Present: Chairman Gibson
Vice Chairman Keith Ashworth
Senator Dodge
Senator Echols
Senator Ford
Senator Kosinski
Senator Raggio

Also Present: See Attached Guest Register

Chairman Gibson called the thirtieth meeting of the Government Affairs Committee to order at 2:00 p.m. with all members present.

AB-531 Makes negotiations mandatory where school trustees do not prescribe certain regulations.

Joyce Woodhouse, representing Nevada State Education Association, testified in favor of this bill for the committee. Ms. Woodhouse read her prepared testimony to the committee. (See Attachment #1)

Senator Dodge asked how the trustees construe the intent of the original languge. Ms. Woodhouse responded that the language, "may in the alternative" allowed them the option and did not mandate them to do anything.

Senator Echols felt that we should only take out the "may in the alternative".

Robert Petroni, attorney for the Clark County School District, stated that they do not object and feel that it will make the law more clear to have the suggested changes as proposed in AB-531.

Senator Ford moved, "Do Pass" on AB-531
Seconded by Senator Dodge
Motion carried with Senator Raggio abstaining due to a possible conflict of interest.

SB-426 Provides procedure for withdrawal of recognition of employee organizations by local government employers.

Joyce Woodhouse, representing the Nevada State Education Association, testified in opposition to this bill and read her prepared testimony to the committee. (See Attachment #2)

Bob Petroni, attorney for the Clark County School District, testified in opposition to the bill and concurred with the remarks given by Ms. Woodhouse in her prepared testimony.

Dennis Kennedy, Attorney for the American Federation of Teachers in Las Vegas, testified to the committee that he supported this bill with one exception. The language contained in subsection 9 of Section 4 dealing with 10% show of interest should be changed to 30%. This would be a more positive figure and probably would not be challenged.

Mr. Kennedy stated that the bill clears up the ambiguity of de-certification and supports this very much.

Blackie Evans, Secretary Treasurer of the A.F.L. C.I.O., testified in favor of the bill. Mr. Evans concurred with Mr. Kennedy regarding the change in subsection 9 of Section 4. Mr. Evans felt that the language on lines 18 and 19, page 1 should be deleted. He concluded by stating that this bill conforms to the regulations in their union and the national regulations as well.

Senator Dodge asked what the experience of the board has been to date regarding de-certification. The Senator was also concerned that changing the percentage from 10% to 30% might cause problems.

Mr. Evans stated that 51% is the national percentage rate used and 30% was most workable for the board.

Mr. Knowles Business agent for the American Federation of Teachers in Las Vegas, testified to the committee that at the last meeting of the AFT the 30% show of interest was voted upon and was unanimously accepted as a workable percentage for de-certification procedures. Mr. Knowles stated that the hard rule is the 51% of dues paying members in the organization. This ambuguity in the bill should be corrected.

Senator Dodge stated that the language was left fairly loose in order to allow flexibility regarding the policy and procedures used within the organization.

Senator Keith Ashworth moved "Indefinite Postponement" on SB-426
Seconded by Senator Echols
Motion carried with Senator Raggio abstaining due to a possible conflict of interest.

AB-285 Changes certain administrative reporting and arbitration procedures respecting public employees' labor relations.

Assemblyman Paul May, testified to the committee that this bill was requested by the Employee Management Relations Board. Mr. May went over the bill for the committee, noting the substantive changes.

Senator Kosinski stated that the language in subsection 5 of Section 7 should be deleted. The Senator did not feel that a closed meeting for such matters was warranted.

Mr. May stated that in testimony it was sometimes very difficult to get accurate details and to pursue delicate questions with the press right there. Those on the board have informed Mr. May that these matters should be deliberated in a private manner.

Carol Urlardo, EMRB, member of the general board, testified in favor of the bill and further explained the reasons for subsection 5 in Section 7. Ms. Urlardo felt it very important to have that provision in the bill. Ms. Urlardo related some experiences to the committee that would support that provision being left in.

Chairman Gibson stated that problems with the press can be handled without the passage of legislation to control the press.

Senator Ashworth and Senator Raggio did not have any problem with the language in subsection 5, Section 7. Senator Raggio equated the type of meeting with quasi-judicial matters and more information might be obtained through more private discussion.

Senator Kosinski moved to amend AB-285 by deleting subsection 5, Section 7. The motion was lost due to lack of a second.

Senator Ashworth moved "Do Pass" on AB-285
Seconded by Senator Raggio
Motion carried with one "no" vote cast by Senator Kosinski.

SB-409 Creates committee to review state public works.

Senator McCorkle testified to the committee in support of having a review committee for the state public works board. The Senator felt that this committee would review any plans for construction and indicate places where money could be saved. This would save the state a great deal of money in the long run. The Senator gave the committee several examples of the construction cost, per square foot, for a state constructed building as opposed to a privately constructed building. The cost factor was higher for the state building than for the private building. The Senator felt that this is because the private firm is most concerned with saving money and the State has become somewhat relaxed about saving money.

One of Senator McCorkle's examples was the construction figure on the Kinkead building. That building had to be re-drawn and new figures derived at prior to the construction of the building. The Senator felt that efficiency in design was not taken into consideration.

Senator McCorkle stated that the difference on square feet was $17. per square foot. The Senator concluded that these examples prove we need to have checks in the area of construction plans for state buildings. The fiscal impact on savings is approximately $200,000.

Senator Dodge asked about timing of the statistics in Senator McCorkle's testimony. The Senator was concerned about there being a delay due to the committee reviewing the plans prior to the Public Works Board extending the contract.

Senator McCorkle felt that the conceptual idea should be approved two years prior to the beginning of any construction. The review and recommendation of the committee should be presented to the interim Finance committee before going back to the Public Works Board for futher action.

Senator McCorkle went over Section 4 of the bill which allows the contractor saving money on the project to be able to split that savings 50-50 with the state. The Senator felt that this would add incentive to save. He further stated that the Public Works Board had an alternative and they wanted to remove the 10% limitation factor in the bill. The Senator would offer an amendment that would not allow an increase by 10% but would allow a reduction by 10%.

Senator Ashworth felt that we should look more closely at the three members currently reviewing the construction projects for the state and take care of any problems at that level. The Senator did not see any advantage to adding another review committee and having another three people reviewing. This was viewed as adding more levels of government.

Senator McCorkle responded that this committee would be beneficial as they would report to the legislature and could be more objective than the group who work so closely with the Public Works Board.

Vern Miser, construction designer in Reno for the past 25 years, testified to the committee that the bill has merit. Mr. Miser felt that as an independent committee they would not necessarily be adversaries of the Public Works Board. They would probably be an asset and could provide valuable assistance and constructive criticism when necessary in order to help the state save money and build efficient buildings for the public use. The committee's recommendations would be returned to the Public Works Board staff for futher consideration.

Roland Oates, representing the Association of General Contractors, concurred with the testimony given by Mr. Miser. Mr. Oates praised the work done by Mr. Hancock and the Public Works Board. He felt that with the addition of a review committee the department would work even better.

Senator Dodge was concerned that the Public Works Board might be concerned with over-designing and Mr. Oates felt that it was quite possible that they would over-design with respect to the wishes of those who would occupy the building. The private construction firm is not subject to the criticisms that the public agencies might generate. Mr. Oates responded to Senator Ashworth's concern about another layer of government being added. Mr. Oates requested that the committee give serious consideration to this review committee and concluded that, in his opinion, this committee would definitely save the state money. It was further noted in Mr. Oates' testimony that those contractors that are on the review committee should not be permitted to have any part in the construction of the building they are reviewing.

Carl Panicari, Chairman with McKenzie Construction Company, testified to the committee that they have constructed public buildings for the State of Nevada and concurred with Senator McCorkle's testimony and figures regarding the construction costs and possible savings with the review committee.

Chairman Gibson asked if Mr. Panicari felt that the State was spending approximately 25% more than the state should have paid in construction costs for state buildings. Mr. Panicari indicated that he felt the figure was accurate but noted that there is a 10% margin that is added to state and federal buildings that is not present in the private industry and most of it is attributable to more paperwork justifying the costs, etc. He also noted that part of the 10% factor is attributable to safety standards that must be met when the general public will be using the building. Mr. Panicari also agreed with the comments made by Mr. Oates regarding the committee who does the review, they must be separated from the actual construction of the building.

Mr. E.H. Fitz, State Public Works Board in Reno, testified to the committee on the progress the board has made since Mr. Hancock has been in charge and feels that adding another committee for review will only add more costs and not improve on the costs spent for construction state buildings. Mr. Fitz agreed with the comments made by Senator Keith Ashworth. He felt that if the people feel that the board is not doing its job properly then they should deal directly with that problem. Safety and quality is a major concern for the Public Works Board. Mr. Fitz felt that the savings of $200,000, as noted in Senator McCorkle's testimony, was extremely over estimated.

Professor Sandorf testified to the committee in opposition to the bill. Mr. Sandorf stated that he has been associated with the board for 29 years. He noted that they regularly visited areas where a new building was being considered. They asked many questions prior to talking with architects and going to bid. There are two to three times as many projects rejected as there are ores that finally get constructed by the state.

Mr. Sandorf went over the problem of conflicting construction costs. He felt that there are always ways to save money. Each individual involved can think of many ways to cut the costs. Mr. Sandorf felt that the review committee would be too removed from the wants and needs of the agency and make cost cuts that would render the building unacceptable to those people who have to work in that building.

Mr. Fitz made some concluding comments to the committee about the message they received from the last legislative session. He stated that they were asked to be cognizant of life cycle costs. If the legislature is more concerned with cutting corners and initial costs they will review the projects with that in mind. Mr. Fitz felt that the life cycle cost system was more perferrable to them and since a State should build buildings that are pleasing as well as function the life cycle cost system should be utilitzed.

Senator Ford asked if the Public Works Board needed to meet more often than every quarter to handle the workload. Mr. Fitz responded that they meet about 10 times a year and can meet more than 10 times upon the call of the chair.

Bill Hancock, Secretary Manager and Technical Advisor to the Public Works Board , testified to the committee in opposition to SB-409. Mr. Hancock disputed testimony given by Senator McCorkle but admitted the problems with the Kinkead building were accurate. Mr. Hancock agreed with the testimony given by both Mr. Sandorf and Mr. Fitz. He felt that costs for public, state buildings would naturally be higher than what is constructed in private industry. Some of the reasons were due to the safety factor but most were due to the federal regulations and state regulations necessary in order to construct the building. They work very closely with the agency who will later occupy the building and try to comply with the needs of that agency.

Senator Kosinski noted that there were a great many sponsors for this bill and this fact points to a need for more concern about the ability of the Public Works Board to perform in a satisfactory manner for the State. The Senator asked if Mr. Hancock had any objections to a interim study on the department. Mr. Hancock replied that he would welcome a study.

Bob Fielding, Vice President of Jack Fielding and Associates, testified to the committee from an architects standpoint. Mr. Fielding felt that most architects would view this review committee as added red tape and would not support the bill. These public buildings are built for a long time and with this in mind the cost factor is different than the type of building you would rent.

Ralph Casazza, of Casazza, Peetz and Associates, Architects who have served the State of Nevada, testified in support of the Public Works Board in its present form, without the addition of another review committee. Mr. Casazza concurred with the testimony given by Mr. Fielding. Mr. Casazza also agreed that a state building would cost more than a private building.

The committee discussed the review committee and the possibility of having an interim study committee to look more closely at the reviewing ability of the Public Works Board. The following motion was made after discussion of the bill.

Senator Keith Ashworth moved, "Indefinite Postponement" on SB-409
Seconded by Senator Raggio
Motion carried unanimously.

AB-113 Provides annexation authority and procedure for some unincorporated towns.

Assemblyman John Marvel testified in favor of AB-113 noting that it was to help those people who live in the outlying areas of Battle Mountain. These people want to be annexed.

Sam Mamet, Clark County, stated that NRS 269 deals with two portions of annexation. One for counties over 200,000 and the other portion deals with smaller counties. Sometimes the provisions overlap each other and this bill will help those outlying areas that want to be annexed into a larger community. There is usually a need for facilities or certain benefits that come with belonging to the larger community.

Senator Dodge asked if the bill should be effective upon passage and approval and Mr. Marvel responded that they could wait until July 1st.

Senator Ford Moved "Do Pass" on AB-113
Seconded by Senator Raggio
Motion carried unanimously.

SB-417 Removes limit on salaries of auditors and engineers of public service commission of Nevada

Janet McDonald, Commissioner with the Public Service Commission, stated that they have been without an engineer since November and would like to have the opportunity to raise the salary in order to attract qualified candidates.

Senator Raggio asked Ms. McDonald if they have taken the matter to the interim Finance committee as this is a matter within their authority.

Ms. McDonald stated that they had not considered going to interim Finance with the problem but would do if the situation could be rectified in that manner.

Chairman Gibson stated that he had talked with Heber Hardy on the matter and since the position is unclassified the salary had to be agreed upon by Personnel.

Mr. Wittenberg, Personnel Dept., stated that this was correct. The Chief Engineer is impacted in the 12th step.

Chairman Gibson also noted a misprint in the bill on line 20, page 1. It reads classified and it should read "unclassified". The Chairman indicated that the Public Service Commission should be able to come to the interim Finance committee regarding the salary approval so that they can hire an engineer. Since the Legislature is in session this can be rectified within the Finance committee.

Stan Warren, Nevada Bell, testified in support of the bill, noting that lifting the limit on salaries within the Public Service Commission would enable them to hire quality personnel and improve the quality of the commission as a whole.

SB-418 Establishes uniform procedure for issuance and enforcement of subpeona of state executive agencies.

Larry Struve, Chief Deputy in the Attorney General's office, testified to the committee that at this time they would suggest that this bill not be processed. Mr. Struve felt that since the committee is considering sunset legislation the subpeona powers should be checked along with review of agencies.

Senator Ford moved, "Indefinite Postponement" on SB-418
Seconded by Senator Ashworth
Motion carried unanimously.

SB-430 Allows electric light and power districts to substitute certain budgetary information in meeting requirements of local government budget act.

Senator Blakemore stated that this bill affect three areas, Moapa, Pioche and Lincoln county. They must report to the Tax Commission each year and it has been costly to these areas since they need to hire auditors for preparation of those reports. This bill would allow them to use the report that is made up for the Rural Electrification Administration (REA) for the Tax Commission.

When debts are incurred they will comply with the requirements for the Tax Commission report.

Assemblyman Polish and Ray Knisley were present and concurred with Senator Blakemore's testimony. Mr. Knisley stated that the Tax Commission is agreeable to this proposal. Mr. Knisley also stated that Assemblyman Jeffrey was unable to be present but supports the bill.

Senator Dodge moved "Do Pass" on SB-430
Seconded by Senator Raggio
Motion carried unanimously.

SB-427 Provides alternative procedure for annexation in certain counties when petition is signed by all property owners within area.

Ronald Jack, representing Las Vegas, Deputy City Manager, testified in support of this bill. Mr. Jack stated that the bill was requested by Barry Becker on behalf of Southern Nevada Home Builders. Mr. Jack sent over the bill for the committee and related the problems that the Southern Nevada Home Builders were experiencing because of the annexation regulations. The new language contained in Section 1, beginning on line 3, provides an alternative to those who wish to become annexed to a city. Mr. Jack provided the committee with information on the viewpoint of the City of Las Vegas on this bill. (See Attachment #3)

Sam Mamet, representing Clark County, also testified in support of SB-427 and concurred with Mr. Jack's testimony. Mr. Mamet provided the committee with an amendment suggestion that they feel it is necessary for the county to have certain information prior to annexation procedures. (See Attachment #4)

Senator Dodge asked of there were any procedures for allowing an entity to disincorporate from a city.

Sam Mamet stated that there is a section in the statutes but doesn't know if it has been used.

The committee discussed the suggested amendment as provided by Sam Mamet on behalf of Clark County and concurred with same. The following motion on the bill was made:

Senator Keith Ashworth moved "Amend and Do Pass"
on SB-427
Seconded by Senator Raggio
Motion carried unanimously.

AB-36 Abolishes personnel division of department of administration and creates department of personnel.

Assemblyman Glover, testified in support of AB-36 and stated that this bill does two things; (1) Creates a Department of Personnel and (2) puts the administrator in the unclassified service. Mr. Glover continued that this would create a separate department and the administrator would be on an equal footing with the Budget Director.

Mr. Glover eluded to problems within the department and felt that this bill would help to eliminate those problems.

Bob Gagnier, Executive Director, S.N.E.A., testified in support of AB-36 stating that having the Personnel Director on the same level of the Budget Director would give the Personnel Department a better chance to operate more efficiently. Mr. Gagnier felt that there were times when the Personnel Administrator could not go freely to the Governor about matters relating to that department. Mr. Gagnier also stated that there were many agency chiefs who supported this bill but were afraid to come to the meeting to testify.

Mr. Gagnier concluded by stating that separating the Personnel Department from the Budget Division would help keep politics out of the employment area. Mr. Gagnier also did not feel that a fiscal note should be attached. The Personnel Division has an excellent accounting staff. It was noted that this bill passed the Assembly 37 to 2.

Howard Barrett, Director of the Budget Division, testified in opposition to the bill. Mr. Barrett felt that the two divisions work well together and the Personnel Administrator has never complained of not having access to the Governor on any issue. Mr. Barrett stated that at this time he sees no need to make any changes in the Personnel Department.

Jim Wittenberg, Personnel Division Administrator, stated that he is also opposed to this bill. Mr. Wittenberg felt that one way to weaken the system was to pass this bill and believed that this was what S.N.E.A. was proposing. Mr. Wittenberg agreed with Mr. Barrett and stated that he never was denied access to the Governor by Mr. Barrett. The working relationship is good and sees no need for change at this time.

Senator Dodge stated that regarding Bob Gagnier's testimony on difference of opinion, would Mr. Wittenberg be able to express himself to the Governor or would it create a problem in the department.

Mr. Wittenberg stated that their differences are handled on an individual basis but the Governor might be asked to look at the

problem and make a decision based upon the facts. His decision would be final, in most cases. Mr. Wittenberg concluded by stating that most problems are handled in-house.

Senator Ashworth felt that the Personnel Director should be on the same level as the Budget Director. It is this way in private industry and works well.

Jim Wittenberg felt that the position should be classified, in a department that is responsible for employment.

Chairman Gibson informed those present that they would have to conclude testimony and discussion at this point. The meeting was resumed on Thursday morning at 7 a.m. for action on the bills discussed during the meeting. (The action has been placed at the end of the discussion on each bill for uniformity purposes)

Chairman Gibson apologized to Assemblyman Prengaman for not hearing AB-411 and stated that it would be the first bill on the agenda at the next meeting.

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

Respectfully submitted

Janice M. Peck
Committee Secretary

Approved:

Chairman
Senator James I. Gibson

SENATE GOVERNMENT AFFAIRS COMMITTEE

A.B. 531

April 11, 1979

Mr. Chairman and Members of the Committee:

I am Joyce Woodhouse representing the Nevada State Education Association.

The NSEA strongly supports A.B. 531. We had believed that the issue had been solved in A.B. 502 of the 1977 Legislative session. However, a situation has occurred which disclaims that assumption.

Prior to 1977, certified school personnel were excluded from being able to receive any benefit from their employer in the area of payment for unused sick leave under provisions of NRS 391. In last session's bill, the legislature removed that exclusion and made it possible for school districts to formulate such a policy or negotiate such a policy.

Two school districts have, through the negotiations process, provided a benefit to employees. Those two districts are Churchill and Humboldt. The problem arose when the Washoe County School District refused to bargain the issue. Upon consultation with an attorney, the Washoe teachers were advised that the language, "may in the alternative", was such that they could not win the case in front of the EMRB and force the district to negotiate.

There are several points we'd like to bring to your attention:

1. All other public employees have the possibility of this benefit - policemen and firefighters negotiate, city and county are authorized under statute, and state employees receive it by state statute (NRS 284). These public employee groups have enjoyed the benefit for some time.

2. We are only trying to bring the issue to the negotiations process. It would be the decision of both parties as to what, if any, benefit would be received. Naturally, in the case of school districts, there is only one pot of money. The parties will have to decide where this issue ranks in their priorities. We only want the right.

3. In cases where the school district does not negotiate, the board of trustees has the opportunity to provide the benefit by regulation. If they don't negotiate, we're not forcing them.

4. We are not expanding the scope of bargaining in NRS 288. This bill would allow us to bargain payment for unused sick leave under the present list of bargaining items in NRS 288.150.

5. In addition, this benefit could be a deterrent to abuse of sick leave.

For these reasons, we urge your support for A.B. 531.

Thank you.

EXHIBIT I 716

#1

SENATE GOVERNMENT AFFAIRS COMMITTEE

S.B. 426

April 11, 1979

Senator Gibson and members of the Committee: I am Joyce Woodhouse, representing the Nevada State Education Association.

The NSEA is adamantly opposed to S.B. 426. This bill has the potential of wrecking the orderly process of negotiations as well as turning our relatively calm level of labor peace into an uproar.

Granted, the NSEA has been and continues to be desirous of certain changes in NRS 288. I can, at this point, unequivocably state that this bill does not afford any of the changes we have sought.

We believe that the proposal which relegates a multi-year contract to one year is preposterous. In the past, public employees have often signed off two-year agreements, and occasionally three-year contracts were negotiated. Naturally, there are several reasons why this has been done. Briefly, since the Nevada Legislature meets on a biennial basis, we have allowed our contracts to reflect that philosphy, usually providing for reopeners on financial matters in the second year of the biennium. Secondly, there are many items that we've wished to tie down for a couple of years so that experience could allow us to ascertain if we desired that item in the contract. Frankly, there are times that we have deemed that certain items in our contract were exactly what we wanted; therefore, it was to our advantage to secure them. Another reason is that the negotiations process is a costly one for both the employee organization and the public employer. We have attempted to set the length of the contract based upon the need of our teachers and the situation at hand.

Further, we would reiterate, for the record, that NRS 288 already provides for a procedure by which recognition of the employee bargaining agent can be withdrawn. We see absolutely no need to change that procedure already in the statute.

We would also point out that this bill would place an exorbitant burden financially upon the Employee Management Relations Board in order to investigate the withdrawal

EXHIBIT 2 - #2

petitions, hold hearings, conduct an election, and investigate challenges.

In conclusion, we urge you to defeat S.B. 426. It will not improve the atmosphere of collective bargaining in the public sector. It will only serve to thwart the process and create unrest and morale problems among employees.

Thank you very much.

TESTIMONY ON 100% ANNEXATION BILL

Most of the annexations undertaken by the City of Las Vegas are of parcels where 100% of the owners petition for the annexation. Under current law the City must go through the same process for these annexations as for annexations which are contested. First the property owners must petition for the annexation. Then the City must prepare and file a report with the City Clerk of the City. The report must include:

1. A metes and bounds description of the property;
2. Maps showing the area to be annexed and the surrounding area, with boundaries, service facilities, and land use patterns;
3. A statement showing that the territory to be annexed meets the legal requirements for annexation; and
4. Service plans, including conditions, timetables, and financing.

After this report is filed the City must pass a resolution stating its intent to annex the territory. This resolution must describe the boundaries of the territory to be annexed, fix a date for a public hearing and provide for the notice of public hearing.

The notice of public hearing must contain a general and a metes and bounds description of the territory to be annexed, state that the above report will be available for public viewing for at least 20 days before the hearing, and contain a list of the names and addresses of all property owners within the territory to be annexed. The notice must also contain a statement of the right of any property owner to protest the annexation at the hearing or in writing, and a statement that unless a majority of the property owners protest, then the governing body may adopt an ordinance annexing the territory. This notice must appear three times in a newspaper.

After all this has occurred, if there are no protests from property owners, then between 16 and 90 days after the public hearing the City may proceed to annex the territory by ordinance.

EXHIBIT 3 - 719

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The proposed act, requested by the Nevada Homebuilders Association, would shorten this process considerably. The major change from existing legislation would be to eliminate the resolution of intent and the public hearing. The purpose of the public hearing is to notify the property owners and permit them to protest the annexation. This safeguard would be essential if there was reason to believe that not all the property owners would want to be annexed, or even know about the proposed annexation, but in this case it is obvious that all the property owners know of the proposed annexation and that they will not protest it, or they would not have requested it. When all property owners have requested the annexation, the public hearing process merely represents an unnecessary delay and expense. Each of these annexations now takes about five months, and if this bill were passed this could be reduced by 2 to 3 months. The publication of notice of public hearing in each case costs $14-15 per insertion, and it must appear three times. If published in both papers this amounts to a cost of $100 simply to notify the very property owners who requested the annexation. Eliminating this public hearing would not totally eliminate the right to public hearings because notice must be given of the commission meeting at which the annexation ordinance is passed.

The phrase "such other action as is necessary and appropriate to accomplish such annexation" refers to various annexation requirements such as preparation and recording of the map of the annexed territory. Under this proposed bill, none of the city's responsibilities to the annexed territory would be lessened; the bill just shortens the process when it is known in advance that no protests will be voiced. The property owners also maintain their existing right to compel, through the court, the annexing city to provide services.

The procedure as we have proposed it is identical to the procedure specified for annexations by petition of 100% of the property owners in other counties. Reno uses this procedure almost exclusively for its 30-40 annexations annually. Each of their annexations takes about 2 months from the petition to the final ordinance -- about one week staff preparation time after receiving the petition

with surveyors' plats and description, then a week to satisfy the open meeting law, and then three successive council meetings: the first to authorize the preparation of the ordinance by the City Attorney, the next for the first reading of the ordinance, and the third for the final reading of the ordinance. The ordinance then takes effect upon publication a few days later. This procedure would save about three months over the time it now takes in Las Vegas. Reno has never had anyone contest such an annexation during the 6 or 7 years when the present staff has worked there.

Such a simplified procedure is also part of the law of many other states. Among neighboring states, California law makes provision for annexation without notice and hearing and without elections in cases where the territory is not yet inhabited and 100% of the property owners have given their written consent, and Utah law provides for annexation by ordinance only whenever a petition is submitted by a majority of the property owners holding collectively at least one-third of the value of the property in the territory. Arizona permits annexations by ordinance when a petition is received by the owners of one-half the value of property in a territory to be annexed.

ARTICLE 6.4. BUILDING PERMITS

Article 6.4, consisting of § 9-467, was added by Laws 1973, Ch. 178, § 2, effective January 1, 1974.

Former Article 6.1, Building Permits, consisting of § 9-468, was added by Laws 1967, 3rd S.S., Ch. 5, § 1, and was repealed by Laws 1973, Ch. 178, § 1, effective January 1, 1974.

Cross References

Powers and duties, cities and towns located in more than one county, see § 9-137.

§ 9-467. Building permits; distribution of copies

Any city or town requiring the issuance of a building permit shall transmit one copy of the permit to the county assessor and one copy to the director of the department of property valuation.

Added Laws 1973, Ch. 178, § 2, eff. Jan. 1, 1974.

Historical Note

Source:

Laws 1967, 3rd S.S., Ch. 5, § 1.
A.R.S. former § 9-468.

For effective date of Laws 1973, Ch. 178, see note following § 9-461.

Library References

Zoning ⇐139.

C.J.S. Zoning §§ 234, 238.

§ 9-468. Repealed by Laws 1973, Ch. 178, § 1, eff. Jan. 1, 1974

Historical Note

The repealed section, added by Laws 1967, 3rd S.S., Ch. 5, § 1, was identical to § 4-467.

ARTICLE 7. EXTENSION OF CORPORATE LIMITS; PLATTING ADJACENT SUBDIVISIONS

Cross References

Powers and duties, cities and towns located in more than one county, see § 9-137.
Volunteer fire companies,
Disposition of company and assets, see § 9-1007.02.
Territory, deletion of annexed area, see § 9-1007.01.

§ 9-471. Annexation by petition

A. A city or town may extend and increase its corporate limits in the following manner:

1. On presentation of a petition in writing signed by the owners of not less than one half in value of the real and personal property as

EXHIBIT 3

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would be subject to taxation by the city or town in the event of annexation, in any territory contiguous to the city or town, as shown by the last assessment of the property, and not embraced within the city or town limits, the governing body of the city or town may, by ordinance, annex the territory to such city or town.

2. The petition submitted to the owners of property for their signature [1] shall set forth a description of all the exterior boundaries of the entire area proposed to be annexed to the city or town. The petition shall have attached to it at all times an accurate map of the territory desired to be annexed, and no additions or alterations increasing the territory sought to be annexed shall be made after the petition to which it is attached has been signed by any owner of property in such territory, but a reduction in the territory sought to be annexed may be made.

3. After the first reading of the ordinance annexing the territory by the governing body of the city or town, the city or town shall file a copy of the ordinance, with an accurate map of the territory annexed, certified by the mayor of the city or town, in the office of the county recorder of the county where the annexed territory is located.

B. Upon the first reading of the ordinance annexing the territory, the territory shall be withdrawn from further annexation by any other city or town, for a period of sixty-one days from the date of such first reading.

C. Any city or town, the attorney general, the county attorney, or other interested party may upon verified petition move to question the validity of the annexation for failure to comply with the provisions of subsection A, paragraphs 1 and 2. The petition shall set forth the manner in which it is alleged the city or town has failed to comply with the provisions of subsection A, paragraphs 1 and 2, and shall be filed within thirty days of the first reading of the ordinance annexing the territory by the governing body of the city or town and not otherwise. The burden of proof shall be upon the petitioner to prove the material allegations of his verified petition. No action shall be brought to question the validity of an annexation ordinance unless brought within the time and for the reasons provided in this subsection. All hearings provided by this section and all appeals therefrom shall be preferred and heard and determined in preference to all other civil matters, except election actions. In the event more than one petition questioning the validity of an annexation ordinance is filed, all such petitions shall be consolidated for hearing.

D. The annexation shall become final after the expiration of thirty days from the first reading of the ordinance annexing the territory by the city or town governing body, provided the annexation ordinance has been finally adopted in accordance with procedures established by statute, charter provisions, or local ordinances, whichever is

applicable, subject to the review of the court to determine the validity thereof if petitions in objection have been filed.

E. For the purpose of determining the sufficiency of the percentage of the value of property under this section, such values of property shall be determined as follows:

1. In the case of property assessed by the county assessor, values shall be the same as shown by the last assessment of the property.

2. In the case of property valued by the department of property valuation, values shall be appraised by the department in the manner provided by law for municipal assessment purposes.

F. The county assessor and the department of property valuation, respectively, shall furnish to the city or town within thirty days after a request therefor, a statement in writing showing the appraisement and assessment of all such property.

As amended Laws 1967, Ch. 93, § 1; Laws 1972, Ch. 38, § 2.

[1] So in original. Probably should be signatures.

Historical Note

Source:

§ 509, R.S. '01, am., § 1, Ch. 26, L. '07; § 1908, R.S. '13; § 416, R.C. '28; 16-701, C. '39; § 1, Ch. 127, L. '54.

Provision was made for a petition signed by the owners of not less than one-half in value of "such real and personal property as would be subject to taxation by the city in the event of annexation", instead of "the property", in any territory, etc., by Laws 1954, Ch. 127, § 1. The 1954 act added the provisions relating to the contents of the petition and to the determination of property values.

The 1967 amendment designated the first paragraph following the introductory clause of subsec. A as par. 1; deleted "upon filing and recording a copy of the ordinance, with an accurate map of the territory annexed, certified by the mayor of the city or town, in the office of the county recorder of the county where the annexed territory is located" at the end of par. 1, subsec. A; redesignated former subsec. B as par. 2 of subsec. A; deleted "under the provisions of subsections A" following "signature" in par. 2, subsec. A; inserted par. 3 of subsec. A and inserted subsecs. B, C, and D; and relettered former subsecs. C and D as subsecs. E and F.

The 1972 amendment substituted "property valued by the department of property valuation" for "property assessed by the state tax commission" and "appraised by the department" for "appraised and assessed by the state tax commission" in par. 2 of subsec. E, and substituted "department of property valuation" for "state tax commission" in subsec. F.

Laws 1972, Ch. 38, § 1 provides:

"The purpose of this act is to correct a statutory reference to the assessment of certain city or town property by the state tax commission, which assessment is now the duty of the department of property valuation."

Reviser's Note:

R.C.1928, §§ 417, 418, 419, 420 (16-702, 16-703, 16-704, 16-705, C. '39) provided for annexation of territory contiguous to a city or town by petition to the superior court. The provisions are omitted as unconstitutional. See In re City of Phoenix, 52 Ariz. 65, 79 P.2d 347 (1938).

Cross References

Ascertainment of property subject to taxation, see § 42-221.

General improvement districts, annexation to cities, prevailing petition, see § 11-771.40.

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(j) With respect to the incorporation of a new city, to determine the number of inhabitants or the number of registered voters residing within the proposed city.

Except as otherwise provided in this part, such powers and duties shall be exercised in accordance with the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5. To the extent of any inconsistency between Chapter 6.6 and this part, the provisions of this part shall control.
(Added by Stats.1977, c. 1253, p. —, § 9. Amended by Stats.1978, c. 339, p. —, § 9.)

Former § 35150 was repealed by Stats. 1977, c. 1253, p. —, § 8.

Library References
Municipal Corporations ⇐33.
C.J.S. Municipal Corporations § 50.

§ 35151. Change of organization or reorganization without notice, hearing or election; notice of filing; determinations; procedure

If a petition for an uninhabited annexation, an uninhabited detachment, or for a municipal reorganization consisting solely of annexations or detachments of uninhabited territory, or both, shall be signed by all of the owners of land within the affected territory of the proposed change of organization or municipal reorganization, or if a resolution of application by a legislative body of an affected city or county making a proposal for an annexation or detachment, or for a municipal reorganization consisting solely of annexations or detachments, or both, shall be accompanied by proof, satisfactory to the commission, that all the owners of land within such territory have given their written consent to such change of organization or municipal reorganization, the commission may approve such change of organization or municipal reorganization without notice and hearing by the commission. In such cases the commission may also authorize the conducting authority to conduct proceedings for the change of organization or municipal reorganization (i) without notice and hearing by the conducting authority, (ii) without an election, or (iii) both.

The executive officer shall give each affected city mailed notice of the filing of any such petition or resolution of application. The commission shall not, without the written consent of each affected city, take any further action on such petition or resolution of application for 10 days following such mailing. Upon written request by an affected city, filed with the executive officer during such 10-day period, the commission shall make determinations upon said petition or resolution of application only after notice and hearing thereon. If no such request is filed, the commission may make such determinations without notice and hearing. By written consent, which may be filed with the executive officer at any time, an affected city may (i) waive the requirement of such mailed notice, (ii) consent to the commission making such determinations without notice and hearing, or (iii) both.

(Added by Stats.1977, c. 1253, p. —, § 9.)

Derivation: Former § 35015, added by Stats.1963, c. 544, p. 1204, § 1.

§ 35152. Certificate of filing; form; issuance; date of hearing; published notice

Upon accepting for filing a sufficient petition or a resolution of application, the executive officer shall issue a "certificate of filing" to the chief petitioners or the legislative body making the proposal. A certificate of filing shall be in the form prescribed by the executive officer. Following issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give published notice hereof as provided in this part. The date of such hearing shall be not more than 90 days after issuance of the certificate.

(Added by Stats.1977, c. 1253, p. —, § 9.)

Former § 35152 was repealed by Stats. 1977, c. 1253, p. —, § 8.

§ 35153. Notice of hearing

The executive officer shall also give mailed notice as provided in this part of any hearing of the commission to:

(a) Any affected city, county, or district;

Asterisks * * * Indicate deletions by amendment

rty hts, contract rights or actions at
change in identity.

l class.

ities according to population.—The
ow existing or hereafter organized
ass, cities of the second class, cities
nicipalities having 100,000 or more
ss, and those municipalities having
100,000 shall be cities of the second
or more inhabitants but less than
and all municipalities having less
t this section shall not lower the
sts.

never any city of the second class
),000 or more, or any city of the
on of 60,000 or more, or any town
500 or more, as ascertained and
al census conducted by a munici-
certify that fact to the secretary
e governor. Upon receipt of the
public proclamation that the city
or t l class as the case may be.
ove by the provision of this
lass which such municipality

ion estimate of the Utah depart-
for the purpose of determining
be considered an official census
population is a factor.

property rights, contract rights
ity changes from one class to
and rights of every kind which
dity at the time of the change
change; and no contract, claim
r liability against it, shall be
nge; and the change shall not
prosecution, business, work and
nducted and proceed as if no
had taken place; but when a
licable to any right which the
municipality possessed at the time of the change in classification the remedy shall be cumulative to the remedy applicable before the change, and may be so used.

History: C. 1953, 10-2-303, enacted by L. 1977, ch. 48, § 2.

10-2-304. Ordinances to continue in force—No change in identity.—All ordinances, orders and resolutions in force in any municipality when it becomes another class of municipality insofar as the ordinances, orders and resolutions are not repugnant to law, shall continue in full force and effect until repealed or amended, and the change in the classification of the municipality shall have no effect. The change in classification of any municipality shall not in any way change the identity of the municipality.

History: C. 1953, 10-2-304, enacted by L. 1977, ch. 48, § 2.

10-2-305. Change of classes—Officers.—When by proclamation of the governor, any municipality shall become a municipality of another class, the officers then in office shall continue to be the officers of the municipality until their respective terms of office expire, and until their successors shall be duly elected and qualified.

History: C. 1953, 10-2-305, enacted by L. 1977, ch. 48, § 2.

10-2-306. Judicial notice taken of existence and class.—All courts in this state shall take judicial notice of the existence and classification of any municipality.

History: C. 1953, 10-2-306, enacted by L. 1977, ch. 48, § 2.

PART 4—EXTENSION OF CORPORATE LIMITS

Section
10-2-401. Annexation of contiguous territory.
10-2-402. Limitations on annexation.
10-2-403. Annexation deemed conclusive.
10-2-404. Annexation across county lines.

10-2-401. Annexation of contiguous territory.—Whenever a majority of the owners of real property and the owners of at least one third in value of the real property, as shown by the last assessment rolls, in territory lying contiguous to the corporate boundaries of any municipality, shall desire to annex such territory to such municipality, they shall cause an accurate plat or map of such territory to be made under the supervision of the municipal engineer or a competent surveyor, and a copy of such plat or map, certified by the engineer or surveyor as the case may be, shall be filed in the office of the recorder of the municipality, together with a written petition signed by a majority of the real property owners and by the owners of not less than one third in value of the real property, as shown by the last assessment roles, of the territory described in the plat or map;

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and the governing body of the municipality, at a regular meeting shall vote on the question of such annexation. The members of the governing body may by resolution passed by a two-thirds vote, accept the petition for annexation, subject to the terms and conditions as they deem reasonable, and the territory shall then and there be annexed and within the boundaries of the municipality. If the territory is annexed, a copy of the duly certified plat or map shall at once be filed in the office of the county recorder, together with a certified copy of the resolution declaring the annexation. The articles of incorporation of the municipality shall be amended to show the new territory annexed to the municipality and a copy of the articles of amendment shall be filed with the secretary of state and county clerk or clerks in the same manner as prescribed in 10-2-108. On filing the maps, plats and articles of amendment, the annexation shall be deemed complete and the territory annexed shall be deemed and held to be part of the annexing municipality, and the inhabitants thereof shall enjoy the privileges of the annexation and be subject to the ordinances, resolutions and regulations of the annexing municipality.

History: C. 1953, 10-2-401, enacted by L. 1977, ch. 48, § 2.

Conditions to annexation.

City was permitted to provide for added expanded services by imposition of reasonable conditions precedent to the annexation of new territory, and its demand for transfer of water rights in return for annexation was not inconsistent with, nor in excess of, the powers of the city council, nor was it unreasonable and arbitrary. Child v. City of Spanish Fork, 538 P. 2d 184.

City had no duty to issue bonds, thus obligating entire city to pay for the acquisition of additional water needed as result of annexation, in order to avoid requiring transfer of annex area property owners' water rights to the city as a condition precedent to annexation. Child v. City of Spanish Fork, 538 P. 2d 184.

10-2-402. Limitations on annexation.—In no event shall the governing body of a municipality approve annexations which would result in unincorporated islands being left within the boundaries of the municipality, but existing islands or peninsulas within a municipality at the effective date of this act may be annexed in portions, leaving islands if a public hearing is held, and the governing body of such municipality passes a resolution to the effect that the creation or leaving of an island is in the interest of the municipality.

History: C. 1953, 10-2-402, enacted by L. 1977, ch. 48, § 2.

10-2-403. Annexation deemed conclusive.—Whenever the inhabitants of any territory annexed to any municipality pay property tax levied by the municipality for one or more years following the annexation and no inhabitants of the territory protests the annexation during the year following the annexation, the territory shall be conclusively presumed to be properly annexed to the annexing municipality.

History: C. 1953, 10-2-403, enacted by L. 1977, ch. 48, § 2.

10-2-404. Annexation across county lines.—Territory lying contiguous to the corporate limits of any city or town may be annexed to that city

or town pursuant to this chapter to be annexed lies within a cour counties within which the city or certified copies of the map or pla shall be filed in the office of the which the annexed territory is sit

History: C. 1953, 10-3-3, enacted L. 1977, ch. 34, § 1, redes. § 10-2-404.

Compiler's Notes.

This section is derived from sec 10-3-3 as enacted by Laws 1977, ch. § 1. Pursuant to section 10-1-115, the tion has been redesignated as section 1 404 for incorporation in the Utah Mu pal Code.

PART 5—RESTRICT

Section
10-2-501. Disconnection by petition to
10-2-502. Court commissioners to adjus
10-2-503. Criteria for disconnection.
10-2-504. Commissioners' report.
10-2-505. Court action.
10-2-506. Taxes to meet municipal obli
10-2-507. Decree—Filing of document
10-2-508. Disconnection completed.
10-2-509. Costs.

10-2-501. Disconnection by p the real property owners in any of any incorporated municipalit court of the county in which the territory be disconnected therefr

(1) Set forth reasons why t the municipality; and

(2) Be accompanied with m disconnected; and

(3) Designate not more tha for the petitioners in the proceed

On receiving the petition the copy of the petition in the same in a civil action, and shall also c for a period of ten days in so within the municipality. The before the district court in the s officers of the municipality, or a of the petition may appear befo the petition for disconnection h relevant.

History: C. 1953, 10-2-501, enacted L. 1977, ch. 48, § 2.

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OFFICE OF THE CITY ATTORNEY
400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
702 - 386-6201

RICHARD C. MAURER,
CITY ATTORNEY

JANSON F. STEWART,
CHIEF CIVIL DEPUTY ATTORNEY

KATHRYN KIRKLAND,
DEPUTY CITY ATTORNEY
CIVIL DIVISION

February 14, 1979

Ronald C. Jack
Legislative Committee
State Mail Complex
Carson City, NV 89158

Dear Ron:

Pursuant to your telephone request of this morning, here is a comparison of the procedures required to pass annexation legislation under N.R.S. 268.570 through 268.604 and an ordinance under City Code provisions.

NEVADA REVISED STATUTES

A resolution is passed by the governing body setting a hearing thirty (30) to sixty (60) days in the future. Within that thirty-day period, notice of the hearing must be posted no less than twenty (20) days before the hearing. After the hearing is held, affected citizens have fifteen (15) days to submit written objections to the annexation.

At the expiration of the fifteen-day period, the governing body can adopt all or part of the annexation proposal no less than sixteen (16) days nor more than ninety (90) days thereafter. The resolution must be published once before it becomes effective.

The minimum time required to complete this entire process is sixty-two (62) days.

ORDINANCE PROCEDURE

The ordinance is first read and referred to committe at a Commission meeting. It must be adopted within thirty (30)

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day of the initial reading. It can be adopted at the next meeting which would normally be fourteen (14) days thereafter. It also must be published once before it becomes effective.

The minimum time to accomplish the above procedure is fifteen (15) days.

I hope this answer your question. If not, call and I will try to unscramble it.

Very truly yours,

KATHRYN KIRKLAND
Deputy City Attorney

ja

EXHIBIT 3

Comparison of Annexation under N.R.S. 268.570 through 268.604 and ordinance procedure for City of Las Vegas as proposed by amendment.

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N.R.S.	(Proposed Amendment) Ordinance
Step 1. Governing body sets hearing on annexation proposal for date between 30 and 60 days thereafter.	Step 1. Proposed ordinance read to Commission and referred to committee.
Step 2. Within 20 days prior to hearing, notice of hearing is posted.	Step 2. Proposed ordinance reported on by committee to Commission at next meeting. Can be adopted.
Step 3. Hearing is held. Written objections to annexation accepted up to 15 days after hearing.	Step 3. If proposed ordinance not adopted at previous Commission meeting, must be adopted within 30 days of first reading or it fails.
Step 4. Between 16-90 days after time for written objections has passed, governing body can adopt annexation proposal.	Step 4. Ordinance must be published once before effective
Step 5. Resolution must be published once before effective	
Minimum time - 62 days	Minimum time - 15 days

line 11

The city shall notify the clerk of the board of county commissioners of the county in which the city lies of the receipt of such a petition and a statement indicating what course of action the city intends to take. All the owners of record of individual lots or parcels of land within an area of the city may petition the board of county commissioners to be detached from the city into the unincorporated portion of the county. The clerk of the board of county commissioners shall notify the city of the receipt of such a petition and a statement indicating what course of action the county intends to take. The county may proceed to adopt an ordinance annexing the area and take such other action as is appropriate to accomplish the annexation.

EXHIBIT 41

A G E N D A

NOTE AMENDED ON 4-8-79 to include AB-113 & SB-426 - also order was changed.....

Senate Committee on Government Affairs

Date Wednesday, April 11, 1979

Time 2:00 p.m. Room 243

Bills or Resolutions to be considered	Subject	Counsel Requested*
S.B.409-	Creates committee to review state public works.	
S.B.417-	Removes limit on salaries of auditors and engineers of public service commission of Nevada	
S.B.418-	Establishes uniform procedure for issuance and enforcement of subpeona of state executive agencies.	
S.B.427-	Provides alternative procedure for annexation in certain counties when petition is signed by all property owners within area.	
A.B.113-	Provides annexation authority and procedure for some unincorporated towns.	
S.B.430-	Allows electric light and power districts to substitute certain budgetary information in meeting requirements of local government budget act.	
A.B.36-	Abolishes personnel division of department of administration and creates department of personnel.	
A.B.411-	Prohibits allowance for lodging to state officers and employees if lodging is free.	
A.B.285-	Changes certain administrative reporting and arbitration procedures respecting public employees' labor relations.	
A.B.531-	Makes negotiation mandatory where school trustees do not prescribe certain regulations.	
S.B.426-	Provides procedure for withdrawal of recognition of employee organizations by local government employers.	

EXHIBIT 4

*Please do not ask for Counsel unless necessary

SENATE GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE 4-11-79

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

NAME	WILL YOU TESTIFY	BILL NO	REPRESENTING
Joyce Woodhouse	Yes	AB 531 SB 426	Nev. State Educ Assoc
Wade Walker	Yes	AB 285	EMRB Board
Ann Mamet			Clark County
BOB GAGNIER	YES	AB 36	SNEA
Larry Struve	Yes	SB418	A.G.
DANE ASHLA	YES	SB418	DMV
Dennis L. Kennedy	Yes	SB426	Witness
LARRY EVANS	YES	SB 426	AFL-CIO
Ben Knowles	Yes	SB 426	AFL-CIO & AFT
CHUCK KING	YES	SB417	CENTEL
John Marvel	Yes	AB-113	