

ASSEMBLY
GOVERNMENT AFFAIRS
April 15, 1977
7:00am

MEMBERS PRESENT: Chairman Murphy
Mr. May (9:30)
Mr. Craddock
Mr. Jeffrey
Mr. Mann
Mr. Moody
Mr. Robinson
Mrs. Westall
Mr. Jacobsen

GUESTS PRESENT: See attached list

Chairman Murphy called the meeting to order at 7:00am.

SENATE BILL 110

Senator Dodge came before the committee to explain his bill. He said that he had worked with the Department of Taxation to come up with this legislation because he felt that the emergency authorization was needed in case one of Nevada's cities had the troubles recently facing New York City, since there were no provisions to cover such a situation. The bill gives some guidelines about the types of financial difficulties for which the state could review a local government. If these things begin to occur the Department of Taxation can hold some hearings with the local entity to see if aid is really needed. Then if help is needed the Dept. of Taxation goes to the Board of Finance for approval of their decision. Section 10 amends the Local Government Budget Act by requiring that they submit annually to the Department of Taxation an itemized report showing all outstanding indebtedness. He concluded that it is a standby piece of legislation which he hoped we would never have to use. This would give clear warnings of difficulties before it would be too late to help. The act applies to every entity that falls under the Local Government Budget Act.

He clarified, in response to Assemblyman Jacobsen, that the Board of Finance makes the final decision and the Department of Taxation does the work.

Mr. Jim Lien, Department of Taxation, added his support to the measure. He said that prior audit reports give hints of financial problems in entities. The debt situation of a community is part of the Dept. of Taxation's area of concentration when they review the budget.

Mr. Bob Warren, Nevada League of Cities told the committee that some cities like it and some don't. He added that with Nevada's prohibition of deficit spending this situation should not arise.

ASSEMBLY
GOVERNMENT AFFAIRS
April 15, 1977
Page Two

He added that the city commissions of Reno, Las Vegas, Gabbs, Caliente, Fallon, Elko, Yerington and Carson City support the bill. Boulder City, Carlon, Henderson and Sparks don't support it.

Mrs. Jean Ford expressed her support and added that the subcommittee studying general improvement districts saw this type of problems and she feels this might be a good solution.

Assemblyman Craddock thanked Mrs. Ford for all of her effort on the GID study.

Mr. Robert Broadbent, Clark County Commissioner, told the committee that the County Commissioners Association supports the bill.

Steven Stucker, representing North Las Vegas, told the committee, that the bill should have numerous changes before it is passed. He said that the definitions in section 3 are incomplete and nebulous. He added that there doesn't need to be a desperate state of affairs to use the act.

Senator Dodge replied that it is too difficult to be specific in this type of legislation and that the State Board of Finance will make the final decisions. The bill contains enough safeguards.

ASSEMBLY BILL 278

Mr. Bruce Arkell, State Planning Coordinator, told the committee that the committee amendments to A.B. 278 were 98% done and that he had checked the amendments over and that they were as the committee had requested. The few minor mistakes were being corrected.

ASSEMBLY BILL 549

Assemblyman John Polish brought with him to the witness table Mr. Gayle Alder, Mr. Barlow White and Mr. Doug Hawkins to answer any questions that the committee had regarding the bill.

Assemblyman Robinson commented that the bill makes no provision for leases or rental agreements that are already in action. He did not feel that the property owner should be responsible for his tenant's garbage.

The gentlemen replied that the property owner should be responsible to the city in which he owns property and that the garbage bill should go to the property owner who could decide whether he would absorb the cost or pass it on.

Assemblyman Westall asked if a small claims court would not be the better place to settle this problem. They replied that all a small

claims court could do is put a claim on the property as they would do for a repossession of a television set, but with garbage being the item in question, all the city would get is a claim to the garbage that they want to get rid of anyway.

COMMITTEE ACTION
ASSEMBLY BILL 549-

Mrs. Westall moved for a DO PASS, seconded by Mr. Jacobsen, motion passed. Mr. Mann and Mr. Robinson voted no and Mr. May and Mr. Moody were not present at the time of the vote.

The committee expressed their feeling that the real way to solve the problem is to make the service of waste collection a mandatory service and perhaps bill it with the sewer or water service.

SENATE BILL 110 - Mr. Craddock moved to DO PASS, seconded by Mr. Robinson, passed unanimously. Mr. May and Mr. Moody were not present for the vote.

ASSEMBLY BILL 664

Assemblyman Jacobsen said: I think it's very improper for people that own property at Lake Tahoe to have it down zoned and the only privilege they have is to pay the same taxes on it. We all want to protect Lake Tahoe and I say that openly and I know we all feel that way because I think many people have their life savings tied up in a piece of property up there and the only privilege they have is paying taxes on it. It's very unfair. If it is down zoned then somewhere along the line they should be compensated for it with for example a reduction in their taxes. Douglas County has done that in many cases, reduced their taxes down to a reasonable level. I think the bill has a lot of merit.

Assemblyman Mann commented that the bill would have to be referred to Ways and Means due to the \$5,000,000 appropriation.

Mr. Ray Knisley and Mr. John Meder came forward in opposition to the bill. Mr. Knisley said: John Meder is the only surviving original member of the Board of TRPA. He came on with the original Nevada TRPA. He's been on the agency continually since. It's with a great deal of regret that we first appear against a bill of Mr. Jacobsen's but since, in effect, the bill is pleading us guilty of some \$50,000,000 in liability suits we felt that we were justified in asking his forbearance.

It's true that the TRPA, in carrying out its mandate from two states and Congress, rezoned property. This is not an unusual occurrence. There are ample court decisions as to the propriety of the acts that

took place. There have been charges that property was confiscated, but this matter was brought up in federal court some years back in relation to the powers of the TRPA, and Judge Thompson in Reno ruled that since the agency does not have the authority to condemn, does not have the authority to own lands, that he didn't see how you could claim inverse condemnation. That would be impossible for the agency to exceed its powers; if it had done so, then the Judge said to bring in proof and he'd redress the matter. It still stands there; there has never been any proof brought in.

To get down to the bill itself, in line 2 there is a mention of a revenue fund, yet there is no source of revenue in the bill. Line 18 says "rendered unsuitable for development." If you pass this bill, this could very well constitute a finding of the Legislature that the state and its officers have been guilty of actually taking property. And if this bill is a means of atonement for the property owners, if it isn't that provisions in lines 22, 23 and 24, that says that the property shall be acquired at the present day value is probably evidence that the state has been guilty of taking the property and it's a conspiracy to down grade the prices so the state can acquire it at a lesser price. In any event, this bill is really loaded with dangers to the state and to the people who serve as the state's agents. The last I knew, there was some \$85,000,000 or \$90,000,000 in suits pending against the state and the members of the commission. I think that some of those have been dropped. It's now down around \$50 - 55,000,000. But after you are sued for \$50,000,000, it doesn't make much difference if they add another hundred on top of it; you're not going to be able to pay it anyway. So I would urge you to seek some other method, if you feel that relief is needed up there, because of the state act, but you should not go the route of this bill. Certainly, it will be almost impossible for the members of the commission to defend itself if the Legislature finds that in the pending legislation they were guilty to start with.

By the way, we're forced to defend ourselves at our own cost; the state does not defend us. Although I was the appointee of the Governor and John was the statutory member for years and is now a state appointee, the Attorney General will not defend either one of us in the actions we have against us. We are forced to carry our own defense.

Paragraph 4 will really put us in a bind, "the agency shall compile or maintain a file of properties located in the region which may be the subject of acquisition under the provisions of this title". The members of the TRPA are also members of the Nevada TRPA. This requires that those people admit that they have down graded property and they have to select them. They wouldn't have a prayer of maintaining innocence in a legal action if they did such a thing. They would just literally have to refuse to obey the law. It says that the purpose is to acquire property, they are authorized to

ASSEMBLY
GOVERNMENT AFFAIRS
April 15, 1977
Page Five

buy, make exchanges and there is no authority under Nevada law -- infact there is a bar against the exchange of property. Until such time as the Legislature by concurrent resolution has annulled NRS232.158, no exchanges may be made.

In defense of the agency, I think that the members from the beginning have felt that hardships were placed on people up there. We worked to make exchanges and we invited property owners to come in and discuss their problems with us. The difficulty on exchanges was that in exchanging Nevada lands with the federal government, we had to work exchanges entirely within the borders of the State of Nevada. Property at Tahoe, if acquired by the government on exchange, would go to the U.S. Forest Service. Other properties that would be used in exchange would be the properties of BLM. When you get down to land jurisdiction, these two agencies don't know each other. They are just about as far apart as the United States and Russia are on arms control. We had many exchanges worked up and we'd get them down to appraisal and the agencies wouldn't agree on a price. BLM is just not going to surrender any property without a mandate from Congress.

Assemblyman Westall asked why couldn't they make an exchange for some land in Washoe County. It doesn't say that the trade has to be within the area. Mr. Knisley replied that the state of Nevada itself may not exchange lands according to NRS 232.158.

Mr. John Meder said: What Mr. Knisley is referring to is land exchanges that have been attempted in the Tahoe Basin; the Forest Service has jurisdiction of land in the Basin and the only other lands in the State of Nevada that are available for exchange are BLM lands. So we have to deal with the Forest Service and the BLM. They could be in Washoe County but we're looking at two different agencies of the government that have had differences in opinion on how to appraise the property and what the value should be. The state does not have the ability to exchange lands. There are no lands that would be available at this point unless they were to be identified and purchased for that purpose, and before the lands could be exchanged, as is being suggested in this legislation, legislative authorization would have to be given for each individual exchange. The mechanism isn't available at this point and the property isn't available.

Assemblyman Craddock commented that what we have here is a situation where two states are all together and performing coinciding acts which have complicated this whole thing. Why do we as an individual state with the same procedure desire to get involved in such an activity as described in this bill? If we're going to do something like this, why do we not get California involved and go through the same general procedure, if it would be desireable under any circumstances?

Mr. Meder continued: I think the mechanism as set up in this bill is extremely dangerous. We've made reference to what the TRPA has done to zoning. The TRPA is nothing more than a planning agency that was approved by state law. You have 33 other planning jurisdiction in the State of Nevada that were also set up by state law, and these are the cities and counties that have the same jurisdiction or similar type authority. If we are admitting that downzoning at this level deserves reimbursement by the state, then we may also be admitting that downzoning at the local government level may also deserve the same type treatment. Now just in this area alone, we have Douglas County that is looking at a revision of their master plan which, I understand, is going to include some downzoning. Carson City zoning currently will allow somewhere between 100-130,000 residents, depending on whose figures you want to use. We know that there is only water for about 60,000 people. Some downzoning is being considered here also. Washoe County is looking at some similar problems and I wouldn't be surprised if Clark County doesn't take a look at some of these problems also. The only point I am trying to make here is that by adopting the mechanism that is set up in this bill, we may be creating more problems than we are trying to solve and the cure may be worse than the problem; I would encourage that before this type of legislation is adopted, that we sit down with the best legal minds that are available for this type of activity and find out what the ramifications are before we step as far as is being suggested. The desire is good, but I am afraid the approach is a little more than practical.

Assemblyman Robinson commented: I don't know how long you expect to maintain the illusion that you haven't really done something bad to those people up there. And the worse part about it is that all along they are paying taxes on the property. And yet they can't sell it to anybody, they can't develop it, and you haven't come forward with any suggestions about how we can solve the problem on the land exchange. Something should be done about NRS 232.158 and the prohibition of land exchanges. We need to get those people off the hook.

Mr. Knisley replied: I would like to correct the use of the word "they". We as individuals haven't been guilty of taking anyone's property. Also courts have repeatedly held that the exercise of zoning power is not the taking of a property value. It's not the acquisition of a right in property. Judge Thompson said that if the Tahoe Regional Planning Agency has exceeded its authority then it acted illegally. The proper remedy is to ask the court to return the property to its previous zoning. This has not been done.

Mr. Meder said: I don't think either one of us are arguing with the intent of the bill. The concern we have is the mechanism by which we're trying to accomplish that goal.

Mr. Meder entered into the record a memo citing some of the potential problems. It is attached as Exhibit 1.

ASSEMBLY
GOVERNMENT AFFAIRS
April 15, 1977
Page Seven

There was no further testimony on this bill.

ASSEMBLY BILL 671

Speaker Joseph Dini explained to the committee that when the fees are changed at the state park advisory commission meeting, no one knows about it. The people should be entitled to know when the meetings are to be held.

John Meder told the committee that the state park advisory commission has no opposition to the bill. But he noted that there are no funds for noticing. He suggested using 30 days instead of 60 days.

The Speaker agreed to the change to 30 days.

Assemblyman Robinson suggested that instead of publishing a notice that the commission notify the Legislative Counsel Bureau staff and have them notify the Legislators as the meetings of the Public Works Board are handled. Mr. Hancock of the Public Works Board told the committee that that type of notification is no problem.

COMMITTEE ACTION

A.B. 671 - Mr. Mann moved to AMEND AND DO PASS, seconded by Mr. Craddock, passed unanimously. Mr. May and Mr. Moody were not present for the vote. The amendments were to be to delete "publish" and to add that the commission should notify the legislators.

ASSEMBLY BILL 658

Mr. Russell McDonald explained the bill to the committee. He had with him Jack Kissenger, the Fire Chief of the Truckee Meadows Fire Protection District. An agreement has been reached between the Forestry Division of the State and the Fire District concerning supplying a certain domestic water from a well to be drilled at the expense of the District which will be a continual supply of water for this administrative nursery site that the state maintains in that area generally lying on the east side of Washoe Lake. The state owns the land and BLM has agreed to release any restrictions on the land if the sale is made. This would be a fee acquisition by Washoe County with a continuing agreement to supply the water to the nursery site. This will turn into a manned fire station for the area. The extra land will be turned into a desert park.

COMMITTEE ACTION

A.B. 658- Mr. Jacobsen moved for a DO PASS, seconded by Mr. Mann, motion passed unanimously. Mr. May and Mr. Moody were absent for the vote.

ASSEMBLY BILL 660

Russ McDonald explained the bill to the committee. He added that section 1 was the only part of the bill that he had asked for, that the rest of the bill is bill drafter additions.

COMMITTEE ACTION

A.B. 660- Mr. Mann moved for an AMEND AND DO PASS, seconded by Mr. Jacobsen, passed unanimously. Mr. Jeffrey, Mr. May and Mr. Moody were not present for the vote. The amendments were to delete sections 5,6,7, and 8 of the bill.

A.B. 572- Mr. Jacobsen moved to AMEND AND DO PASS, seconded by Mr. Robinson, passed unanimously. Mr. Jeffrey, Mr. Moody and Mr. May were not present for the vote. The amendment was to have the chairman chosen from the members of the Board.

ASSEMBLY BILL 651

Assemblyman Jim Schofield explained his bill and his motives behind introducing it. His comments are included in Exhibits 2, 3, and 4. He then asked the committee to delete the entire bill and substitute a moratorium on annexation. This amendment is attached as Exhibit 5.

A philosophical discussion of annexation followed with comments by Mr. Robinson, Mr. Craddock, Mr. Mann, Mr. May, Mr. Jeffrey.

Mr. Schofield stated that he had no pressure from the county commission to introduce this bill. He asked for complete consideration of his original bill but if the committee had no appetite for that then would they please consider the amendment attached as Exhibit 5.

ASSEMBLY BILL 657

Ken Hougen, representing the NPEAC, explained and expressed his support for the bill.

Assemblyman Mann noted that the information requested should be relevant to a negotiable item because there is a lot of room for harassment on both sides.

Paul Ghilarducci, representing the Nevada State Education Association, cited some examples of the abuses that currently exist.

Angus MacEachern, representing the City of Las Vegas, told the committee that he couldn't support the bill unless the word "reasonable" is added.

ASSEMBLY
GOVERNMENT AFFAIRS
April 15, 1977
Page Nine

ASSEMBLY BILL 687

Mr. and Mrs. George Mosey expressed their support for the bill. They cited examples of abuses in the present law and areas for improvement in enforcement of the law. They urged passage fo the bill.

Mr. Bill Hancock, Public Works Board, told the committee that the original language of the bill created many problems because of the broadness of the language. He suggested that authority should be given to a state agency to compile a list of building standards.

ASSEMBLY BILL 570

Mr. Mann moved that the committee RESCIND THE ACTION WHEREBY THEY PASSED OUT A.B. 570, seconded by Mr. May. Motion passed unanimously. Mr. Moody was absent. The bill will be scheduled for a later date.

ASSEMBLY BILL 673

Robert Broadbent representing the County Commissioners Association told the committee that this bill was requested by the small county commissioners and Clark County. It is permissive language and it has nothing to do with consolidation.

There was no opposition to the bill.

COMMITTEE ACTION

A.B. 673- Mrs. Westall moved to DO PASS, seconded by Mr. Craddock, passed unanimously. Mr. Mann and Mr. Moody were not present for the vote.

A.B. 651- Mr. May moved to AMEND AND REREFER TO GOVERNMENT AFFAIRS, seconded by Mrs. Westall, passed unanimously, Mr. Moody and Mr. Mann were not present for the vote.

There being no further business to come before the committee, Chairman Murphy adjourned the meeting at 11:10am.

Respectfully submitted,



Kim Morgan, Committee Secretary

GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE: 4/15

NAME, ADDRESS & PHONE NO.	REPRESENTING	TESTIFYING ON BILL NO.
Paul Ghilarducci 1280 S Carry St Carson City, Nev.	NSEA	657
STEVEN STUCKER	CITY ^(?) OF NORTH LOS VEGAS	AB 651, SB 110
KEN HOUGEN	N PEAC	AB 657
RAY KNISLEY		664
Jim Schofield	<u>SELF</u> ASSEMBLYMAN	AB 651
Doug Martin	EPS	AB 549
George Mosey	self (Handicapped)	AB-687
Jack Skisinger	Truckee/Machos Fire Dist	AB 656
ANGUS MAC EACHERN	C. F. of Las Vegas	AB 657
Barbara N. White	CITY OF ELI	AB 549
Doug Hankin	White Pine County	AB 549
Earl L. Alder	City of Elly	AB 549

Address Reply to
Capitol Complex
Nye Bldg., 201 S. Fall Street
Carson City, Nevada 89710
Telephone (702) 885-4360



STATE OF NEVADA
Department of Conservation and Natural Resources

OFFICE OF THE DIRECTOR
CARSON CITY, NEVADA 89710

TO: Assemblyman Murphy, Chairman DATE: April 14, 1977
FROM: John L. Meder, NTRPA Chairman *JL Meder*
SUBJECT: ASSEMBLY BILL 664

The intended goal of Assembly Bill 664 has a great deal of merit. However, the approach suggested may be faulty. Before legislation of this type is passed, all legal ramifications should be analyzed and understood.

Some of the potential problems include:

1. Reference to TRPA and zoning. The admission by State legislation that property has been made unsuitable for development by land use ordinances (zoning) could be a direct link to inverse condemnation and a possible monetary liability to the state, local government, TRPA and the Governing Board members who acted in good faith.
2. NTRPA as administering agency. NTRPA does not have a staff nor are funds being provided in AB 664. NTRPA is scheduled to be dissolved if SB 266 TRPA amendments are passed.
3. Property valuation. Payment of current market value does not satisfy the complaint of many property owners.
4. Property management. No guidance is given what the property can be used for or how it is to be managed.
5. This statute may be in conflict with NRS 232.158 which requires legislative approval for each property purchase, exchange or sale.

In view of the possible adverse ramifications and legal complications, we oppose the passage of Assembly Bill 664 in its present form.

cc: Norman Hall
Bob Stewart



COMMENTS ON A.B. 651
ASSEMBLYMAN JAMES W. SCHOFIELD

I HAVE BEEN CRITICIZED PUBLICLY IN THE PRESS AND PRIVATELY BY CLARK COUNTY CITIZENS FOR MY INTRODUCTION OF A.B. 651 IN THE PRESENT LEGISLATIVE SESSION. SOME INDIVIDUALS HAVE CHOSEN TO DESCRIBE MY ACTIONS AS IRRESPONSIBLE AND THE PRESS ENTERED THE LISTS WITH ONLY A UNILATERAL CONCLUSION BASED APPARENTLY UPON A HURRIED READING OF THE BILL.

THE BILL, AS INDICATED BY ITS TITLE, IS IN SKELETON FORM, AS AUTHORIZED BY LEGISLATIVE RULES, AND WAS INTRODUCED IN THAT MANNER TO BE A VEHICLE FOR SUBSEQUENT STUDY OF THE ONGOING CLARK COUNTY PROBLEMS BY THE LEGISLATIVE COMMISSION. INTRODUCTION WAS NOT AT THE REQUEST OF ANY SPECIAL INTEREST GROUP OR WAS ITS RESULT TO BE A REWARD FOR ANY SPECIAL INTEREST.

THE BILL OFFERS ANOTHER ALTERNATIVE OR AN ANSWER TO THE PROPOSED PLANS OF ANNEXATION AND CONSOLIDATION. IN SKELETON FORM THE BILL WOULD HAVE BEEN AMENDED IF THE COMMITTEE INDICATED INTEREST AND APPETITE FOR THE SAME TO REQUIRE A REFERENDUM VOTE OF ALL REGISTERED VOTERS IN THE AFFECTED AREAS. NOTHING COULD BE ACCOMPLISHED UNTIL JULY 1, 1979.

IT IS NOT THE INTENT OF THE INTRODUCER OF THE BILL IN THE PROPOSED EXPANSION OF THE LAS VEGAS CITY BOUNDARIES TO ERASE

IDENTITY OR RESTRICT THE AUTONOMY OF THE CITIES OF HENDERSON OR NORTH LAS VEGAS, BUT RATHER TO BRING ABOUT A MORE UNIFIED, RESPONSIVE AND OPERATIONAL LOCAL GOVERNMENT WHICH WOULD:

- (a) INVOLVE MORE CITIZENS IN THE DAY-TO-DAY OPERATIONAL SCHEME OF GOVERNMENT.
- (b) DEVELOP AND DELIVER BETTER SERVICES TO THE TAXPAYERS WHO, AFTER ALL, PAY FOR THEIR GOVERNMENT, AND
- (c) CREATE MORE REPRESENTATION FOR MORE PEOPLE.

THE INTRODUCER LAYS NO ORIGINAL CLAIM TO THE CONCEPT OF SPECIAL DISTRICTS EMBODIED IN SKELETON A.B. 651. SUCH A PLAN EXISTS AND OPERATES SUCCESSFULLY IN OTHER JURISDICTIONS.

I CAN ONLY ASSUME FROM THE REACTION OF THE CRITICS OF MY BILL THAT ORIGINALITY CANNOT BE COUNTINANCED IN THE NEVADA LEGISLATURE: THAT SOMEHOW, SOMEWHERE AND SOMETIME THE ANSWERS TO OUR LOCAL PROBLEMS WILL MAJICALLY APPEAR BY IMMACULATE CONCEPTION. THIS I DO NOT BELIEVE. CLARK COUNTY'S MULTI-PROBLEMS CANNOT BE SWEEPED AWAY UNDER THE MUNICIPAL CARPETS AND THEY WILL NOT SOLVE THEMSELVES WITHOUT LEGISLATIVE ASSISTANCE.

ALTHOUGH MY METHODS HAVE BEEN CRITICIZED, I DO NOT BELIEVE MY CREDIBILITY SHOULD BE QUESTIONED. EVEN THOUGH A.B. 651 MIGHT NOT BE AN ACCEPTABLE APPROACH, IT WAS AN HONEST EFFORT TO PROVIDE A VEHICLE FOR A SOLUTION, WHICH AT THE MOMENT DOES NOT APPEAR TO BE FORTHCOMING FROM THE PRESENT LEGISLATURE.

A.B. 651
STATEMENT OF ORIGIN AND INTENT

My interest in Clark County local government reorganization goes back quite a ways but my experience on the Select Committee that developed S.B. 601 in 1975 brought that interest to a sharp focus. As most observers of the 1975 session realize, S.B. 601 evolved from a long series of meetings and discussions at which a broad range of alternative approaches was considered. We talked about annexation, functional consolidation, mergers, and disincorporations, among other things.

At this session, it became apparent that there would be bills to attempt to correct the defects of S.B. 601 as well as others dealing with annexation. In addition, S.J.R. 1 was introduced to deal with the long term problem of dealing with our very diverse counties in diverse ways.

One of the ideas discussed in 1975, indeed one which played a catalytic role in developing S.B. 601, was the so-called "Weisner Plan." Tom Wiesner had suggested that the constitutional barriers to consolidating a city and a county in Nevada could be solved by disincorporating the city in question and reconstituting it as an unincorporated town governed by the county commissioners as are other unincorporated towns. There were problems with that idea and there still are but it seemed to me that within the Wiesner idea might be the basis for yet another approach not considered in 1975.

With this thought in mind, I asked for an appointment with both Andy Grose and Frank Daykin to explore and develop what was only a germ of an idea at that point. With their suggestions, we developed what is basically a federated approach. Frank described the constitutional limitations within which we could work and Andy pointed out similar applications in other places. I also agreed with Frank Daykin's request that the bill be drafted in skeleton form to expedite the consideration of all bills on the subject.

From the beginning, my intention was to have the broadest spectrum of alternatives available for the consideration of the 1977 Select Committee. I think A.B. 651 contributes to the scope of the committee's deliberations and by doing this it will improve the work of the committee. I was never so naive as to think that a concept this different from conventional thinking on this subject was going to be enacted this session. Anticipating this, I had previously introduced A.C.R. 29 which would allow a deliberate and thorough study of this idea along with other local government reorganizations ideas in Clark County.

With these thoughts in mind, I'd like to describe in general what A.B. 651 would lead to. There is general agreement that the Las Vegas Valley is a single social and economic unit, currently fragmented into multiple political jurisdictions. It has also been recognized that some things need to be done for the entire valley while other things can be handled quite well in a smaller area. The legislature has recognized the unity of the valley, however imperfectly, in the creation or authorization of the water district, the sanitation district, Metro, regional planning, regional streets and highways and this session, perhaps, metro fire service.

What A.B. 651 would do is to carry this sporadic and uneven recognition of the regional nature of many functions and services to a logical conclusion by establishing an areawide urban government with full powers to deal with areawide matters while creating several subordinate urban entities to deal with matters local in nature. In my thinking, this would maximize the closeness of local government to the people in terms of dealing with what are really local problems while at the same time giving a higher level urban government powers to do those things that can be done best and most efficiently on an areawide basis.

At a practical level, there has never been any intent on my part to do away with Henderson and North Las Vegas. Admittedly their autonomy would be restricted as would that of the present city of Las Vegas. All of the existing cities, the unincorporated towns and, perhaps, some other identifiable areas would

be constituted as subordinate political entities to a new, areawide urban government. I would anticipate that the present city of Las Vegas would be divided so that the constituent entities of the new areawide urban government would be similar in size. In this way, a commissioner for the areawide government could be elected from each constituent unit giving all constituent units representation.

Just as in a federal system, the constituent units would have full authority in certain areas while the areawide government would have authority in others, such division of powers to be spelled out in a charter.

Clark County would continue to exist much as it does now, carrying out countywide responsibilities dictated by the constitution and some statutes. Within Clark County would be a unified urban government embracing all the urban area of the valley. Such a plan could work and in fact does work in some other places today. It would bring about most of the aims of S.B. 601 while going even beyond that.

The whole concept would, of course, be put to a referendum of all the people affected. There are very few details in A.B. 651 because it is a skeleton. I had no intention of working out all the details. I did feel, however, that the basic concept that I started out with, as refined in discussions with Mr. Daykin and Mr. Grose, was worthy of the time and consideration of the 1977 Select Committee. It is in that spirit that I asked for it to be drafted and introduced it.

James W. Schofield
Assemblyman
District 12 (Clark)

SUMMARY AND ANALYSIS

Bills Dealing with Annexation or Governmental
Reorganization in Clark County
in Addition to BDR 21-1335

S.B. 181 - This bill applies to annexation in counties over 200,000. It provides for annexation in two ways. One would be by petition of a majority of property owners. The other would be by petition of 10 percent of the property owners combined with a vote in the area proposed for annexation. In both cases, the consent of the board of county commissioners would be required.

In addition, any annexation of more than 40 acres is delayed in effect until after the next regular session of the legislature unless such annexation was by a special act of the legislature.

Status: Senate Committee on Government Affairs.

A.B. 614 - This bill applies to counties over 200,000 and would prevent any annexation or series of annexations in a 5-year period that would increase the city population by more than 15 percent, except by special act of the legislature. Presumably, this requirement would also give the legislature an opportunity for revenue adjustments occasioned by such "massive annexation."

The language seems to allow up to a 30 percent addition of population rather than 15 percent, at least in theory. It says that the annexations are to be in the same or adjacent quadrants. If the annexations were in diagonal, nonadjacent quadrants, they would not be added together.

A	B 14%	=28% addition but would not trigger this act.
C 14%	D	

Status: Assembly Committee on Government Affairs.

A.B. 615 - Sections 1-4 of this bill would apply to all cities in the state and would require voter approval on every annexation, regardless of size, in addition to the existing requirements in the current law. The city would have a special election in the city and the county would have a special election in the unincorporated area proposed for annexation in the initiating petition. A majority vote in both areas would be necessary for successful annexation. Section 4 also requires that the effective date of any annexation in the state is to be put off until after the next legislative session. The language would also mean that an annexation approved by the voters in January 1979, for instance, could not take effect until July 1981, 2 1/2 years later.

The bill goes on to say that in counties over 200,000, "massive annexations" as defined in A.B. 614 shall be subject to concurrent votes of approval. It is unclear why the vote requirement is provided for all annexations in sections 1-4 and then the same thing required for "massive annexations" in counties over 200,000 in section 7.

Status: Assembly Committee on Government Affairs.

A.B. 651 - This is a skeleton bill describing a form of government somewhat analogous to the federated form found in Miami Metro or Toronto Metro. The concept is that there are two levels of urban government with a division of powers. The division is partially spelled out in the skeleton at section 4. Power over certain functions would rest at the lower level and over others at the higher level. The county would continue to exist as it does now except that it would not provide urban services but would be limited to its constitutional functions plus, perhaps, the airport, hospital, water and sewer districts.

The introducer of this bill has had an amendment prepared to provide for a vote of the people before a plan as outlined could take effect.

Status: Assembly Committee on Government Affairs.

Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to Assembly / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Bill / Joint Resolution No. <u>551</u> (BDR <u>1752</u>)
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Mr. Schofield</u>
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	

1977 Amendment N^o 792 A

Conflicts with Amendment No. 769A.

Amend the bill as a whole, delete sections 1 through 8.

Amend section 9, page 2, delete lines 48 through 50 and insert:

"Section 1. Until July 1, 1979, in any county whose population is 200,000 or more no new city may be incorporated and no territory may be annexed to any existing city."

Amend the title of the bill to read:

"AN ACT relating to cities; providing in skeleton form for a moratorium

upon incorporation and annexation in certain counties."

PROPOSED AMENDMENT TO ASSEMBLY BILL 94

OF NRS 534.090

Amend Section 1, Subsection 2, to read as follows:

"The State engineer may promulgate regulations providing for the extension of water rights for agricultural irrigation beyond the limit in subsection 1. These regulations shall include standards specifying the circumstances under which extensions may be granted, ⁴ FURTHERMORE, that if an extension is granted to extend a ~~water~~ water right then that extension will also be granted a new number.