SENATE

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - April 13, 1977

Present: Chairman Gibson
Senator Foote
Senator Faiss
Senator Hilbrecht
Senator Raggio
Senator Schofield

Also Present: See Attached Guest Register

Chairman Gibson opened the thirty-third meeting of the Government Affairs Committee at 2:00 p.m. with six of the seven members present. Senator Gojack was excused from the meeting.

SB-434
Reorganizes Local Government Employee-Management Relations Board, requires secret ballot elections for recognition of local government employee organization and requires financial reports from organizations.(BDR 23-1535)

Angus MacEachern, representing the City of Las Vegas and the Nevada League of Cities. Mr. MacEachern is the Employer Relations Officer for Las Vegas. They feel that this bill will help the functioning of NRS 288 as a whole. Primary function appears on page 6, Section 15. The city of Las Vegas is involved in a recognition dispute. Both parties involved could sue no matter who wins. At the present time there is no way we can furnish an election for a recognition dispute. This bill speaks to the problems that we face with the recognition law. Mr. MacEachern went over the provisions in Section 5 as they felt that this was the most controversial part of the bill.

Mr. MacEachern concluded by stating that these changes were very necessary in their opinion and urges passage of the bill.

Ken Hogen, President of the Nevada Public Employees Action Coalition, Clark County Employees Association, City Employees Association of Las Vegas, Washoe County Employees Association, the Classified School employees of Washoe, Churchill, Mineral, Carson City and Clark County, Employers of Clark County Health Department. We are very much against the bill in its entirety and have people here to testify to the reasons that we are opposed to the bill.

Robert Rose, President elect of the Nevada State Education Association, testified against the bill. They felt that it was an attempt to harass the public employees and further weigh the scales against public employees. We recognize that there are serious problems with the current laws regarding collective bargaining but we do not see this bill as an answer. Mr. Rose stated that every public employees group that has been contacted was against this bill. The employee is denied representation on Page 3, lines 19 through 26. Mr. Rose went over his report for the committee. (See Attachment #1)

SB-440
Revises mediation and factfinding provisions of local government labor relations law and provides for arbitration.(BDR 23-1850)

James Grigsby, Local 1285 Fire Fighters, support SB-440. He referred the committee to Mr. Canigliaro's testimony on Last Best Offer, Meeting No. 30, April 5th - Page 5. Concurred with this theory and felt that SB-440 was a good bill.

Julie Canigliaro, representing the Federated Fire Fighters Association, testified to the committee on SB-440. He stated that this was used in Massachusetts, Wisconsin, Michigan and Iowa. He went over the testimony given earlier on the April 5th meeting. Concluded by stating that the bill does not interfere with the provisions in NRS 288.

Paul Ghilarducci, Nevada State Education Association, introduced the committee to Mr. Nelson Okino who is a negotiations specialist and familiar with the Last Best Offer approach used by Iowa.

Mr. Ghilarducci passed out some information to the committee, (See Attachment #2) an read his testimony to the committee.

Mr. Okino went over the suggested amendments and other information that was handed to the committee. (See Attachment #3). He indicated that he recently completed a study in the State of Iowa regarding their bargaining laws but stated that it would take a few years before you would really know the full effect of the Last Best Offer laws. In questioning from the committee Mr. Okino stated that only Iowa provides for mandatory arbitration. He concluded his remarks by stating that item by item final offer arbitration will be more acceptable to both parties bargaining and each will receive some of the benefits requested.

Senator Hilbrecht feels that there is little inducement for this concept and this appeared to be final and binding arbitration.

Chairman asked if language on page 3, lines 35 through 40 would apply to the arbitration panel and Mr. Okino responded that it only applied to fact finding. Chairman then asked what percent of the cases in Iowa went to fact finding or binding arbitration. Mr. Okino stated that there were 150 cases out of 280 local school districts declaring impass. 110 were resolved through the mediation process. There were 42 fact findings conducted and 14 arbitrations. In effect 14 out of 280 wound up in the arbitration process.

Mr. Okino informed the committee that in Iowa it's issue by issue and basically there can be three choices rather than two. The Iowa law prescribes that the parties go to fact finding, the fact finders recommendation serves as a third option to the arbitration panel. If there is no fact finding conducted then you have the two choices; the employer's position of final offer and the employee's final offer.

A Wendell Newman from the audience stated that there were four school districts, White Pine, Ely, Lander and Washoe, unresolved. Stated that last year there were seven.

The committee discussed the pro's and con's of the Iowa law and how it would relate to the State of Nevada. Chairman Gibson requested that all committee members get a copy of the Iowa law to study. Mr. Ghilarducci stated that he would get copies for the committee to study.

Roger Laird, Nevada Labor Commission, wanted to testify on both SB-440 and SB-451. (See Attachment #4)

Chairman asked Mr. Laird to comment on participation on impass mediation with school districts. Mr. Laird stated that he would be able to do it with Washoe County. They settled on all but three issues, one being wages. This went to fact finding and was settled at a later date. It was felt that both parties learned a good deal from the experience.

Sherman Arno, representing Nevada Public Employees Coalition and also representing the City of Las Vegas' Employees Negotiations are in favor of SB-440 and SB-451

Robert Hillman, Staff representative and Chief Negotiator of the Clark County Teachers Association. The changes in SB-400 will help eliminate the impass situation. We want a process that can resolve a dispute when either side will yield. We only want an independent arbitrator when we can not reach an agreement.

Richard Anderson, Personnel Manager of the Las Vegas Valley Water District and representing the County Commissioners as well as the League of Cities, testified against this bill as it supports automatic binding arbitration. Our time limits now are much more reasonable and there are a good number less going to the Governor for a decision. Doesn't like the concept as Mr. Okino testified to in Iowa. Feels that it will give one side one benefit and one side another benefit. Another reason for opposition was the time factor. We are at the end of the session and there isn't enough time to spend on the bill to get it amended properly.

Robert Cox, Legal Counsel for the Washoe County School District, stated that the experience in this state shows that the present law is working and needs more time to be implemented. Feels that in the present statutes there is a good deal more incentive not to go to binding fact finding. They also did not like the time frame with regards to the beginning of school and the deadline for submitting an impass. Mr. Cox concluded by stating that at a conference in Houston the process in Iowa was studied and it was felt that they were dealing with many problems since it has been put into the law.

SB-451
Requires mediation in local government labor-management relations. (BDR 23-1743)

Marion Conrad, Elementary School Teacher in Washoe County, testified to the committee from a prepared document. (See Attachment #5) She further mentioned that she also represented the Nevada Association Board of Districts and the Teachers Association.

Chairman asked if the year mandatory would fit it with the time frame and Mrs. Conrad felt that it would.

Bob Gagnier, S.N.E.A. testified that they support the concepts as put forth in SB-451.

Don Dixon, Personnel Administrator in Washoe County and member of the Nevada League of Cities, testified that they oppose some parts of the bill as mentioned by Mr. Cox. We feel that the current laws are working well and need more time to be tested. We are also concerned that the state Labor Commissioner will not be adequately staffed to handle what this bill will create. It is our opinion that two to three mediators will be needed and we can see a third step being introduced to the process under this bill. Mr. Dixon concluded by stating that the February 1st date is unrealistic.

AB-169
Authorizes compensation for members of Local Government Employee-Management Relations Board, changes hearing and fact-finding procedures. (BDR 23-189)

Sally Davis, member of the Employee Management Relations Board, testified to the committee that this package represents the changes that the board has suggested. The committee will be composed of five management people and five employees. These changes are for the most part procedural and clean up language.

Mrs. Davis went over the changes for the committee and stated that one of the changes was the $40.00 payment for each day that a member is working for the board. Mrs. Davis stated that the language on Page 2, line 6 was awkward and not her original language.

Chairman Gibson asked Mrs. Davis to bring the original language to the committee as this portion should be changed. Senator Hilbrecht agreed by stating that this language was defective.

Chairman Gibson informed the committee that he had received communication from the Governor's office and had some suggestions that he read to the committee. "Whenever more than one employee bargaining unit within a single local government employer utilizes the fact finding procedures under NRS 288.200 the parties shall meet and select a common fact finder. If the parties are unable to agree upon a common fact finder they shall employ the procedure set forth in NRS 288.202 (which is the strike off procedure)."

Mrs. Davis stated that she felt that this would be a good safeguard for the system.

Motion to Amend and Do Pass by Senator Raggio, seconded by Senator Foote. Motion carried unanimously. Amendment on Page 2, line 5, delete "and" all language on line 6 and "scented," on line 7. Also on line 5, add "legal" before issues.

Mr. Cox stated that he was in agreement with the changing of wording on Page 2, line 6. Also liked the concept as read from the Governor's office. Mr. Cox stated that they have a problem with Section 5, page 4. They feel that the open meeting law should be consistent with regards to the negotiation meetings as well. He felt that they could provide appropriate language for the committee to consider in order to change the wording in the section to provide for open meetings for negotiations.

Senator Raggio disagreed. Feels that this could lead to "grandstanding" to the press. Senator Hilbrecht also felt that this was an unwise procedure.

Joyce Woodhouse, representing Nevada Teachers through the Nevada Teachers Association, testified in favor of the bill. Mrs. Woodhouse read her testimony to the committee. (See Attachment #6)

AB-522
Increases membership of certain county fair and recreation boards. (BDR 20-1316)

Steve Winn, Representing the Golden Nuggett, Inc., testified in favor of this bill. We can do a better job of balancing the industry with better representation.

Carl Ruthy, President of the Chamber of Commerce also testified in favor of the bill and concurred with Mr. Winn's statements.

Sam Boyd, Nevada Hotel, endorsed the bill.

David Hood, President of the Four Queens Hotel in Las Vegas, testified in favor of this bill.

Jackie Guant, El Cortez Hotel in Las Vegas, testified in favor of the bill.

Bob Broadbent, member of the Las Vegas Convention Authority, testified in favor of the bill with a recommendation that it become effective upon passage and approval. Also suggested that the representatives from Henderson and Boulder City be given full time membership. This would increase the board to 12 full time members. The change would be on line 11, page 1, then delete D.

Mr. Guant stated that he did not support the suggestions by Mr. Broadbent. Their representation is to the financial impact.

Bob Warren, Nevada League of Cities, stated that Henderson and Boulder City were in favor of this amendment also.

Motion to "Amend and Do Pass" by Senator Raggio, seconded by Senator Schofield. Motion carried unanimously. Amendments are to have 12 full time members and carry Henderson and Boulder City as full time members.

AB-410
Revises provisions relating to reporting of election campaign contributions and expenses.(BDR 24-1085)

Loyd Mann, Clark County Assembly District 2 and member of the Government Affairs Committee who heard testimony on this bill, informed the committee on their findings. (See Attachment #7) He further stated that Mr. Stan Colton from Clark County objected to the bill due to the amount of work that would be involved. He finally consented and stated that he would place the file on the desk for the press to review.

AB-63
Regulates access of governmental agencies to certain financial records.(BDR 19-490)

Sue Wagner, Assemblywoman from Washoe County Assembly District 5, testified on this bill and passed out a copy of a letter. (See Attachment #8) The bill has stemmed from concern about breech of confidentiality with regards to bank records. The Nevada Banking Association supports the bill. Mrs. Wagner went over the bill for the committee and explained the reasons for the language and intent.

The following bills were heard together.

AB-163
Changes procedures for organizing and governing general improvement districts. (BDR 25-74)

AB-165
Removes certain general improvement districts from jurisdiction of Public Service Commission of Nevada and provides for filing of liens, extention of facilities and foreclosure of delinquent special assessments. (BDR 25-72)

AB-167
Requires county to furnish certain services to general improvement districts. (BDR 25-71)

Assemblyman Craddock, member of the Assembly Government Affairs Committee testified to the committee on these bills. It was apparent at the conclusion of their hearings that in many cases the funds for general improvement districts have been used wrongfully. He stated that AB-163 unifies the standards of the General Improvement District surveys. The commitee in the Assembly fully endorses this bill.

Andy Grose, L.C.B. Research Director testified to the committee on all three of the bills. (See Attachment #9). Mr. Gross did several studies on this material for the Assembly Government Affairs Committee. Attachment #9 gives full details even though the committee was given highlights.

ACR-9
Urges local governments to review their existing liability insurance (BDR 82)

Andy Grose also testified on ACR-9. He stated that it simply reflects that the subcommittee had become involved in a couple of areas that developed problems they felt were important. They felt they did not have the time and it was not within their mandate to do anything about these problems. There is another resolution within the system that is asking for a study on local government tort liability. This is basically the thrust of the bill. There is a great deal of concern regarding tort liability in the small units of local government.

Mr. Bill Parrish, representing Nevada Independent insurance agencts, testified in favor of this bill. (See Attachment #10) They feel a great need for this bill and were instrumental in the drafting of this legislation. Mr. Struve was unable to attend.

Mr. Frank Sala, legal representative for the Sun Valley Sanitation District, testified in favor of the legislation. He concurred with testimony given by Mr. Grose and Assemblyman Craddock.

Jack McCauliff, Chairman of the Board of Directors for the Crystal Bay Improvement District. Mr. McCauliff informed the committee of the problems that a small improvement district must go through in order to become recognized and formed. Testified on AB-163. Feels that this bill will be an asset to the smaller improvement districts. Agreed that in AB-165 the Public Service Commission could not handle the work that all these improvement districts can create. It would be better to have it handled locally. Supported AB-167 in its entirety.

Joe Robertson, Sun Valley property owner, testified to the committee against AB-165. He had copies passed out to help demonstrate the problems that he has with the Sun Valley Sanitation District. (See Attachment #11). Mr. Robertson went over the letter for the committee. He concluded that it would be a mistake, in his opinion, to take the jurisdiction from the Public Service Commission.

Bob Warren, Nevada League of Cities, fully endorses the bills, AB-165, 163, 167 and ACR-9, as of their last annual meeting.

Les Berkson, Incline Village General Improvement District, testified in favor of the three bills and did not address himself to ACR-9. Mr. Berkson feels that the Public Service Commission should be lifted of the responsibility of the general improvement districts and there would be better input and accessibility with the local areas. Mr. Berkson agreed with testimony given by Mr. Grose and Assemblyman Craddock.

Carol Mast, General Improvement District Manager for Round Hill, testified in favor of the three bills.

Heber Hardy, Public Service Commission, testified in favor of the bills. There department takes the position that it is an untenable position to have jurisdiction over these districts.

Harold Hazard, Sun Valley resident, testified that he was concerned about having the water rates raised in Sun Valley by approximately 100%. He stated that in Sun Valley there are many senior citizens on fixed incomes that would be unable to stay with increased rates as suggested. Is not in favor of having jurisdiction by the Public

Service Commission.

Mr. Frank Sala requested permission to respond to the comments made by Mr. Hazard and Robertson. Mr. Sala stated that there has not been an increase in rates since 1966. They have built up a small reserve and now that their water rates have increased to the point where they are using the reserve they feel its time to pass this on to the consumer. With regards to Mr. Robertson's letter and statements Mr. Sala felt that they had complied completely within the laws and statutes regarding general improvement districts. What will occur with regards to rate increases will be done with or without the Public Service Commission as they are justifiable increases. Mr. Sala further stated that their rate increases are scrutinized by the Tax Commission and they would have to justify any excessive surplus of funds.

Senator Raggio stated that he was concerned about the ability to increase the rate. There is no requirement at the hearing that the board of trustees must present any data to support the changes. He also stated that if this rate increase is not justified then the only recourse is to take it to the courts.

Jim Lien, Tax Commission, stated that any time a district has excessive fees they must reduce their fees or reduce their tax rate. Mr. Lien also stated that the 318 districts are formed under a whole different system of accounting. We had to negotiate with the Public Service Commission to adopt the municipal accounting system which they only utilize, and can only utilize, with a 318 district where there are less than 30 to be regulated.

AB-272
Provides for review and approval of administrative regulations by the legislative department of state government.(BDR 18-569)

Assemblyman Robinson, sponsor, testified to the committee on this bill noting the differences between his bill and SB-62. AB-272 makes the legislative commission responsbile and in SB-62 the responsibility rests with the Legislative Counsel Bureau. There is also no fiscal note with AB-272.

Mr. Frank Daykin, L.C.B. was on hand for questions and he indicated to the committee that the commission has sixty days to review any new provision from the federal government. If its approved by the commission it becomes effective upon passage, if it is not approved it will be suspended within the sixty day limitation. Mr. Daykin stated that AB-272 does not have a provision for codification.

The committee felt that SB-62 was more encompassing and would hold action on AB-272 until SB-62 has had a chance to go through the Assembly.

AJR-37
Proposes constitutional amendment to conform constitutional state boundary to actual boundary.(BDR C-1243)

Frank Daykin stated that AJR-37 is a resolution to amend the constitution so that the boundary of the state, as described, coincide with actual boundaries. Mr. Daykin went over the history behind this resolution and felt that if the committee was uneasy about tampering with the constutition, it could certainly wait another session before acting on the bill. The language has remained unchanged for over 100 years.

Art Palmer, Director of the Legislative Counsel Bureau, passed out copies of a map showing the area in question. He concurred with the testimony given by Mr. Daykin and had no further comments.

AB-209
Provides for administrative hearing before certain actions may be taken against state classified employee.(BDR 23-37)

Bob Gagnier, Executive Director of the S.N.E.A., testified on this bill stating that the changes will enable an employee to have a reason for his dismissal and provides for due process. It is quite possible that this will eliminate the other steps. Feels that if the discharge is justified the employee will go no further and there needs to be a process by where the employee will know immediately why he is being discharged.

Mr. Jim Wittenberg, Administrator, Personnel, stated that this will only add another level and give a bad employee seven more working days. It could ham-string the employer and couldn't think of an employer within the state system that would fire an employee without first consulting him of the reasons and giving him some notice. There are three levels of hearings that an employee can go through and this will add another. We are completely opposed to the bill.

George Miller, Welfare Department, stated that they were also against the bill and concurred with Mr. Wittenberg's testimony.

Del Frost, Administrator of the Rehabilitation Division, testified against the bill. Mr. Frost concurred with Mr. Wittenberg's testimony and agreed that at least as far as his operation was concerned no employee was ever discharged without complete justification and he was informed prior to being discharged.

Steve Frost, Employment Security Department, representing Mr. Lawrence McCracken, Administrator, testified against this bill and agreed with testimony given by Mr. Wittenberg and with Mr. Frost.

AB-497
Designates Indian Ricegrass as official state grass.(BDR 19-1298)

John L. McLain, Society for Range Management and Mr. Kenneth Genz testified to the committee on the purposes of ricegrass in Nevada and they believe that it should be the state grass. It was also mentioned that it would create more cultural awareness to the people in Nevada. Mr. Charles Salzburg showed a picture with Indian ricegrass to the committee. Mr. Hugh Barrett was also on hand to help with the presentation. Both Mr. Salzburg and Mr. Barrett represented the Society of Range Management. (See Attachment #13)

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

AB-503
Adds to permitted purposes for leasing county property (BDR 20-1253).

Chairman Gibson stated that this bill was created to help give the counties more local authority.

Motion of "Do Pass" by Senator Raggio, seconded by Senator Schofield. Motion carried unanimously.

With no further business the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Janice M. Peck
Committee Secretary

Approved:

Chairman

Mr. Chairman, Members of the Committee, I am here today to state unequivocably opposition to SB 434 on behalf of Nevada's professional educators.

We view this bill as an attempt to harrass Nevada's public employees and to further weigh the scales at the bargaining table against Nevada's 25,000 local government employees.

Nevada Legislature has declared by enacting NRS 288 that public policy should provide for peaceful and equitable relations between local government employees and their employers, such relations to be developed through collective bargaining. The bill before this Committee today, SB 434, is retrograde in the extreme in that it would have the effect of exacerbating employee-employer relationships and, therefore, be counter to public policy.

We recognize that there are serious defects in the present collective bargaining statute and practices in Nevada. That is why we are in support of legislation to revise NRS 288 which is also before this Committee today. The legislation which we are supporting, however, is constructive in intention and designed to address the real problems of collective bargaining as practiced in Nevada.

Every public employee group, which we have contacted, agrees with us that the present law does not require good faith bargaining on the part of the employer and that the present impasse resolution procedures are deficient.

SB 434 addresses none of the fundamental problems, problems which must be solved if Nevada's public employees are to have a fair deal at the bargaining table.

What problems does SB 434 address? SB 434 requires employee organizations to file detailed annual reports on organization assets, liabilities, receipts, staff salaries, allowances, staff disbursements, loans, loan security, repayment schedules, purpose of loans, and all other disbursements (pg. 2, lines 15 through [redacted], line [redacted]. Do you want this information badly enough to fund the huge bureaucracy necessary to compile and store the volumes of Nevada employee organizations? Is there any useful public purpose to be served in this requirement or is this requirement merely an attempt to further discourage good faith bargaining in Nevada? The answer is obvious - no.

What is the next problem SB 434 addresses? The definition of confidential employee (pg. 3, lines 18-26). This change would include many employees as confidential employees not now defined as such. Thereby denying them representation through collective bargaining.

The next problem addressed is that of the size of the EMRB. The creative minds behind SB 434 have determined that two individuals should be added to the EMRB, and to pay them "$100.00 for each day of duty with the Board or on its business..." Does anyone seriously suggest that these actions would improve negotiations? (Pg. 4, lines 1-32)

Next AB 434 addresses the problem of recognition. The present requirements for employee organization recognition - essentially a verified membership list of a majority of the employees in the bargaining unit - is apparently not tough enough. To this, SB 434 adds an election step in which (a) any employee organization representing a single employee of the bargaining unit may be included on the ballot; and, (b) a majority of eligible employees in the bargaining unit must vote in favor of the organization. That means a majority, not of those voting, but of those eligible to vote must approve. This means that a nonvoting employee would be counted as voting against representation. P7 lines 13 - 31

As if the above proposals were not detrimental enough to good faith negotiations, the proponents of this bill have included a small provision which would, in a word, destroy the Nevada State Education Association. The provision in question simply forbids professionals from belonging to employee organizations which bargain (pg. 8, lines 24-25). As teachers are professionals, you can appreciate our reluctance to accept such a modest proposal.

Finally, this legislation would broaden the powers of the Federal court system (pg. 2, lines 41-42), a proposal of dubious Constitutional merit.

In sum, we all recognize the need for constructive change in NRS 288. However, SB 434 does not attempt to resolve the real problems in Nevada employee-employer relations. Because it offers mischievous solutions to nonexistent problems, we recommend the Committee vote to ~~kill~~ SB 434.

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Testimony of

Nevada State Education Association

Paul Ghilarducci

President

on

SB 440

Revisions of Collective Bargaining Statutes

before

Senate Government Affairs Committee

April 13, 1977

Carson City

1206 #2

NSEA Testimony
SB 440

The Nevada legislature adopted NRS 288 in 1969 in order to provide a framework within which good faith bargaining would take place between public employers and public employees. The Nevada Legislature and the Governor, by adopting this legislation, demonstrated a belief that it is in the interest of all Nevada's citizens for public employees and employers to negotiate on issues affecting the welfare of public employees. The legislature is to be commended for its enlightened recognition of the necessity for a fair, equitable, and rational process by which public employees are able to negotiate with their employers.

In at least four sections of NRS 288, the legislature declared that employers and employees must bargain in good faith. As local governments are agents of the state and have no independent constitutional standing, the legislature was clearly within its constitutional authority in directing that negotiations had to occur in good faith. As executive agencies are creations of the legislature and bound to follow legislature intent in the application of the law, so are local governments similarly bound to conform to legislative intent in all of their functioning.

In our assessment, when negotiations began in the early years of the Dodge Act (NRS 288), local governments, however resistant to the concept of negotiations, generally negotiated in good faith. The legislature had directed that good faith negotiations must take place and often they did. Despite the fact that initial contracts were being negotiated the number of requests for binding arbitration was relatively small (eleven in 1972). This suggests to us that decisions were being reached at the table and that the process generally worked.

However, in subsequent years, the process has severely deteriorated in effectiveness. Public employers learned through experience that despite the legislative direction to bargain in good faith, that the mechanism which the legislature set up to implement legislative intent was defective. They learned that all the letter of the law required was that the employer sit across a table from employee representatives. They learned that the present law required only the shell of good faith bargaining, but not its reality. They learned that by doing no more than required by the literal letter of the law, that they could ignore legislative intent, that they could ignore the spirit of the law. That the process no longer works is demonstrated by a simple fact. More and more issues are not being settled at the negotiations

table. More and more issues are being taken to the Governor for binding arbitration. In 1975, 350 issues were taken to the Governor, in 1976, 438. Additional evidence that NRS 288 does not provide an adequate framework for negotiations, when one party refuses to bargain, is provided by the fact that 80% of Nevada's teachers began the school year 1976-77 without contracts.

The trend, then, is for more and more issues to be unresolved at the table. Employers have learned that the law, despite the legislature's intent, does not have to be honored. All they have to do to fulfill the letter of the law is to learn to say "no" one thousand times. They have also learned ways of harrassing employee negotiators and organizations, despite legislative prohibitions against such acts.

Legislators and bill drafters are fallible. In adopting a bill, you are declaring your intention that a certain public policy shall be realized. Occasionally the language adopted by the legislature is inadequate to meet the stated purposes of the legislature. In such cases, it becomes necessary to recognize deficiencies of existing language and to rectify them. That is all that we are asking this committee to do. You've set the appropriate goal, i.e., public policy requires good faith negotiations in the public sector. Now, we are asking that you provide the means appropriate to your own goal. We are asking that you provide the incentive for public employers to bargain in good faith, by providing that an arbitor could select between the last best offers of the parties, by item. We need an effective impasse resolution procedure and we believe this would work.

For too many years, many state and federal laws have treated public employees as second class citizens, by imposing restrictions on political behaviors (Hatch Act) and by restricting the economic rights of public employees through prohibitions against negotiations. We count ourselves fortunate that Nevada has declared that we have the right to negotiate.

The legislature has declared through NRS 288 that we are entitled to participate meaningfully in making decisions which affect our own lives.

You have entrusted us with responsibility for your children. We individually make hundreds of decisions in our classrooms each week which profoundly affect your children's lives and well being. You have given us the responsibility and we have

have exercised it responsibly. We believe that if we are capable of exercising that important trust then we are trustworthy of participating on an equitable basis in making the decisions which affect our own lives. The legislature has, by adopting NRS 288, declared its faith in us to do so responsibly. We are now asking for the means to do so.

As responsible professionals and individuals, we ask that you give us equity at the table by providing an effective impasse resolution procedure. We will continue to work at the table for mutually acceptable contracts. Where issues are at impasse, we are willing to have a disinterested third party decide whether our position or the school board's position is responsible. We are willing to have our own positions tested by a neutral informed party because we have faith in our own sense of responsibility and reasonableness. Why do Nevada school boards not have equal faith in their own positions?

Summarizing the above arguments I have stated that our primary objective is for good faith bargaining at the table and I have also stated that present Nevada statutes are deficient in that they do not provide the incentive needed to stimulate good faith bargaining at the bargaining table.

We believe SB 440, with appropriate amendments, will provide the needed incentive to the employer to bargain in good faith at the table. If SB 440, with appropriate amendments were enacted, we would expect that local government employers would find it much more difficult to ignore the legislature's mandate that they bargain with their employees.

We would like to support SB 440, but before doing so, we would ask that two major and four minor amendments to SB 440 be adopted. Briefly, our two major amendments would permit the arbitration panel to select between the proposals of the parties on an item by item basis, rather than on a package basis as provided in the curent draft and (b) require the parties to submit their last best offer prior to the arbitration hearing rather than following the hearing. Our next witness, Nelson Okino, NEA Negotiations Specialist, will discuss each of our proposed amendments in detail.

Our position on bargaining is quite simple. First, we much prefer that all contracts be written between the parties through the give and take of good faith

bargaining. Settlements reached by agreement between the parties are intrinsically more satisfying than settlements imposed by third parties. However, the third party neutral option must be there as the baseball bat behind the door which keeps both parties bargaining in good faith. Secondly, we believe that when a third party determines the outcome, that determination should be structured in such a way as to permit both parties to have a partial victory. This is important because it permits the arbiter's decision to be more acceptable to both parties and, therefore, reduces the likelihood of further polarizing the parties.

Now, I would like to ask Mr. Nelson Okino to speak on our proposed amendments.

AMENDMENTS TO

SENATE BILL NO. 440-COMMITTEE ON
GOVERNMENT AFFAIRS

April 13, 1977

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

SECTION 1. Chapter 288 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Page 1, Section 1, # 1, Lines 3 thru 6, substitute in total

1. If the parties have not agreed to make the findings of the factfinder final and binding, and do not otherwise resolve their dispute, they shall within ten days after the factfinder's report:
(a) Exchange their final and best offers on all remaining issues in dispute, and
(b) Submit the name of their arbitration panel member to the other party, and
(c) Submit their final and best offers to the arbitration panel upon its selection.

2. The panel shall consist of:
(a) One member selected by the employee organization;
(b) One member selected by the local government employer; and
(c) A chairman appointed by the members selected pursuant to paragraphs (a) and (b). The emebers shall select the chairman from a list of seven potential arbitrators furnished by the American Arbitration Association by alternately striking one name from the list until only one name remains. The member from the employee organization shall strike the first name.

Page 1, Subsection 3, Line 20, substitute may for shall

3. The panel shall, within ten days after a chairman is selected, and after seven days written notice is given to the parties, hold a hearing for the purpose of receiving information concerning the dispute. The hearings shall be held in the county in which the local government employer is located and the chairman may arrange for a full and complete record of the hearings.
4. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:
(a) The parties to the dispute; or
(b) Any interested person.

Page 2, Subsection 5, Lines 3 & 4, substitute:

5. The local government employer and employee organization shall each pay the fees and expenses incurred by its member on the panel. The fee and expenses of the chairman of the panel and all other costs of arbitration shall be shared equally.

Page 2, Subsection 6, Lines 5 thru 9, substitute:

6. At the recommendation of the chairman the parties may continue to negotiate all offers until an agreement is reached or a decision rendered by the panel of

Page 2, Subsection 6, Lines 5 thru 9

arbitrators. If an agreement is reached on an issue(s) by the parties prior to the rendering of an arbitration award, such issues shall not be subject to an award.

Page 2, Subsection 7, delete entire section

Page 2, Subsection 8, substitute:

8. A majority of the panel shall select within ten days after the close of a hearing the most reasonable offer, in it's judgement, of the final offers on each impass item submitted by the parties. The panel of arbitrators shall give written explanation for it's selection and inform the parties of its decision, which shall be final and binding. Any award of the panel shall be retroactive to the expiration date of the last contract.

Senator Gibson, Members of the Committee.

I am Roger Laird, Mediator-Conciliator with the Nevada State Labor Commission.

I am here to relay to this committee the capabilities and willingness of the Nevada Labor Commission to fulfill the duties and obligations of mediation required of the Commission under SB440 and SB451.

The Labor Commission is prepared to deliver to the public sector of employment high quality mediation and conciliation services. Further, the Commission feels that if mediation provisions are to be included into NRS 288, it is [redacted] logical that such duties become the responsibility of tne Labor Commission. This is backed by the thought that the Commission is already offering such services to the private sector of employment and there exists no conflict in doing the same for the public sector. The Commission feels that mediation centralized into one agency has multiple benefits of:

1. Elimination of dual services by separate agencies and
2. The ability to control the quality of service

It has become a fact that mediation is a proven tool in helping the parties in collective bargaining to reach mutual agreement. The tool is as effective in the public as in the private sector. The Labor Commission is enthusiastic about the delivering of that tool to the public sector.

1:30 Gov. Affairs
Room 293
Gibson, Foote, Faiss, Gojack
Hibrecht, Schofield, Rapp

1213 #4

TESTIMONY

SENATE GOVERNMENT AFFAIRS COMMITTEE

April 13, 1977

Senator Gibson and members of the committee:

My name is Marian Conrad, and am an elementary teacher in Washoe County. I am Nevada's elected member to the National Education Association Board of Directors and the chief negotiator for the Washoe County Teachers Association.

In the spring of 1976, when negotiations reached an impasse on 13 articles in Washoe County, I wrote to the Governor asking for help beyond that provided in our present negotiations law. The Governor sent my letter to Mr. Stan Jones, Commissioner, Nevada Department of Labor. Through Mr. Jones' office, the Washoe County Teachers Association and the Washoe County School District were provided mediation services. Mr. Rodger Laird was the mediator and through his patience, push and leadership our positions were compromised and agreement was reached on ten of the thirteen items.

I view mediation as a vital step in the negotiations process. The inclusion of a mediation step in the law would make available the mediation services of the labor commission without having to write to the Governor for additional help. The mediation step does narrow the items at impasse - you can't argue with success.

I urge your support of Senate Bill 451. Thank you.

TESTIMONY BEFORE THE

SENATE GOVERNMENT AFFAIRS COMMITTEE

ASSEMBLY BILL 169

April 13, 1977

Chairman Gibson and members of the Committee:

I am Joyce Woodhouse, representing Nevada's teachers through the Nevada State Education Association.

The NSEA supports A.B. 169. This bill provides that per diem of $40 plus expenses be received by members of the Employee Management Relations Board. We believe it only fair that these people be at least minimally compensated for the time and effort they expend. EMRB members carry out a needed function for this state in determining matters in public employee collective bargaining.

An expensive and senseless situation occurs repeatedly before the EMRB because there is no policy that provides for precedents being set statewide when the EMRB renders a decision. As past history has shown, when the Board makes a decision in one county based on a set of circumstances; that decision does not prevail on another school board even though the issues and circumstances are the same. Instead each individual employee organization must go through the same expensive hearing again. Therefore, we support the language on page 2, lines 4-8.

Hearings before the EMRB become costly items and the almost inevitable appeal process costs money -- expensive lawyers, transcript fees, etc. These costs are often strategically aimed to break the economic stability of employee organizations which are being funded by dues paying members. The smaller counties are especially hit. Taxpayer dollars finance the costs of school boards or local government action. Therefore, we believe a reasonable approach is the language

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1215

proposed on lines 9-10, page 2. Both sides are going to be realistic about carrying their case further.

The NSEA urges your support of this bill and a do pass recommendation on A.B. 169. I thank you for your time and attention.

Exhibit "13"

& Sec. for file

Office of the District Attorney

CLARK COUNTY COURTHOUSE
LAS VEGAS, NEVADA 89101
(702) 386-4011

March 15, 1977

Assemblyman Lloyd Mann, Chairman
Assembly Elections Committee
Nevada Legislature
Carson City, Nevada 89710

Re: Assembly Bill 410

Dear Lloyd:

~~As you are aware,~~ this bill is designed to correct many deficiencies in the present campaign expense and contribution reporting law. Some of the provisions were arrived at through consultation with Larry Hicks, District Attorney of Washoe County, and Don Klassic, Deputy Attorney General.

Passage of this bill will bring about needed clarity and will greatly further the aim of the original act.

First, section 2 by defining "candidate" will specifically spell out who must file -- and will now specifically include those without a primary election.

Second, section 3 will make clear that all persons must file, regardless of whether or not they received campaign contributions or had campaign expenses. Thus, regardless of the outcome of litigation over the present act, the legislature will have clarified the act for the future.

Sections 4 and 5 of the act will widen the application of the act. Now, for the first time, the reporting provisions will apply to recall and special elections. More importantly, the place of filing will be changed so that most filings will now be in the Office of the County Clerk. By this change, the excuse of "delayed in the mail" will be substantially eliminated and, even more importantly, the news media will have rapid and unfettered access to the reports. ~~No longer will they be required to send a reporter to Carson City for most reports.~~ At the same time, the supervisory and policing duties of the Secretary of State will be retained by simply having

Reg of Voters

for the 1st 10 days
$ and 100 days
after that

the ~~County Clerk~~ forward one copy to him. Thus, he will still be able to notify the appropriate prosecuting agency should reports fail to be filed. The ~~County Clerk~~ Reg of Voters, other than having to file the report and send one copy to the Secretary of State, will have no additional duties.

Note also the fact that sections 4 and 5 add an additional penalty for those who fail to file on time. That penalty is in the nature of a civil forfeiture of $500 per day of delay. The criminal penalty will remain in force for violations of a willful nature but any delay will now cost the candidate ~~$100 per day~~ monetary sum. Several prosecutors have indicated their feelings that such a provision will do several things: (1) it will result in almost all reports being filed on time; (2) it will provide a penalty, civil in nature, for all cases in which there has been a delay but where criminal intent cannot be proven; and, (3) it will further demonstrate the seriousness with which the legislature regards the failure to file these reports.

In short, I believe that the bill will provide meaningful amendments and carry out more fully the intent of the original act.

~~I would add but one technical note. As you know, NRS 293.092 defines County Clerk to mean "registrar of voters" in large counties. That definition will not apply to this section since 293.092 by its terms applies only to NRS Chapter 293 and, in any event, NRS 293A020 defines "Clerk" to mean "County Clerk" for all purposes in NRS Chapter 293A.~~

Sincerely,

Thomas D. Beatty
Assistant District Attorney

TDB/ch

Nevada National Bank

GEORGE E. AKER
PRESIDENT

January 20, 1977

Assemblyman Sue Wagner
State Legislature
State of Nevada
Carson City, Nevada

Dear Sue:

I have carefully examined the proposed bill labeled BDR 19-490 dated December 23, 1976 and find the bill to be a very proper step which would allow us to operate prudently in relation to disclosure of information on customers of the bank. We particularly are pleased with the requirement for customer authorization as provided in Section 8.1(c) and further in paragraph 2. We can easily accept Section 9 paragraph 2. The customer is afforded protection with the 10 day notification by any government agency seeking information. We also feel comfortable with the subpoena provisions, particularly with the subpoena being served on the customer and the opportunity for the customer to quash the subpoena. It is particularly useful that you provide for a court hearing to meet that time requirement. We are particularly pleased with Section 13 providing that government agencies may not share information obtained under the provisions of this disclosure requirement. Section 14 paragraph 2 rounds out the protections for the financial institution which we feel makes the entire process acceptable.

I do not find any conflict with Federal legislation on similar subjects. Initially I had thought that your proposed bill would relate to the new Regulation B of the Federal Reserve concerning equal credit opportunity but find there is no difficulty between the two.

Best wishes for success with your bill.

Sincerely,

GEA/sf

SECTION GUIDE TO THE
GENERAL IMPROVEMENT DISTRICT BILLS

(The purpose of this guide is to explain the intent of each section of the bills and to reference the reasoning behind each section which is found in Bulletin 77-11.)

A.B. 163

Section 1 (page 1) - Language is added to the Special District Control Law (chapter 308 of NRS) to amplify legislative intent that existing districts should be expanded in preference to creating new districts. Discussion at page 33 of the bulletin.

Section 2 (pages 1-2) - This provision places general improvement districts initiated by a board of county commissioners under the provisions of the Special District Control Law, especially the provision calling for a service plan. Discussion at pages 39 and 40 of bulletin.

Section 3 (page 2) - This provision clarifies the point at which the county commissioners must submit the service plan pursuant to the Special District Control Law.

Section 4 (pages 2-3) - This provision is mostly statutory revision but also makes clear that a service plan is required whether a district is initiated by petition or by a board of county commissioners.

Section 5 (page 3) - This is statutory revision to reflect the fact that boards of commissioners must file service plans.

Section 6 (pages 3-4) - This is statutory revision to reflect the service plan requirement for a board of county commissioners, but it also adds a paragraph to establish an additional basis for disapproval of a proposed district, that being evidence that the district would be used to pay the ~~commercial~~ costs ~~of developers.~~ of developing property. By ~~"commercial costs"~~ this the subcommittee meant streets, curbs, gutters, sidewalks, street lights, storm drainage and similar improvements. It could also mean the costs of installing water and sewer lines, especially if the development is being advertised in such a way that one would think that purchase price included the costs of these utilities. ~~As pointed out in the February 7 hearing, "commercial costs" may not be the best term to express the subcommittee's concern. Discussion at page 31 of bulletin.~~

Section 7 (pages 4-5) - At line 35, page 4 extends the written notice from just those entities within a 3 mile radius of a proposed district to all entities in the county. This is recommended since the potential tax rate of every entity in a county is affected by the creation of a new entity. On page 5, line 14, the general notice requirement for notification of action on the service plan is broadened from just the

petitioners to all interested parties. This notice is subsequent to the hearing so the interested parties would be anyone who attended or provided input to the hearing.

Section 8 (pages 5-6) - This is all statutory revision reflecting the service plan requirement regardless of how the district is initiated.

Section 9 (page 6) - Boilerplate only.

✓ Section 10 (pages 6-7) - This section is one of the most significant proposals by the subcommittee. It allows a county to establish a district to do any of the things that an improvement district can do. It further provides three options for governance: Complete control by the board of county commissioners, control by the board but with an appointive district advisory board, or control by the board with an elective advisory board. Note page 7, line 12, Under this subordinate district plan, the county always retains all fiscal powers. Discussion at pages 36-37 of bulletin.

✓ Section 11 (pages 7-8) - This section is another of the most significant recommendations of the subcommittee. Under present law, there is no authority for anyone to step in to assist or, if necessary, take over a faltering improvement district. This provision allows for the identification of such districts and, if the county commissioners agree that the district is in dangerous fiscal condition or otherwise mismanaged or not serving a public purpose, they are empowered to take over the district or to merge, consolidate or dissolve the district. It should be noted that there must be evidence of mismanagement or resident disaffection before this process is triggered. Discussion at page 20 of the bulletin.

✓ Section 12 (page 8) - This is the first of several provisions to put general improvement district elections on the same basis as all other local elections. This section requires district residents to register to vote in the county. ~~It also gives the county election official the responsibility for conducting the biennial district election and for providing a list of voters for other district elections.~~ Discussion at page 21 of bulletin. Amended in the Assembly to make the work of the election official self supporting. The essential thing here is to have registration pursuant to general law.

Section 13 (page 8) - This language is taken from the powers section of chapter 474 of NRS so that any 474 district converting to chapter 318 would have the appropriate powers under NRS 318. Discussion at page 35.

Section 14 (pages 8-9) - This adds to the legislative declaration provisions of chapter 318. It is the same language as proposed for chapter 308 at section 6 of the bill. ~~Again, there may be a problem with the term "commercial costs."~~

✓ Section 15 (pages 9-10) - This is statutory revision to reflect the change at section 12 which brings district elections under the regular election law. This takes out the provision for nonresident property owners to vote in district elections. There is serious doubt that the existing provisions on voting are legal. Discussion at page 21 of bulletin.

Section 16 (pages 10-11) - At page 10, line 11, is a clarification to reflect the two ways a district may be initiated. It also distinguishes between initiating a district and passing an ordinance establishing it. At page 11, line 9, is the provision that a service plan is required before the creation of any district. Discussion at page 40 of bulletin.

Section 17 (pages 11-12) - This is all statutory revision although there is a substantive difference between 51 percent and a majority.

Section 18 (page 12) - Statutory revision reflecting necessity of a service plan for initiation of any district.

Section 19 (pages 12-13) - This section requires that, upon creation of a district, a board of county commissioners discharge certain responsibilities before relinquishing control of the district. It also provides for appointment of an initial board of trustees. Discussion at page 21 of bulletin.

Section 20 (page 13) - This section further provides for the conduct of district elections pursuant to general election law.

Section 21 (pages 13-15) - This eliminates the current right of nonresident landowners to vote in district elections. Discussion at page 22 of bulletin.

Section 22 (pages 15-16) - The only change is at page 16, line 36, and it is only statutory revision.

Section 23 (page 17) - This adds fire protection to the functions that a chapter 318 district may perform. Discussion at page 35 of the bulletin.

Section 24 (page 17) - This adds the requirement that the county general obligation bond commission review all district debt issues. Discussion at page 25 of bulletin.

Section 25 (pages 17-18) - Statutory revision to reflect that district elections come under the general election law.

Section 26 (page 18) - All statutory revision based on changes in previous parts of the bill.

Section 27 (pages 18-19) - This provision is designed to recognize situations where a district may be dissolved but it has assets. The intent is that those assets, paid for by the district, should not go to the county at large but be distributed to those from whom it came. Discussion at page 19 of bulletin.

Section 28 (page 19) - Under one interpretation, NRS 244.157 means that a county may make any improvement that a GID may make but that it does not have the power to operate or maintain such improvement. Consistent with other provisions of the bill, this change insures that a county may do anything

Section 27.5 - Added in the Assembly so that voting official will know where voters live in terms of districts.

that a GID can do. This section also is intended to exempt a county commission from the hearing and protest provisions of chapter 318 only if necessary to comply with a federal mandate. Discussion at pages 36-37 of bulletin.

Section 29 (pages 19-20) - This is statutory revision removing chapters 540 and 542 of NRS from the purchasing law. These chapters are repealed at section 39.

Section 30 (page 20) - This provision adds a representative of general improvement districts to county general obligation bond commissions. It also adds another public member to keep the number odd. Discussion at page 25 of bulletin.

Section 31 (page 21) - This is all statutory revision.

Section 32 (page 21) - Clarifies that chapter 318 districts are subject to review by the general obligation bond commissions for G.O. bonds.

Section 33 (page 21) - At line 39 requires the review by the G.O. bond commission of all debt in general improvement districts. Discussion at page 25 of bulletin.

Section 34 (pages 21-22) - Statutory revision pursuant to the change in section 33.

Section 35 (page 22) - All statutory revision.

Section 36 (page 22) - All statutory revision.

Section 37 (pages 22-23) - Statutory revision reflecting the repeal of chapters 540 and 542 of NRS.

Section 38 (page 23) - This adds a provision to chapter 474 to allow the transforming of a chapter 474 fire district to a chapter 318 district. Discussion at page 35 of bulletin.

Section 39 (page 23) - This is the repeal of chapters 540 (drainage) and 542 (watershed). No districts exist under either chapter and the functions can be performed under other districts.

A.B. 165

Section 1 (pages 1-2) - This new language in chapter 318 provides notice and hearing procedures for rate changes for water or sewer service. At present, the PSC controls these rates for general improvement districts but not for cities or counties. This section is necessitated by section 2 which removes PSC jurisdiction. Discussion at page 24 of bulletin. ~~(Clark County has proposed an amendment at page 1, lines 14 and 15, to allow notice by a newspaper of general circulation. This change does not offend the intent of the subcommittee in any way.)~~

Section 2 (page 2) - The substantive change in this section is the removal of the jurisdiction of the PSC over 318 districts furnishing sewer service. Discussion at page 24 of bulletin.

Section 3 (page 2) - This section removes the jurisdiction of the PSC over 318 districts furnishing water services. Discussion at page 24 of bulletin.

Section 4 (pages 2-4) - The intent of this change at page 4, line 17, is to insure that the owner of property, as opposed to a nonowner resident, knows when a lien is placed against his property. This section deals with service charges, not special assessments. At present, a renter may be delinquent in paying his water or sewer bill and the unpaid charges become a lien against the property but the owner does not know this. If the owner sells, under present law, the new owner will not know about the lien either even if there is a title search. This section is intended to advise an owner that he has a delinquent tenant and that the delinquency has become a lien against the property. By the same token, by having to file the lien, the district is assured that the lien will be collectable in the event the property is sold.

Question has been raised about the inconvenience to the district of having to record liens and notify property owners. NRS 266.285 provides for these requirements for utility charges in general law cities. NRS 244.335 and NRS 268.095 provide for recording and notice of liens in the case of delinquent license charges. Finally, chapter 108, the general statutory lien law also requires for notice and recording before a lien is enforceable. The actual language comes from NRS 318.420 on special assessment liens. In light of all of these other NRS provisions, this change does not seem an excessive demand. Also, if this is too great a burden, the district may instead cut off service. Discussion at page 29 of bulletin.

Section 5 (pages 4-5) - This section adds the requirement that a lien for water or sewer connection charges be recorded before such charges may be added to the tax roll for collection. The notice to the owner is not included in this section because current law already provides for this (NRS 318.202, 2 and 3).

Section 6 (pages 5-6) - The subcommittee heard extensive testimony to the effect that annexation to existing districts was not used because of the difficulty of reaching agreement as to how new areas should be charged for extension of services. This section, using language from PSC rules on the costs of

utility extensions, seeks to provide statutory guidance for such charges. Three issues have been raised on this section. One is that there are already provisions in the chapter to cover this. NRS 318.258, subsection 5, is the applicable provision. It does not provide any precise guidance for the assessment of charges to an annexed area other than to say they should not "* * * penalize the area annexed." The subcommittee felt this was inadequate.

The second issue concerned the time period for a service extension, that it should be specified. The subcommittee did not find this a relevant point. The relevant issue is the cost of an extension, not how long it takes to put it in. If, however, the concern is that property owners should have some assurance when they pay an extension charge of when they will get the service, then this is a valid point. A provision could be added requiring that a date of completion be provided at the time extension charges are paid.

The third issue concerns the new language at page 7, line 6. The intent of the subcommittee was to insure that existing water and sewer facilities should be used to service additional property wherever possible instead of creating a new district. Specifically, if an area without sewer service is ordered by EPA to connect to a system and an adjacent district has a treatment plant, then the area should be annexed to the adjacent district. The assumption would be that the district has the treatment capacity and that a new area would bear the costs of the extension. There is no problem with adding language to the effect that the district must have the capacity but the determination of capacity should be by an outside party such as the PSC. Discussion at pages 24 and 37 of bulletin.

Section 7 (pages 7-8) - The intent of this section is to bring general improvement district foreclosure law into line with that for cities and counties. This new language is almost identical to that found at NRS 244.894 (counties) and NRS 271.410 (cities). It seemed to the subcommittee that it was best to use language already in use and understood. As used by cities and counties, this language seems to be adequate. Discussion at page 28 of bulletin.

Section 8 (pages 7-8) - Statutory revision relative to the removal of PSC jurisdiction.

Section 9 (page 8) - Statutory revision relative to the removal of PSC jurisdiction.

A.B. 167

Section 1 (page 1) - This section exempts general improvement districts from court filing fees. Other local government entities are exempt now. Discussion at page 28 of bulletin.

Section 2 (pages 1-2) - The subcommittee found that with one exception when counties or cities in Nevada accept roads put in by developers or subdividers, they take over maintenance. One county has, for some years, accepted roads with the provision that they will not maintain the roads they accept. As a result, numerous general improvement districts have been created just for road maintenance. The subcommittee felt that this was poor public policy but that it was the county's business. It did not feel, however, that the state should aid or assist this policy. Therefore, this section proposes that a county either maintain the roads it accepts or distribute the gas tax it receives from the state to the road districts. Discussion at pages 33-34 of bulletin.

~~Clark County has proposed an amendment at page 1, line 17, to exempt counties from maintenance costs caused by the district. This is consistent with the intent of the subcommittee.~~

Section 3 (page 2) - The subcommittee heard testimony of occasions where subdivisions were approved within districts with the districts never knowing about them in advance. In one case, roads were approved that were below county standards but the district had to maintain them. The intent of this section is to provide for district input on subdivision approvals. Discussion at page 30 of bulletin.

Section 4 (page 2) - The intent of this section is to mandate the assistance of county officers to districts on a reimbursable basis. The suggestion was made that the request for assistance should be in writing. This is consistent with the intent of the subcommittee. Discussion at page 29 of bulletin.

Section 5 - This is intended to give Douglas County a year to get ready to take over road maintenance and repair. It may be worth considering the July 1978 effective date just for section 2.

G.A. Subcommittee on Liability Protection of Local Governments

SPECIFIC QUESTIONS TO BE ADDRESSED BY LEGISLATIVE COMMISSION AND/OR SUBCOMMITTEE REVIEWING LIABILITY PROTECTION AT LOCAL GOVERNMENT LEVEL

no information available

1. What are the total costs per year of the various types of insurance, including liability insurance, now being purchased by all governmental entities in the State of Nevada?

2. What is the frequency and dollar value of claims paid on behalf of governmental entities by their insurance carriers in relation to the amount of premiums paid during a fiscal year?

3. How many governmental entities are no longer able to insure themselves and their officers or employees to a level deemed appropriate for their sphere of activity?

4. In the event an inadequate level of insurance protection exists, is there any adverse impact on the defense offered by the insurance carrier for that governmental entity and/or will an adverse judgment against such governmental entity cause any harm to other governmental entities through additional premiums and/or reductions of coverage?

5. If a governmental entity does not carry an appropriate level of insurance or carries no insurance at all and if an elected or appointed official is held liable to pay in damages or to pay civil and/or criminal penalties, how is the governmental entity adequately protecting itself against such a coutingent liability?

6. How much of a governmental entity's insurance premium payment goes to pay for the defense of suits and claims brought against the insured governmental entity?

7. Can a self-insurance fund created by a local government significantly reduce the overall cost of an adequate liability insurance program?

8. If a local government creates a self-insurance fund, how is an adequate defense provided through the governmental entity and its officers and employees in the case of lawsuits?

9. In addition to purchasing liability insurance and establishing self-insurance funds, have local governments taken any other actions to reduce the cost of liability protection?

9A. Could action be taken by all governmental entities within the State of Nevada consistent with a statewide

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policy, which would significantly reduce their costs of providing for liability protection?

10. Are there any other alternatives available to provide adequate liability coverage at a significantly reduced cost? (Such alternatives could include --(a) wider dissemination of information concerning insurance costs, coverages and alternatives; (b) employment of persons knowledgeable in "risk and management" at a regional or state level to advise local governments concerning insurance; (c) establishment of a statewide governmental insurance pool; and (d) statewide liability insurance.

11. Evaluate the effects of any tort law reform occurring in other states as well as Nevada insofar as it affects availability of liability insurance to local governments.

JOSEPH H. ROBERTSON
920 EVANS AVE.
RENO, NEVADA 89512

March 8, 1977

To: Mr. Richard Carr
Nevada State Public Service Commission
505 East King St.
Carson City, Nevada 89701

From: Joseph H. and Yerda M. Robertson and Doris H. Smart

Subject: Standby water taps on Sun Valley property

We, the undersigned owners of property in Sun Valley, Nevada, present the following statement with respect to certain standby water taps purchased at the inception of the Sun Valley Water and Sanitation Department, and to which the said department now denies our claim.

June 28, 1964. We purchased ten acres, more or less, at the corner of Sidehill Drive and Gepford Parkway (then Third Avenue) in Sun Valley, Nevada.

June 29, 1965. The qualified taxpaying electors of the Sun Valley Water and Sanitation District approved the organization of the District and elected a five-member Board. This Board drew up a Subscription Agreement specifying conditions under which water connections would be made and providing for standby taps which could be activated at a later date.

April 13, 1966. We deposited $300.00 on 20 standby taps to serve the ten acres. The initial deposit was $75.00 ($15.00 each for 5 taps). Immediately (on the same date) we saw the need for more taps and made another deposit of $225.00 for another 15 taps. Two receipts were issued by Mel Brown, one for $75.00 and the other for $225.00 (receipts Nos. 5646 and 5647). The standby fee was to be $2.00 per month for each standby.

June 1, 1967. We began being billed for $10.00 per month, which we paid for two years.

August 1969. We visited the water department to learn why we had not been billed for 20 standbys. It appeared that the $225.00 check had not been applied to the 15 standbys. On August 14, 1969 we paid $534.50, which amount, together with the $225.00 deposit, made up the back payments. A letter from Norma Fink, Chairman of the Board, dated August 2, 1969, established that we were entitled to our 20 standby taps.

In March 1970 we began selling lots and by November 1972 had sold six lots with standby taps. During this time one buyer, Mr. Wilson, who was entitled to a standby tap and therefore a free connection, was charged $75.00 for water connection. It was only at the insistence of Mrs. Smart (Robertsons were in Iran at this time) that the amount was refunded to Mr. Wilson. Mrs. Smart received no reply to her letter, although it was requested.

From November 1972 until December 1975 we were billed for and paid $28.00 per month for 14 standbys.

March 3, 1972. We refused an unsolicited check from the Sun Valley Water and Sanitation Department in the amount of $1434.50, with which the Board sought to

1229 #11

discontinue our standbys. We returned the check and continued to pay the monthly fee as we were billed.

Early in 1974, when it appeared that no more lots could be sold without sewer connections, we requested to know a termination date for paid up standbys. We were assured in a letter of April 3, 1974 from Jim Lansford, Manager of Sun Valley Water and Sanitation Department, that "the standby charge of $2.00 a month is to continue until the standbys are activated or put into service." We understand this was on advice of counsel. Feeling that there was no foreseeable end to the monthly charges for standby taps, in June 1975 we wrote to the Board asking for a total refund and discontinuation of the standbys. This was refused and on July 17 the Board's attorney wrote us to that effect. We therefore continued making payments during 1975.

December 1975. We received a credit memo stating "no payment due".

January 1976. When no bill arrived in January, we phoned to inquire the reason and were told that our standbys were paid in full and no more payments were required.

March 3, 1976. A new parcel survey of our property was completed by Gerald Stanton.

March 19, 1976. A new parcel map of the remaining Robertson-Smart property was approved for Sun Valley Water and Sanitation Department by Roy Hibdon of Walters Engineering.

May 28, 1976. Parcel No. 2 of the new map (encompassing 4 of the original lots) was sold to Mr. Richard Wilson.

October 1976. Mr. Wilson went to Sun Valley Water and Sanitation Department to ask for activation of Standby water taps. He was told that Robertson and Smart have no standby taps. During the period January to March 1977 we phoned the water company several times about Mr. Wilson's standbys. We also sent photocopies of 1975 receipts and cancelled checks. No information was forthcoming because the attorney had all the documents and we must await his ruling. We phoned Mr. Sala, the attorney. He informed us that he would notify the board when he got around to it (in effect). On March 1 Robertsons went to the water company office and were assured that Mr. Sala had all the records and only he could advise the board.

Up to the present date we have been unsuccessful in our efforts to examine the water company's file having to do with the Robertson-Smart standby water taps.

Joseph H. Robertson
Joseph H. Robertson

Verda M. Robertson
Verda M. Robertson

Doris H. Smart
Doris H. Smart

east to the line of one hundred and thirteen degrees twenty minutes west longitude; thence north, along said line of longitude, to its point of intersection with the thirty-seventh parallel of north latitude; thence west, along said parallel of latitude, to a point where the boundary line between the State of California and the Territory of Arizona strikes said thirty-seventh parallel of latitude; thence southeasterly, along said boundary line, to a point due west from said Roaring Rapid; thence due east to said Roaring Rapid and point of beginning, be and the same is hereby erected into a county, to be known as the County of Pah-Ute. The town of Callville, in said county, is hereby created the seat of justice of said county, and the County Commissioners thereof are hereby authorized to establish election precincts in said county.

SEC. 2. . . . SEC. 8. . . .

The following resolution passed at the Third Legislative Assembly of the Territory of Arizona (1866) mentioned the Pah-Ute county seat and river port of Callville, as associated with steamship navigation from the open seas into what is now Nevada above Hoover Dam.

CONCURRENT RESOLUTION Regarding the Navigation of the Colorado River.

Whereas, The successful accomplishment of the navigation of the Colorado River to Callville, has been effected by the indomitable energy of the enterprising Pacific and Colorado Navigation Company; therefore, be it

Resolved, That the thanks of every member of this Legislative Assembly, for themselves and their constituency, are due and hereby tendered to Admiral Robert Rogers, commander of the steamer *Esmeralda,* and to Captain William Gilmore, agent.

Resolved, That this resolution be spread upon the minutes of the Council.

In 1866 Congress took action again to enlarge Nevada, this authorization following the first attachment of additional area to Nevada in 1862, when still a territory. The congressional act and the events that followed have created much confusion among historians and caused mapmakers and legislatures considerable concern. This is probably due to the separate nature of the last two additions, and confusion between these 1866 and 1867 additions and the former one made in 1862, along with conflicting references to the times at which these last additions became effective. The congressional act that provided for the last two additions of territory to Nevada read as follows (U.S. Statutes at Large, Vol. 14, page 43):

CHAP. LXXIII.—An Act concerning the Boundaries of the State of Nevada.

(Approved May 5, 1866)

[Boundaries of Nevada]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as provided for and consented to in the constitution of the State of Nevada, all that territory and tract of land adjoining the present eastern boundary of the State of Nevada, and lying between the thirty-seventh and the forty-second degrees of north latitude and west of the thirty-seventh degree of longitude west of Washington, hereby added to and made a part of the State of Nevada.

[State to Give Its Assent]

SEC. 2. *And be it further enacted,* That there is hereby added to and made a part of the State of Nevada all that extent of territory lying within the following boundaries, to wit: Commencing on the thirty-seventh degree of north latitude, at the thirty-seventh degree of longitude west from Washington; and running thence south on said degree of longitude to the middle of the river Colorado of the West; thence down the middle of said river to the eastern boundary of the State of California; thence northwesterly along said boundary of California to the thirty-seventh degree of north latitude; and thence east along said degree of latitude to the point of beginning: *Provided,* That the territory mentioned in this section shall not become a part of the State of Nevada until said State shall, through its legislature, consent thereto: *And provided further,* That all possessory rights acquired by citizens of the United States to mining claims, discovered, located, and originally recorded in compliance with the rules and regulations adopted by miners in the Pah-Ranagat and other mining districts in the Territory incorporated by the provisions of this act into the State of Nevada shall remain as valid subsisting mining claims; but nothing herein contained shall be so construed as granting a title in fee to any mineral lands held by possessory titles in the mining States and Territories.

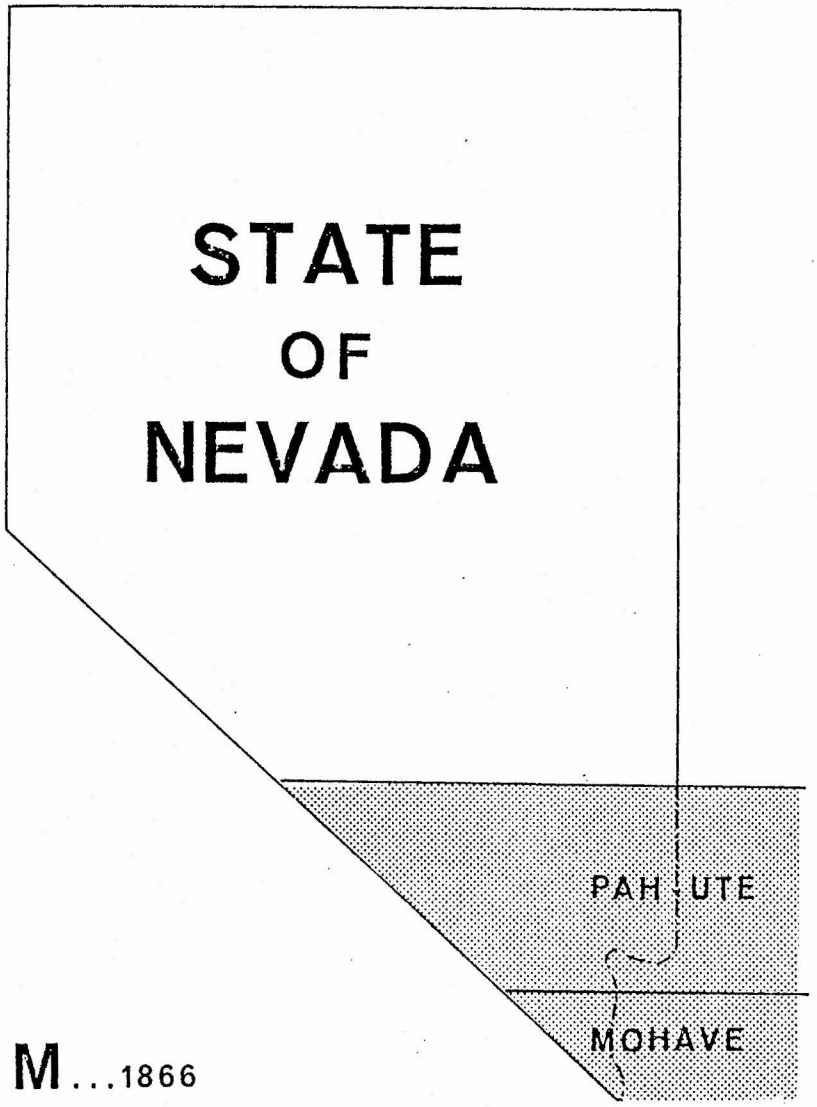
An examination of this congressional act indicates that section one became self-executing under the Nevada Constitution, which reads in Article 14, Section One, as follows:

". . . And whensoever Congress shall authorize the addition to the Territory or State of Nevada of any portion of the territory on the easterly border of the foregoing defined limits, not exceeding in extent one degree of longitude, the same shall thereupon be embraced within and become a part of this state. . . ."

This new eastern line is the same as the present eastern boundary of the State of Nevada. The area was taken from the western portions of Box Elder, Tooele, Millard, Beaver, Iron, and Washington counties of the Territory of Utah (see Maps L and M). The 1866 addition incorporated within the State of Nevada another area of 18,325 square miles where now are located Wells, Ely, Pioche, and Caliente, Nevada. The 1866 line established by this addition gave a third definition for an eastern boundary for Nevada (1861, 1862, and 1866).

The present eastern boundary line for the State of Nevada does not fall on the 114° of longitude west of Greenwich because of the differential between Washington and Greenwich longitudes, at this latitude amounting to approximately 2 miles, and evidentally not recognized at the time Congress employed Washington longitude for defining boundary lines. Thus we inherit the peculiar situation whereby Congress defined 6 full degrees of longitudinal width for Nevada but we do not have such area secured to us, being squeezed by California on the west or Utah on the east.

The second section of the congressional act required specific action on the part of Nevada before the northwestern portion of Arizona Territory could be embraced within the State, there being no provision in the Constitution for acceptance. The congressional act states this situation quite clearly, as follows:



MAP M

1866—State of Nevada extended eastward one degree of longitude. Area taken from western portions of Box Elder, Tooele, Millard, Beaver, Iron, and Washington Counties, Utah Territory.

". . . *Provided,* That the territory mentioned in this section shall not become a part of the State of Nevada until said State shall, through its legislature, consent thereto: . . ."

Although many histories and maps show the wedge-shaped section, now southern Nevada, as having been attached to the State in 1866, obviously such is not the case. The Third Legislative Assembly of the Territory of Arizona was quite aware of this and later in 1866 adopted the following memorial to the Congress:

MEMORIAL

Asking that the Act of Congress, approved May 5th, A. D. 1866, setting off to the State of Nevada all that part of the Territory of Arizona west of the thirty-seventh degree of Longitude west from Washington, and west of the Colorado River, be repealed.

[Approved November 5, 1866]

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent, that by an act approved May 5th, 1866, Congress added to, and made a part of the State of Nevada, "all that extent of territory lying within the following boundaries, to wit: Commencing on the thirty-seventh degree of north latitude, at the thirty-seventh degree of longitude west from Washington, and running thence south on said degree of longitude to the middle of the river Colorado of the west, thence down the middle of said river to the eastern boundary of California, thence north-westerly along said boundary of California to the thirty-seventh degree of north latitude, and east along said degree of latitude to the point of beginning;" *Provided,* however, that the territory mentioned should not become a part of the State of Nevada until said State should through its Legislature consent thereto.

Your memorialists further represent, that to the best of their knowledge and belief, this territory has not yet been accepted by the State of Nevada, in the terms and manner required by the foregoing provision, and that the matter is yet wholly within the control of Congress, and they earnestly pray that the act by which it is proposed to take from Arizona this important part of her territory, be repealed by your honorable bodies.

The area in question, which embraces the chief part of Pah-Ute County and all of Mohave County west of the Colorado River, holds a natural and convenient relation to the Territory of Arizona, and a most unnatural and inconvenient one to the State of Nevada. It is the water shed of the Colorado River into which all the principal streams of Arizona empty, and which has been justly styled the Mississippi of the Pacific. By this great river the Territory receives the most of its supplies, and lately it has become the channel of a large part of the trade of San Francisco with Utah and Montana. Moreover, while it is a comparatively short and easy journey from any part of the territory in question to the county seats or the capital of Arizona, it is a tedious and perilous one of three hundred miles to the nearest county seat in Nevada, and to reach the capital of that State, by reason of intervening deserts, including the celebrated "Death Valley," over which travel is often impossible and always extremely hazardous, it is necessary to go around by Los Angeles and San Francisco, a distance of some fifteen hundred miles, and a most circuitous way. It is the unanimous wish of the inhabitants of Pah-Ute and Mohave counties, and indeed of all the constituents of your memorialists, that t territory in question should remain within Arizona; for the convenie

transaction of official and other business, and on every account they greatly desire it. And on their behalf and in accordance with what appears to be no more than a matter of simple justice and reason, your memorialists earnestly request your honorable bodies to set aside the action by which it is proposed to cede it to Nevada, and as in duty bound your petitioners will ever pray.

Resolved, That our Delegate in Congress, Hon. John N. Goodwin, is hereby requested to spare no effort to secure a favorable response to this memorial.

When the Third Session of the Nevada State Legislature convened in 1867, Governor Blasdel included in his biennial message to the body the following recommendations relative to the congressional authorization for more territory:

BIENNIAL MESSAGE

STATE OF NEVADA, EXECUTIVE DEPARTMENT
CARSON CITY, January 10th, 1867.

Gentlemen of the Senate and Assembly: . . .

EASTERN AND SOUTHERN BOUNDARIES

By Act of Congress, approved May 5, 1866, there was added to this State on the east all the territory lying between the 37th and 38th degrees of longtitude, west from Washington, extending from the 37th to the 42d degree of north latitude, embracing 18,000 square miles, or 11,530,000 acres. This grant was anticipated and provided for in the formation and adoption of the State Constitution, and, therefore, no further action is required. A further addition "commencing on the 37th degree of north latitude at the 37th degree of longitude, west from Washington, and running thence south on said degree of longitude to the middle of the river Colorado of the West; thence down the middle of said river to the eastern boundary of the State of California; thence northwesterly, along said boundary of California, to the 37th degree of north latitude; and thence east, along said degree of laltitude, to the point of beginning," was contingently made to become effectual upon the acceptance of the State, through its Legislature. This grant, connecting us as it does with the navigable waters of the Colorado River, and embracing extensive and valuable agricultural and mineral lands, is of great importance to the State, and should be promptly accepted. Looking alone to the Act of Congress, it would seem that all the action necessary on the part of the State, for a full and final acceptance of this last named cession, would be that of the Legislature in the form of an Act or joint resolution. But the establishment of boundary lines by the Constitution would seem to leave the Legislature without present authority to bind the State in the premises. In order that no misapprehension may arise from a failure to comply with the Act, I suggest the propriety of immediate legislative acceptance as therein contemplated. And in order to legally and fully extend the jurisdiction of the State over the ceded territory, I suggest the propriety of proposing and submitting to the people, for their ratification, an amendment to the Constitution conforming our southern boundary to the lines designated in the grant. . . .

H. G. BLASDEL

(From Senate Journal and Appendix, Third Session, 1867)

A few days later the Legislature passed a resolution accepting this additional territory, ceded to the State of Nevada, which read as follows:

No. IX.—*Joint Resolution in relation to the boundaries of the State of Nevada, and the acceptance of additional territory, ceded by the United States to this State.*

[Passed January 18, 1867]

[Accepting additional territory ceded to the State of Nevada]

WHEREAS, by Act of the Congress of the United States, entitled "An Act concerning the boundaries of the State of Nevada," approved May fifth, A.D. 1866, certain territory belonging to the United States, bounded and described as follows, to wit: commencing on the thirty-seventh degree of north latitude, at the thirty-seventh degree of longitude west from Washington; and running thence south on said degree of longitude to the middle of the River Colorado of the West; thence down the middle of the said river to the eastern boundary of the State of California; thence northeasterly along said boundary of California to the thirty-seventh degree of north latitude; and thence east along said degree of latitude to the point of beginning, was added to and made part of the State of Nevada; and

Whereas, by the provisions of the second section of said Act of [?] the Legislature of the State of Nevada is required to consent to the cession of said territory to said State before the same becomes a part of and within the jurisdiction of this State; therefore

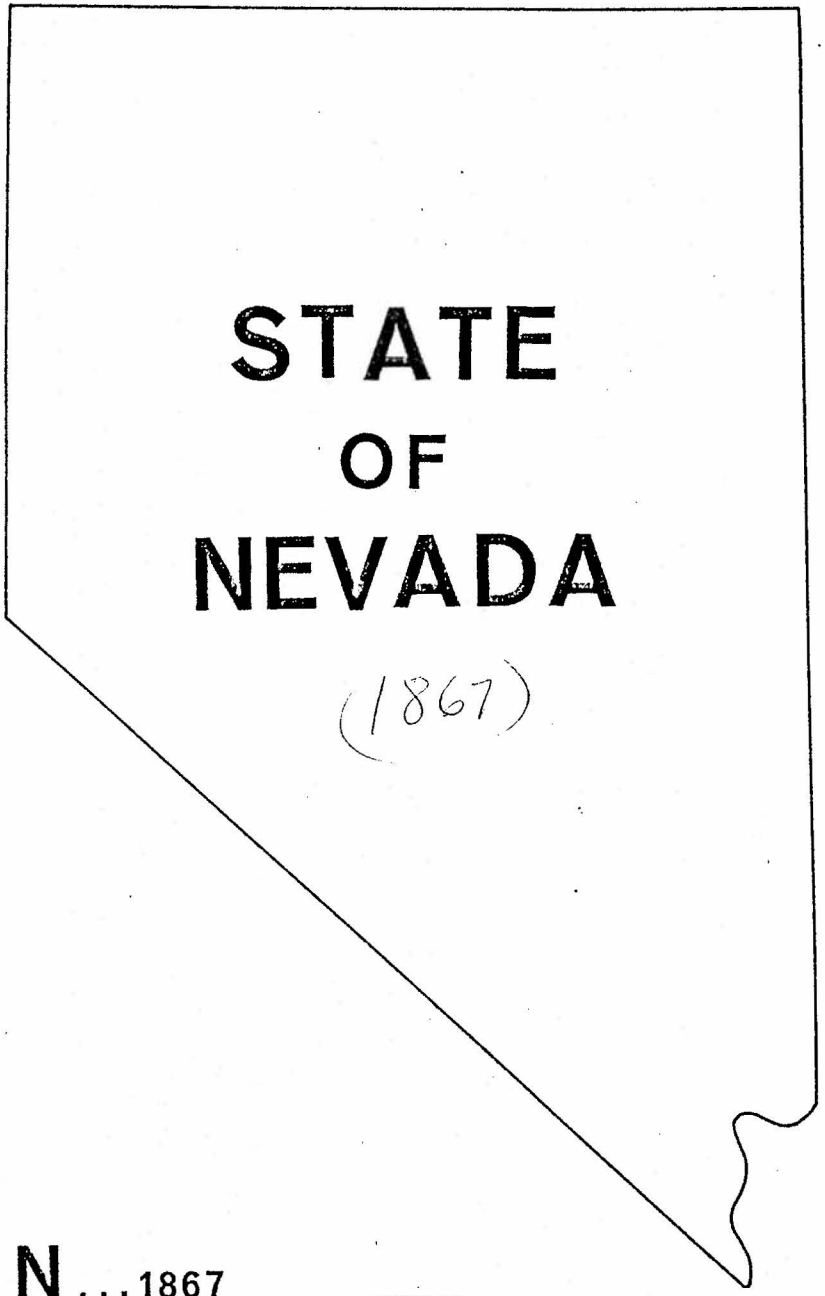
Resolved, by the Legislature of the State of Nevada, that the territory bounded and described in the second section of the aforesaid Act of the Congress of the United States is hereby accepted, made part of, and declared to be within the jurisdiction of the State of Nevada, subject to and under all the provisions and conditions contained within the second section of said Act.

However, no action was taken on the Governor's suggestion to amend Nevada's Constitution to encompass this last addition of territory. Subsequent sessions likewise took no action to amend the Constitution and to this day the section of the Nevada Constitution identifying our boundaries reads as follows:

ARTICLE. 14.

BOUNDARY.

Section. 1. **Boundary of the State of Nevada.** The boundary of the State of Nevada shall be as follows: Commencing at a point formed by the intersection of the thirty eighth degree of Longitude West from Washington with the Thirty Seventh degree of North latitude; Thence due West along said thirty seventh degree of North latitude to the eastern boundary line of the State of California; thence in a North Westerly direction along said Eastern boundary line of the State of California to the forty third degree of Longitude West from Washington; Thence North along said forty third degree of West Longitude, and said Eastern boundary line of the State of California to the forty second degree of North Latitude; Thence due East along the said forty second degree of North Latitude to a point formed by its intersection with the aforesaid thirty eighth degree of Longitude west from Washington; Thence due South down said thirty eighth degree of West Longitude to the place of beginning. And whensoever Congress shall authorize the addition to the Territory or State of Nevada of any portion of the territory on the Easterly border of the foregoing defined limits, not exceeding in extent one degree of Longitude, the same shall thereupon be embraced within, and become a part of this State. And furthermore Provided, that all such territory, lying West of and adjoining the boundary line herein prescribed, which the State of California may relinquish to the Territory or State of Nevada, shall thereupon be embraced within and constitute a part of this State.



N . . . 1867

MAP N

1867 State of Nevada extended south to Colorado River. Area taken [illegible]h-Ute and Mohave counties, Arizona Territory. State attains final limits.

1234

Later in 1867, the Fourth Legislative Assembly of the Territory of Arizona reacted to the acceptance by Nevada of part of Arizona Territory as apparently not granting de facto control to Nevada. Pah-Ute County was not abolished though most of its area was absorbed by Nevada. Arizona did not recognize the Nevada acceptance resolution as incorporating most of that county. The Arizona Legislative Assembly passed the following act moving the Pah-Ute county seat from Callville on the Colorado River north to St. Thomas, a location within the area Nevada had accepted by resolution.

AN ACT For the Removal of the County Seat of Pah Ute County.

(Approved October 1, 1867)

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the County Seat of Pah Ute county be and the same is hereby removed from Callville to St. Thomas in said county.

SEC. 2. That this act shall take effect and be in full force from and after its passage.

As further evidence that Arizona did not concede that her territory was lost to the State of Nevada, the same session of the Arizona Legislative Assembly directed the following memorial to the Congress a few days later. This memorial quoted directly from Nevada's Governor Blasdel and pointed out why they felt the area was not as yet a part of Nevada.

MEMORIAL

Asking that the Act of Congress, approved May 5th, 1866, setting off to the State of Nevada all that part of the Territory of Arizona west of the Thirty-seventh degree of Longitude west from Washington, and west of the Colorado River, be repealed.

[Approved October 5, 1867]

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, having at their last session memorialized your Honorable body with reference to the setting off of the greater portion of Pah Ute County, and all of Mohave County west of the Colorado River, to the State of Nevada, would again most earnestly but respectfully appeal to your Honorable body for the relief sought and so much desired by all of the citizens of Arizona, and especially the inhabitants of the said portions of this Territory.

We, your memorialists, had great hope that the Legislative Assembly of the State of Nevada would listen to our memorial and petition of last year, and would not compel an unwilling people to become a part of their State, when the relations are, and necessarily must ever be unnatural and inconvenient while the relations of Pah Ute and Mohave Counties (the portion in question,) are most natural and convenient to and with those of Arizona Territory. But from a resolution accepting the cession by Congress of said Territory to said State of Nevada, passed January 18, 1867, the Legislature of that State has manifested a determination to take from Arizona this important portion of her Territory, notwithstanding her memorials and petition unanimously signed by the citizens therein and [illegible] earnest and solicitous appeal of the Arizona Assembly. Our only hope n[illegible]

is vested in the fact that while that State has made Constitutional provision for the acceptance of Territory on the east and west, she has made none for the south of her limits. Therefore, in the language of Governor Blaisdell, "in order to legally and fully extend the jurisdiction of the State over the ceded territory" an amendment to the Constitution of that State is necessary to conform on the southern boundary to the lines designated "in said grant," and as an amendment to the Constitution of that State, cannot be effected in less than two years, your memorialists do not consider said territory legally under the jurisdiction of that State; and, therefore, most earnestly pray that your Honorable body will repeal the act, ceding to that State said portions of Arizona, approved May 5th, A.D. 1866, and your memorialists will ever pray.

Resolved, That our delegate in Congress, the Hon. Coles Bashford, is hereby requested to use all honorable means to secure a favorable response to this memorial.

Resolved, That the Secretary of the Territory be requested to forward a copy of this memorial to our Delegate in Congress as early as possible.

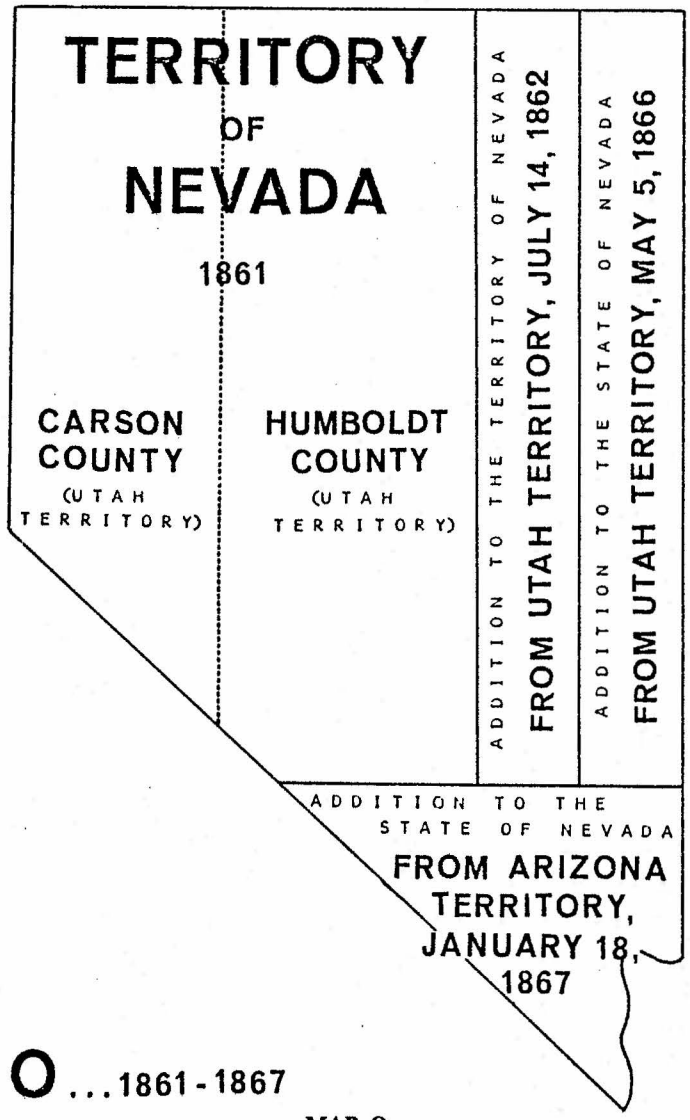
Evidently Arizona's pleas to the Congress fell on deaf ears. The authorization granted Nevada to absorb the northwestern part of Arizona Territory was never repealed. Apparently in recognition of Congress having failed to reverse itself on the issue, and in view of the fact that most of Pah-Ute County was lost, along with a small portion of Mohave County, to the State of Nevada, the Sixth Legislative Assembly of the Territory of Arizona, meeting in Tucson in 1871, repealed the act creating Pah-Ute County (see Maps M and N).

This last addition of territory to Nevada, 12,225 square miles, containing close to half of Nevada's population, based on the 1960 census, now includes all of Clark County, with Nevada's 1st and 3rd largest cities, Las Vegas and North Las Vegas, as well as Henderson, Boulder City, part of Hoover Dam, a strip of southern Lincoln County, Nye County from Beatty south, and the southernmost tip of Esmeralda County.

From the foregoing history of Nevada it can be seen that the Territory of Nevada existed between 1861–64, covering two different territorial extents. The State of Nevada existed between 1864–67, covering three different territorial extents. The five different possible sets of boundary extensions and terminology, a territory of two shapes and a state with three undoubtedly have in large measure contributed to the confusion existent today in regard to the origin and development of Nevada (see Map O). Not only were there numerous changes after Nevada was first organized, but the foundation of Carson County which represented the nucleus of Nevada underwent vast modifications between 1854–61 by means of various enlargements, attachments, modifications, and reestablishments. The entire period from 1854 (Carson County created) to 1867 (last addition to the State of Nevada) presents a complex problem in the geopolitical history of Nevada.

SEAT OF GOVERNMENT

The original territorial capital and seat of government for Carson County was Fillmore City. This location was about 150 miles south of Great Salt Lake City and about 500 miles east of the populated part of



MAP O

1861–67—Territory of Nevada formed in 1861 from Carson and Humboldt counties of Utah Territory. In 1862 Nevada Territory enlarged by extension eastward one degree into Utah Territory. Enlarged Territory, and State as created in 1864, coextensive in size. Additional extension eastward one degree into Utah Territory in 1866 by State of Nevada. Extension south into Arizona Territory to the Colorado River by State of Nevada in 1867. Nevada Territory existed in two different sizes; Nevada as a state in three different sizes.

SRM SOCIETY FOR RANGE MANAGEMENT

NEVADA SECTION

RESOLUTION

for

ADOPTION OF INDIAN RICEGRASS

AS THE STATE GRASS OF NEVADA

WHEREAS - - Indian ricegrass has played a significant part in the history of Nevada by providing seed as a staple food by early Indian tribes in Nevada,

AND WHEREAS - - This grass resource has the ability to reseed and establish itself on deteriorating sites thereby providing cover and protection for land conservation,

AND WHEREAS - - Indian ricegrass contributes significantly to the Range Livestock Industry throughout Nevada,

AND WHEREAS - - Indian ricegrass provides abundant feed and cover for wildlife in Nevada,

AND WHEREAS - - This grass is distributed throughout the state of Nevada,

AND WHEREAS - - Nevada has been subject of criticism by environmentalists for misuse of the states rangelands,

THEREFORE - - Be it resolved that the Society for Range Management, Nevada Section, strongly supports the adoption of Indian ricegrass as the state grass of Nevada by the 1977 legislature.

Kenneth R. Genz, President January 21, 1977

Attested by Mike Kilpatrick
Secretary

1236 3

SENATE GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE 13-April-77

PLEASE SIGN - EVEN IF YOU ARE NOT HERE TO TESTIFY.....

NAME	WILL YOU TESTIFY	BILL NO	REPRESENTING
J Angus MacEachern	Yes	SB434 etc.	City of Las Vegas / Nevada League of Cities
Dorothy Eisenberg	Yes	AB 169	Chairman EMRB
FRANK SALA	YES	AB 163 165 167	SUN VALLEY WATER & SANITATION DIST.
JACK McAULIFFE	Yes	AB 163 165, 167	Crystal Bay G. D.
LES BERKSON	YES	AB 163 165, 167	INCLINE VILLAGE Gen IMP DIST one Statement for both bills
Roger Baird	Yes	SB 440 SB 451	Nev. Labor Commission
Marian R. Conrad	Yes	SB 451	Nevada Ed. Assoc.
SALLY E DAVIS	yes	AB169	E. M. R. B.
RICHARD ANDERSON	YES	SB440	LAS VEGAS VALLEY WATER DIST. NEV. LEAGUE OF CITIES - ASSOC. OF COUNTY COMMISSIONERS
Don Quilan	Yes	SB451	NEV. ASSOC. COUNTY COMMISSIONERS & NEV. LEAGUE OF CITIES
Chuck Saulsbury	Yes	AB497	Society for Range Management
John L. McLain	Yes	AB 497	Society for Range Management
Kenneth Sanz	Yes	AB497	Society for Range Management
Joe ROBERTSON	Yes	AB497	" " " "
" "	"	AB165	SunValley Development Dist
ANDY GROSE	Yes	AB 163, 165 167	LCB - Int. Subcomm.
BO B GAGNIER	Yes	AB209 SB451	SNEA
Paul Ghilarducci	Yes	SB440	NSEA
Nelson S. Okino	Yes	SB 440	NSEA
Sherman Arnaud	Yes	SB 440+	NPEAC
Carol Mast	Yes		Round Hill G.D.
Kent Ross	Yes	SB434	NSEA
Robert Hillerman	Yes	SB 440	NSEA
C. Robert Cox	Yes	SB 440 AB 161	Washoe County School District

1237

SENATE GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE 4-13

PLEASE SIGN - EVEN IF YOU ARE NOT HERE TO TESTIFY.....

NAME	WILL YOU TESTIFY	BILL NO	REPRESENTING
Gene Phelps	yes	209	Wdy Dept
George E Mills	yes	209	Welfare
Hugh Barrett	YES	AB 497	Society for Range Management
Ken Hougen	YES	~~AB 440~~ SB 434	N PEAC
James Grigsby	~~NO~~	S.B. 440	Local 1285 Fire Fighters
Harold Hazard	yes	AB165	
Larry Struve	yes	ACR9	Washoe County
Leonard Winkelman	yes	AB360	D.M.V.
Joyce Woodhouse	yes	AB169	NSEA

SENATE

REVISED AGENDA TO INCLUDE * (Eff. 4-12-77)

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

Date April 13, 1977 Time 1:30 PM Room 243

Bills or Resolutions to be considered	Subject	Counsel requested*
SB-434	Reorganizes Local Government Employee-Management Relations Board, requires secret ballot elections for recognition of local government employee organization and requires financial reports from organizations. (BDR 23-1535)	
SB-440	Revises mediation and factfinding provisions of local government labor relations law and provides for arbitration. (BDR 23-1850)	
SB-451	Requires mediation in local government labor-management relations. (BDR 23-1743)	
* SJR-22	Memorializes Congress of United States to establish national cemetery in Nevada. (BDR 1481)	
* SJR-24	Memorializes Congress of United States to authorize and fund verterans' hospital in Clark County, Nev. (BDR 1482)	
AB-63	Regulates access of governmental agencies to certain financial records. (BDR 19-490)	
AB-163	Changes procedures for organizing and governing general improvement districts. (BDR 25-74)	
AB-165	Removes certain general improvement districts from jurisdiction of Public Service Commission of Nevada and provides for filing of liens, extension of facilities and foreclosure of delinquent special assessments. (BDR 25-72)	
AB-167	Requires county to furnish certain services to general improvement districts. (BDR 25-71)	
AB-169	Authorizes compensation for members of Local Government Employee-Management Relations Board, changes hearing and fact-finding procedures. (BDR 23-189)	
AB-209	Provides for administrative hearing before certain actions may be taken against state classified employee. (BDR 23-37)	
AB-272	Provides for review and approval of administrative regulations by the legislative department of state government. (BDR 18-569)	
ACR-9	Urges local governments to review their existing liability insurance. (BDR 82)	
AB-360	Requires county officers and employees to deposit funds belonging to others with county treasurer. (BDR 20-956)	
AB-522	Increases membership of certain county fair and recreation boards. (BDR 20-1316)	
AJR-37	Proposes constitutional amendment to conform constitutional state boundary to actual boundary. (BDR C-1243)	
AB-410	Revises provisions relating to reporting of election campaign contributions and expenses. (BDR 24-1085)	
AB-497	Designates Indian ricegrass as official state grass. (BDR 19-1298)	
AB-503	Adds to permitted purposes for leasing county property (BDR 20-1253)	

*Please do not ask for counsel unless necessary.