; however, an issue arose as to whether general improvement districts (Chapter 318, NRS) could avail themselves of the services of State Purchasing. At one point the Attorney General's Office indicated that general improvement districts were not one of the defined entities which could use State Purchasing, but then on February 11, 1974, the Attorney General's Office gave a letter opinion stating that general improvement districts could be considered municipalities and thus could use State Purchasing.

Senator Gibson
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In order to clarify what entities could avail themselves of State Purchasing's services, the Advisory Committee is recommending the language in lines 16 and 17. NRS 354.474 defines local governments to mean "every political subdivision or other entity which has the right to assessments, and includes without limitation counties, cities, town, boards, school districts and other districts organized pursuant to chapters 244, 309, 218, 279, 474 540, 541, 542, 543 and 555 of NRS, NRS 450.550 to 450.700, inclusive,". The Local Government Purchasing Act uses this same definition.

Terry Sullivan, head of State Purchasing Division, is supportive of this bill as he too feels that all local governments, and not a restricted few, should have access to purchasing supplies, equipment, etc., through the State Purchasing Division. We urge approval by the committee of this bill.

JCL/mw

A. B. 291

ASSEMBLY BILL NO. 291—COMMITTEE ON ELECTIONS

FEBRUARY 17, 1975

Referred to Committee on Elections

SUMMARY—Provides that roster of absent ballot central counting board be used by county clerk in compiling list of registered voters. Fiscal Note: No. (BDR 24-918)

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

AN ACT relating to elections; providing that the roster of the absent ballot central counting board is to be used by the county clerk in compiling list of registered voters; 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 293.545 is hereby amended to read as follows:
 2 293.545 1. Immediately after the county commissioners of a county
 3 canvass the general election vote, the county clerk shall compare the reg-
 4 istrar of voters' register for each precinct or district in the county with the
 5 list of registered voters who voted at such election in each precinct or dis-
 6 trict as shown by the pollbook or roster returned by the precinct or dis-
 7 trict election board *and the absent ballot central counting board, if one*
 8 *has been appointed*, to the county clerk, and he shall remove from the
 9 registrar of voters' register and from the election board register the affida-
 10 vits of registration of all electors who have failed to vote at such election.
 11 2. If the affidavit of registration of an elector is cancelled pursuant to
 12 the provisions of subsection 1, the registrar of voters may mail a post card
 13 containing a form for an affidavit of registration to the last-known address
 14 of such elector whereby such elector may reregister by completing the post
 15 card and mailing it back to the registrar of voters.
 16 3. An absent voter whose ballot is voted and mailed on or before the
 17 date of the general election but which arrives too late to be cast and
 18 counted shall not be considered as having failed to vote under subsec-
 19 tion 1.

A. B. 338**ASSEMBLY BILL NO. 338—COMMITTEE ON
GOVERNMENT AFFAIRS**

MARCH 4, 1975

Referred to Committee on Government Affairs

SUMMARY—Requires regional street and highway fund to be accounted
for as separate fund. Fiscal Note: No. (BDR 32-1043)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.AN ACT relating to county motor vehicle fuel tax; requiring regional street and
highway fund to be accounted for as a separate fund.*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 373.110 is hereby amended to read as follows:
 2 373.110 1. All net proceeds of the county motor vehicle fuel tax
 3 received by the county pursuant to NRS 373.080 shall be deposited by
 4 the county treasurer in a fund to be known as the regional street and
 5 highway fund in the county treasury, and disbursed only in accordance
 6 with the provisions of this chapter.
 7 2. *After July 1, 1975, the regional street and highway fund shall be*
 8 *accounted for as a separate fund and not as a part of any other fund.*

A. B. 343

 ASSEMBLY BILL NO. 343—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 4, 1975

 Referred to Committee on Government Affairs

SUMMARY—Allows local governments, conservation districts and irrigation districts to utilize purchasing division facilities. Fiscal Note: No. (BDR 27-1036)

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

AN ACT relating to the State Purchasing Act; allowing local governments, conservation districts and irrigation districts to utilize the purchasing division facilities of the department of general services; 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 333.020 is hereby amended to read as follows:
 2 333.020 The following words shall have the following meaning
 3 within the purview of this chapter, and shall be so construed:
 4 1. "Chief" means the chief of the purchasing division.
 5 2. "Director" means the director of the department of general serv-
 6 ices.
 7 3. "Purchasing division" means the purchasing division of the depart-
 8 ment of general services.
 9 4. "Using agencies" means any and all officers, departments, institu-
 10 tions, boards, commissions and other agencies in the executive department
 11 of the state government which derive their support from public funds in
 12 whole or in part, whether the same may be funds provided by the State
 13 of Nevada, funds received from the Federal government or any branch,
 14 bureau or agency thereof, or funds derived from private or other sources,
 15 excepting [counties, municipalities, irrigation districts and school dis-
 16 tricts.] *local governments as defined in NRS 354.474, conservation dis-*
 17 *tricts and irrigation districts.* The University of Nevada System and the
 18 desert research institute of the University of Nevada System are not "using
 19 agencies" except as provided in NRS 333.461.
 20 5. "Volunteer fire department" means a volunteer fire department
 21 which pays industrial insurance premiums pursuant to the provisions of
 22 chapter 616 of NRS.
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1 SEC. 2. NRS 333.310 is hereby amended to read as follows:

2 333.310 1. The advertisements shall contain general descriptions of
3 the classes of commodities for which bids are wanted and shall state:

4 (a) The names and locations of the departments, *agencies, local gov-*
5 *ernments, districts* or institutions for which the purchases are to be made.

6 (b) Where and how specifications and quotation forms may be
7 obtained.

8 (c) The date and time not later than which bids must be filed.

9 (d) The date and time when bids will be opened.

10 The chief or his designated agent shall pass upon the copy for the adver-
11 tisement.

12 2. Each such advertisement shall be published in one or more news-
13 papers of general circulation in the state. The selection of the newspapers
14 to carry such advertising shall be made in the manner provided by this
15 chapter for other purchases, on the basis of the lowest price to be secured
16 in relation to the paid circulation; except that whenever such advertising
17 relates to any supplies, materials or equipment to be obtained at the
18 request of any [county, municipality, irrigation district, school district,]
19 *local government as defined in NRS 354.474, conservation district, irriga-*
20 *tion district*, the University of Nevada System or the desert research insti-
21 tute of the University of Nevada System, such advertising shall be
22 published in the manner provided in NRS 333.470.

23 SEC. 3. NRS 333.470 is hereby amended to read as follows:

24 333.470 1. The University of Nevada System, the desert research
25 institute of the University of Nevada System, and [counties, municipal-
26 ities, irrigation districts and school districts] *local governments as defined*
27 *in NRS 354.474, conservation districts and irrigation districts* in the
28 State of Nevada may obtain supplies, materials and equipment on a vol-
29 untary basis through the facilities of the purchasing division.

30 2. The chief shall issue bulletins from time to time to all state [,
31 county and municipal agencies, to all school districts in the State of
32 Nevada,] *and local government agencies, to all irrigation districts and*
33 *conservation districts*, to the University of Nevada System and to the
34 desert research institute of the University of Nevada System, indicating
35 the supplies, materials and equipment available and the prices thereof.

36 3. The specifications for all bids for supplies, materials or equipment
37 to be furnished [any political subdivision] pursuant to the provisions of
38 subsection 1 shall be so written that all suppliers of the market in the
39 industry or business concerned are given an opportunity to bid pursuant
40 to notice as provided for in this chapter.

41 4. Prior to receiving any bid or awarding any contract or order pur-
42 suant to the provisions of this section, the purchasing division shall pub-
43 lish a call for bids in a newspaper of general circulation in the political
44 subdivision or district proposing to obtain such supplies, materials or
45 equipment not less than 15 days prior to the date fixed for submission
46 of bids.

47 SEC. 4. NRS 333.480 is hereby amended to read as follows:

48 333.480 1. Except as provided in subsection 2, the chief is author-
49 ized and directed to purchase or acquire on behalf of the State of Nevada,
50 and all officers, departments, institutions, boards, commissions, schools

1 and other agencies in the executive department of the state government,
2 volunteer fire departments [or political subdivisions], *local governments*
3 *as defined in NRS 354.474, conservation districts or irrigation districts* of
4 the State of Nevada, all supplies, materials and equipment of any kind
5 and nature required or deemed advisable for such state officers, depart-
6 ments, institutions, boards, commissions, schools, volunteer fire depart-
7 ments and other agencies or [political subdivisions] *local governments as*
8 *defined in NRS 354.474, conservation districts or irrigation districts* that
9 may be available from the General Services Administration or any other
10 governmental agency dealing in war surplus material or donable war sur-
11 plus material.

12 2. The provisions of subsection 1 [shall] *do not* apply to the school
13 lunch program as administered by the state board of education.

14 SEC. 5. NRS 333.495 is hereby amended to read as follows:

15 333.495 1. Any provision of law to the contrary notwithstanding, the
16 governing board or, if there be none, the executive head of any state
17 department or agency or any [political subdivision of the state] *local gov-*
18 *ernment as defined in NRS 354.474, conservation district or irrigation dis-*
19 *trict* may, by order or resolution, confer upon any officer or employee
20 thereof authority to secure the transfer to it of federal donable surplus
21 property under this chapter and agree on behalf of the state or [political
22 subdivision] *local government as defined in NRS 354.474, conservation*
23 *district or irrigation district* to comply with the terms and conditions of
24 such transfers.

25 2. The authority conferred upon any such officer or employee by any
26 such order or resolution shall remain in effect unless and until the order or
27 resolution is revoked and written notice of such revocation has been
28 received by the chief.

29 SEC. 6. This act shall become effective upon passage and approval.

A. B. 383

ASSEMBLY BILL NO. 383—ASSEMBLYMAN HEANEY

MARCH 11, 1975

Referred to Committee on Government Affairs

SUMMARY—Reduces membership of Nevada state council on arts and its executive board in specified stages. Fiscal Note: No. (BDR 18-1168)

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

AN ACT relating to the Nevada state council on the arts; reducing its membership and the membership of its executive board in specified stages; curtailing the terms of certain members; 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 233C.030 is hereby amended to read as follows:
 2 233C.030 1. The Nevada state council on the arts, [consisting of not
 3 more than 21 members,] *whose members shall be broadly representative*
 4 or [having] *have* knowledge of all fields of the performing and fine arts,
 5 is hereby created.
 6 2. *The council shall consist of not more than:*
 7 (a) *Seventeen members during the biennium beginning July 1, 1975,*
 8 *and ending June 30, 1977;*
 9 (b) *Thirteen members during the biennium beginning July 1, 1977, and*
 10 *ending June 30, 1979; and*
 11 (c) *Eleven members on July 1, 1979, and thereafter.*
 12 SEC. 2. NRS 233C.040 is hereby amended to read as follows:
 13 233C.040 1. The governor shall appoint members from among citi-
 14 zens of Nevada who are known for their knowledge of and experience in
 15 the performing and fine arts.
 16 2. [Upon the expiration of the terms of those members serving on the
 17 council on March 10, 1971, the governor shall appoint 11 members for
 18 4-year terms and 10 members for 2-year terms. Thereafter, each] *Each*
 19 *member shall be appointed or reappointed for a term of 4 years.*
 20 3. If a vacancy occurs on the council, the governor shall fill the
 21 vacancy by the appointment of an eligible person to serve for the remain-
 22 der of the unexpired term.
 23 SEC. 3. NRS 233C.070 is hereby amended to read as follows:
 24 233C.070 1. The executive board of the council shall consist of six
 25 members *until June 30, 1979, and five members thereafter who shall be*

1 elected by and from the members of the council. [and the following ex
2 officio, nonvoting members:

3 (a) A representative from the office of the governor.

4 (b) The president, or his representative, of the University of Nevada,
5 Reno.

6 (c) The president, or his representative, of the University of Nevada,
7 Las Vegas.]

8 2. The executive board shall elect from its membership a chairman,
9 who shall be chief executive officer of the board and the council, a vice
10 chairman and a secretary-treasurer.

11 3. All executive board members shall serve for a term of [4] 2 years
12 and any vacancies that occur on the board shall be filled by election by
13 and from the members of the council for the remainder of the unexpired
14 term.

15 SEC. 4. 1. The terms of the eleven members of the Nevada state
16 council on the arts who were appointed in 1971 for 4-year terms shall
17 expire at 12:01 a.m. on July 1, 1975. The governor shall appoint seven
18 persons to the council to serve 4-year terms commencing at 12:01 a.m. on
19 July 1, 1975.

20 2. The terms of the ten members of the council who were appointed
21 in 1973 for 4-year terms shall expire on June 30, 1977. The governor
22 shall appoint six persons to the council to serve 4-year terms commencing
23 on July 1, 1977.

24 3. On July 1, 1979, the governor shall appoint five persons to the
25 council to serve 4-year terms.

A. B. 400

ASSEMBLY BILL NO. 400—ASSEMBLYMEN BARENGO
AND BREMNER

MARCH 12, 1975

Referred to Committee on Government Affairs

SUMMARY—Shortens name of Nevada commission on equal rights
of citizens. Fiscal Note: No. (BDR 18-1227)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.AN ACT relating to the Nevada commission on equal rights of citizens; changing
the name of the commission to the Nevada equal rights commission.*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 118.040 is hereby amended to read as follows:
2 118.040 "Commission" means the Nevada [commission on equal
3 rights of citizens.] *equal rights commission*.
- 4 SEC. 2. NRS 233.020 is hereby amended to read as follows:
5 233.020 As used in this chapter:
6 1. "Commission" means the Nevada [commission on equal rights of
7 citizens.] *equal rights commission*.
8 2. "Director" means the executive director of the Nevada [commis-
9 sion on equal rights of citizens.] *equal rights commission*.
10 3. "Member" means a member of the Nevada [commission on equal
11 rights of citizens.] *equal rights commission*.
- 12 SEC. 3. NRS 233.030 is hereby amended to read as follows:
13 233.030 1. The Nevada [commission on equal rights of citizens]
14 *equal rights commission* consisting of five members is hereby created.
15 2. The members shall be appointed by the governor and shall serve
16 at the pleasure of the governor.
17 3. Vacancies shall be filled by appointment by the governor.
18 4. Members shall serve without compensation, but they shall be
19 entitled to receive the per diem expense allowances and travel expenses
20 as provided by law.
- 21 SEC. 4. NRS 613.405 is hereby amended to read as follows:
22 613.405 1. Any person injured by an unfair employment practice
23 within the scope of NRS 613.310 to 613.400, inclusive, may file a com-
24 plaint to that effect with:

1 (a) The Nevada [commission on equal rights of citizens] *equal rights*
2 *commission* if the complaint is based on discrimination because of race,
3 color, religion or national origin.

4 (b) The labor commissioner if the complaint is based on discrimination
5 because of sex or age or a visual or physical handicap.

6 2. The Nevada [commission on equal rights of citizens] *equal rights*
7 *commission* may initiate its own investigation of any such practice which
8 is based on discrimination because of race, color, religion or national
9 origin, and the labor commissioner may initiate his own investigation of
10 any such practice which is based on discrimination because of sex or age
11 or a visual or physical handicap.

12 SEC. 5. NRS 613.410 is hereby amended to read as follows:

13 613.410 When any complaint is filed with the Nevada [commission
14 on equal rights of citizens] *equal rights commission* alleging any unfair
15 employment practice within the scope of NRS 613.310 to 613.400, inclu-
16 sive, or when the commission initiates its own investigation of any such
17 practice, the commission may, but only after holding a public hearing:

18 1. Make appropriate findings of fact;

19 2. Serve a copy of such findings upon any person found to have
20 engaged in any such practice within 20 days after any such finding of
21 unfair practice is made; and

22 3. If such person does not cease and desist from the unfair practice
23 so found within 20 days after service is so made, apply to the appropriate
24 district court for an injunction against such continued unfair practice.

25 In hearing and deciding on the application for an injunction, the court
26 may consider only evidence introduced at a hearing before the commission
27 for the purpose of determining whether the commission's findings were
28 arbitrary, capricious or without foundation.

29 SEC. 6. NRS 613.420 is hereby amended to read as follows:

30 613.420 Any person injured by an unfair employment practice within
31 the scope of NRS 613.310 to 613.400, inclusive, or the Nevada [com-
32 mission on equal rights of citizens,] *equal rights commission*, may apply
33 to the district court for an order granting or restoring to such person the
34 rights to which he is entitled under such sections.

35 SEC. 7. NRS 613.430 is hereby amended to read as follows:

36 613.430 No action authorized by NRS 613.420 may be brought after
37 the expiration of 60 days from the date of the act complained of. When
38 a complaint is filed with the Nevada [commission on equal rights of citi-
39 zens] *equal rights commission* pursuant to NRS 613.410, or with the
40 labor commissioner pursuant to NRS 613.415, the limitation provided by
41 this section is tolled as to any action authorized by NRS 613.420 during
42 the pendency of such complaint before the commission or the labor com-
43 missioner.

44 SEC. 8. NRS 651.110 is hereby amended to read as follows:

45 651.110 When any complaint is filed with the Nevada [commission
46 on equal rights of citizens] *equal rights commission* alleging violation of
47 the rights or privileges secured by NRS 651.070, or when the commission
48 initiates its own investigation of any such violation, the commission may,
49 but only after holding a public hearing:

- 1 1. Make appropriate findings of fact;
- 2 2. Serve a copy of such findings upon any person found to have com-
- 3 mitted any such violation within 20 days after any such finding of viola-
- 4 tion is made; and
- 5 3. If such person does not cease and desist from the violation so
- 6 found within 20 days after service is so made, apply to the appropriate
- 7 district court for an injunction against such continued violation.
- 8 In hearing and deciding on the application for an injunction, the court
- 9 may consider only evidence introduced at a hearing before the commission
- 10 for the purpose of determining whether the commission's findings or order
- 11 were arbitrary, capricious or without foundation.
- 12 SEC. 9. NRS 651.120 is hereby amended to read as follows:
- 13 651.120 No criminal or civil action authorized by NRS 651.080 to
- 14 651.100, inclusive, may be brought after the expiration of 30 days from
- 15 the date of the act complained of. When a complaint is filed with the
- 16 Nevada [commission on equal rights of citizens] *equal rights commission*
- 17 pursuant to NRS 651.110, the limitation provided by this section is tolled
- 18 as to any action authorized by NRS 651.080 to 651.100, inclusive, during
- 19 the pendency of such complaint before the commission.