

Assembly

GOVERNMENT AFFAIRS COMMITTEE  
MINUTES OF THE MEETING  
FEBRUARY 22, 1971

56 ASSEMBLY SESSION

154

ALL MEMBERS PRESENT

ALSO PRESENT: J.A. CUNNINGHAM, COUNTY COMMISSIONERS ASSOCIATION  
ASSEMBLYMAN SWACKHAMER

Chairman Smith called the meeting to order.

The Chairman requested a committee introduction of a BDR which would provide the machinery for enforcement of liens against hotels and motels who do not pay their room tax.

Assemblyman Branch moved for a committee introduction.

Assemblyman Getto seconded the motion.

The motion carried unanimously.

AB 41 - Requires certain subdividers to provide water and sewage systems and makes further requirements in record of survey maps.

Assemblyman moved that AB 41 be indefinitely postponed.

Assemblyman Lauri seconded the motion.

The motion carried unanimously.

AB 42 - Permits boards of county commissioners to merge, consolidate, or assume supervisory powers over certain districts.

Mr. Cunningham spoke in favor of the bill explaining that in many cases a district is formed for a certain purpose and the area does not build up enough to support the bonds which have been sold. It was his thought that this would help in rural areas and the county commissioners would be able to consolidate the districts which can't support themselves with another district in better financial condition.

Assemblyman Frazzini question the wording of page 2, line 32, asking if the term qualified elector meant that the property owner must also be able to vote in the district.

Mr. Cunningham stated that the bill might have to be amended but he felt such legislation to be important and necessary.

Chairman Smith stated that he felt that there should be some way that the people in the districts could protest before the action of the commissioners.

Assemblyman Getto asked if this bill had the full endorsement of all the county commissioners.

Mr. Cunningham stated that it had been approved twice by meetings of the County Commissioners' Association.

Mr. Cunningham stressed the fact that action would not be taken except in cases of financial necessity.

**Assembly**

GOVERNMENT AFFAIRS COMMITTEE  
MINUTES OF THE MEETING  
FEBRUARY 22, 1971  
Page 2

155

Assemblyman Hawkins suggested that perhaps the problem should be solved by making it harder to form such districts.

AB 85 - Authorizes special assessment levies against the State and its political subdivisions.

Chairman Smith explained that this bill was a result of a situation which had accured in Bolder City, however he felt that the bill would be very damaging on a state-wide basis.

AB 116 - Enables counties to enact rent control ordinances.

Assemblyman Branch explained to the committee that he had introduced this legislation because of the situation in Clark County where large corporations have taken over the trust deeds on apartment houses and subdivisions from the local savings and loan people and have lost touch with the people who rent the property. He stated that this was only legislation to enable the county to enact such rent control ordinances.

Chairman Smith suggested that the bill could be amended to exclude small local owners.

Assemblyman Getto questioned if such legislation would be legal.

Assemblyman Bryan stated that he felt it might not be legal.

Assemblyman Lauri stated that he was of the opinion that rent controls were only allowed in time of war or where no new building is being done.

Assemblyman Bryan suggested that a new bill be drafted which would be based on the landlord type code which the State of Michigan has.

Assemblyman Hawkins moved that AB 116 be indefinitely postponed.

Assemblyman Lauri seconded the motion.

AB 131 - Relaxes conditions for out of county public printing.

Assemblyman Hawkins stated that the bill had been given approval by the printers in the counties.

Assemblyman Branch moved "DO PASS".

Assemblyman Ronzone seconded the motion.

The motion carried unanimously.

AB 276 - Prohibits certain officers from paying salaries of employees elected to certain offices.

Assemblyman Swackhamer explained that he was worried about the special interest groups who elect members to the legislature where they are in a position to influence their salaries and retirement benefits.

Assemblyman Lauri stated that this would also enclude teachers who searve on the State Board of Education.

Chairman Smith suggested that there might be some other way of obtaining the same results without taking the right to serve in the Legislature from any person.

Assemblyman Swackhamer stated that he had given the matter considerable thought and could find no other way. He pointed out that the Hatch Act did the same thing.

Assemblyman Dini moved that AB 276 be indefinitely postponed.  
Assemblyman Lauri seconded the motion.  
The motion carried.  
Assemblyman Hawkins abstained from voting.

SB 228 - Amends Elko city charter to correct statutory error concerning forthcoming city elections.  
Assemblyman Getto moved "DO PASS".  
Assemblyman Branch seconded the motion.  
The motion carried unanimously.

SB 59 - Enacts new Caliente city charter.  
Chairman Smith reported that the bill had been approved by the City Officials in Caliente and by the Caliente Representatives.  
Assemblyman Getto moved "DO PASS".  
Assemblyman Ronzone seconded the motion.  
The motion carried unanimously.

Assemblyman Frazzini suggested that the county representatives be invited in the future, when any city charter is being acted upon.

AJR 10 - Proposes to amend the Nevada Constitution by declaring moneys paid into Public Employees Retirement Fund are trust monies.  
Assemblyman Branch moved "DO PASS".  
Assemblyman Getto seconded the motion.  
The motion carried.  
Assemblyman Dini is listed as voting against AJR 10.

AB 36 - Provides for payment of interest on withdrawals from Public Employees' Retirement Fund.

Assemblyman Getto moved that the bill be indefinitely postponed.  
Assemblyman Dini Seconded the motion.  
The motion carried.  
Assemblyman Hawkins is recorded as voting no.

AB 5 - Creates position of ombudsman.  
Assemblyman Lauri moved the bill be indefinitely postponed.  
Assemblyman Getto seconded the motion.  
The motion failed.

Assemblyman Dini moved "DO PASS".  
Assemblyman Branch seconded the motion.  
The motion carried with Assemblymen Dini, Hawkins, Branch, Bryan and Smith voting in favor of AB 6.  
Assemblymen Getto, Frazzini, Ronzone and Lauri voted no.

After a discussion about the retirement bills the meeting was adjourned.

## AGENDA FOR COMMITTEE ON \_\_\_\_\_

1-10

Date 2-22-71 Time \_\_\_\_\_ Room \_\_\_\_\_

Bills or Resolutions to be considered	Subject	Counsel requested*
AB 41	Requires certain subdividers to	
	provide water & sewage systems &	
	make further requirements in record	
	of survey maps.	
AB 42	Permits boards of county commissioners	
	to merge, consolidate, or assume	
	supervisory powers over certain	
	districts.	
AB 85	Authorizes special assessment levies	
	against State and political subdivisions.	
AB 116	Enables counties to enact rent	
	control ordinances.	
AB 131	Relaxes conditions for out-of-	
	county public printing.	

\*Please do not ask for counsel unless necessary.

HEARINGS PENDINGDate \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth in this act. 157 /-

Section 2. It is the right of every state employee to join or refrain from joining an employee organization as defined in subsection 1.

1. An employer shall not discriminate in any way among its employees because of membership or non-membership in an employee organization.

2. For the purposes of this chapter an employee organization is defined as any lawful organization which has as its principal aim the representation of state employees, and which has filed a current copy of its constitution and by-laws with the chief.

3. No employee organization may be recognized until it has filed with the chief a pledge not to strike in violation of state law.

4. The Personnel Advisory Commission shall adopt rules, consistent with this act, for the formulation of collective negotiations between the State and its employees. These rules shall include, but not be limited to: determination of negotiation units; provided that no units shall be smaller than a department (agency) and shall include all classified personnel therein; prohibited practices by employers and employee organizations; and methods of settling disputes.

5. It shall be the duty of the employer to meet at reasonable times with the exclusive representative and to confer in good faith on all matters under the control of the employer. On matters outside the control of the employer advisory recommendations may be made to the appropriate body. For purposes of this section the employer shall be the governor or his designated representative or representatives: provided that matters outside the control of the governor shall be negotiated with the appropriate employer. Written agreements may be

executed if requested by either party.

158

6. An employee organization shall be certified by the Commission as the exclusive representative of the employees in a negotiating unit only after showing proof of a majority membership within the unit.

7. In their deliberations regarding employee policy matters, the commission, the governor, the chief, and the various employers shall give full opportunity to the exclusive representative to participate in policy making decisions.

8. Recognition may be withdrawn from an employee organization if it fails to provide a copy of its constitution and by-laws or if it disavows its pledge not to strike in violation of state law, or if it ceases to have a majority membership within the unit.

9. The meet and confer sessions and information-giving discussions with the employer's representatives, governor or legislative representatives regarding current or forthcoming meet or confer discussions are not subject to any provision of Chapter 245 of NRS.



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**CALIENTE, NEVADA**

20 February 1971

Assemblyman Hal Smith, Chairman  
Committee on Federal, State & Local Government  
c/o Nevada State Assembly  
Carson City, Nevada 89701

In Re: Senate Bill #59-Enacting  
a Charter for the City of  
Caliente.

Dear Assemblyman Smith;

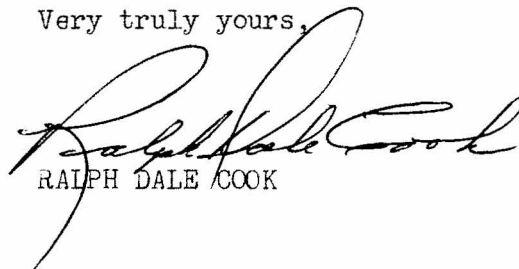
I am enclosing herewith a communication that the citizens have prevailed upon me to forward to Governor O'Callaghan and a number of senators in regard to the above captioned matters. In addition I am enclosing a copy of a letter of this date which I have forwarded to Senator James Gibson concerning this bill.

These communications speak for themselves in regard to our attitude concerning Senate Bill #59 and the very dangerous provisions contained therein. Senator Gibson has advised us the bill has passed the senate and is presently with your committee in the Assembly, hence this communication direct to you.

We must, upon the grounds and for the reasons set forth in the two enclosed letters, urge that this bill not be passed. I think after reading the enclosed communications you will readily agree these provisions are extremely dangerous to the citizens of Caliente and most assuredly are not for the best interests of the community.

If your committee desires or can hold hearings in regard to this matter we will be most happy to attend, whether these hearings are in Carson City or in Caliente, we would appreciate being enabled to voice our opinions and objections thereto.

Very truly yours,



RALPH DALE COOK

CC: Governor O'Callaghan  
Assemblyman Grover Swallow  
Assemblyman Jack Schofield  
Senator Gibson  
Senator Floyd Lamb  
Senator Mel Close





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1 - 160  
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**CALIENTE, NEVADA**

20 February 1971

Senator James I. Gibson  
c/o Nevada State Senate  
Carson City, Nevada 89701

In Re: Senate Bill #59

Dear Senator Gibson;

Thank you so much for your communication of February 19, 1971 in regard to the above captioned matter.

I found your letter very informative, however, I have also noted your error in the attempt to construe the provisions of this bill. I shall make every possible attempt to point these errors out clearly and we must still exert every possible influence to avoid final passage of this bill. It is tragic that if your subcommittee was present in Caliente that the citizens were not notified thereof and enabled thereby to attend your discussions concerning this proposed Charter for the city. Had this been the case I am confident your committee would have recommended that the provision dealing with municipal taxes be stricken as well as the provisions concerning the duties of the Mayor.

You state that Section 8.010 is "substantially the same as the old section 35" of the Caliente Charter. I noted with interest the photostatic copies thereof which you so kindly included in your letter. True there is a taxation provision included in the old charter, however my construction thereof limits such activity by the City Council to submitting this matter to the taxpayer by bond elections only. Thereby the average person would have the right to vote for or against such a proposition. In any event this provision is totally repugnant, whether it existed in the old charter or not, because the city can (and will) impose this additional taxation upon us at the very earliest possible moment. The provision is extremely dangerous to every citizen of this city and without it's removal from the bill we will be living under a whip and lever and cloud for fear that an ill-advised city council will enact such tax provisions.

In regard to your construction of the provision concerning the duties of the mayor wherein you state the new provisions would in no way prevent the city from operating without a ~~city manager~~ <sup>city manager</sup>. This is completely erroneous construction of the provision. You cite Section 1.080 as making the appointment of a city manager as discretionary because of the use of the word "may" contained therein. You go on to cite paragraphs (d) and (e) as giving the city council the right to assign these duties to the mayor should they so decide and should they decide to abolish the office of city manager. You have neglected to point out that paragraph (d) restricts the performance of the mayor to emergency duties that may be necessary for the general health, welfare and safety of the city, and paragraph (e) says "he shall perform such other duties, EXCEPT ADMINISTRATIVE DUTIES". These are definite limitations therefor if the city council abolishes the job of city manager, and under the provisions of the charter if a city manager is appointed he is to perform ALL ADMINISTRATIVE DUTIES, and the charter does not allow the performance by the mayor of any administrative duties, who then is going to be able to perform any of the necessary administrative duties for a city? In other words if the mayor, under the charter cannot perform administrative duties, and if the city council abolishes the city manager position and refuses to appoint a city manager the city would be placed in a state of utter confusion and this provision should necessarily be detailed in the charter as any ordinance enacted in conflict with the charter would be void.

Thank you for taking the time to answer our letters. We will proceed through the assembly since the bill has passed the Senate. Very truly yours





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**CALIENTE, NEVADA**

12 February 1971

Honorable "Mike" O'Callaghan  
Governor  
State of Nevada  
Carson City, Nevada 89701

In Re: Senate Bill #59-Enacting a Charter  
for the City of Caliente.

Dear "Mike";

Last Wednesday February 10th I received the Legislative Bills which have been introduced in this session of the Legislature. Among these bills was the above named and numbered bill, which has been referred to the Committee on Federal, State and Local Governments.

This bill, which purportedly has been introduced "to provide for the orderly government of the City of Caliente and the general welfare of its citizens...", contains many objectionable features which are repugnant to the citizens of Caliente. In fact the objections thereto are far too numerous to set forth in this short communication. However particularly repugnant to us and of the utmost in our minds at present are the following two Articles thereof; ARTICLE III Executive Department Sec. 3.010 Mayor: Duties;... Subsection 1.(b)(c)&(e). In essence this provision merely makes the Mayor a figurehead to appear at ceremonial functions and he is to perform no administrative duties. This article in conjunction with other articles absolutely will prevent us from ever operating without a City Manager. We cannot afford the luxury of a non working Mayor and in all probability, if we remain incorporated, which is doubtful, we will eventually elect a Mayor who is qualified to act as a Mayor and perform the duties of City Manager without the added expense of a City Manager. This was the case in the past and proved to be most successful, efficient and economical.

Secondly ARTICLE VIII-Revenue, Sec. 8.010 Municipal taxes. 1. "The city council SHALL ANNUALLY, ..., levy a tax not exceeding 2 percent upon the assessed value of all real and personal property within the city...." This provision would enact additional and new tax laws for the residents of Caliente and would be taxed against them merely because we are unfortunate enough to live within the city limits. The proceeds the city would realize from these additional taxes would merely create a "slush" fund for the city administration to waste. This city, at present, and for the past few years, has been saddled with the most wasteful, extravagant, inefficient, inept, and uncooperative administration of any city in the entire History of the State of Nevada. They have a flagrant disregard and disrespect for the needs and desires of the residents and any citizen who dares attend one of their so-called city council meetings is subjected to ridicule, insulting remarks, belittled and embarrassed until the citizen is forced to leave the meeting in absolute frustration, after which the Mayor, City Manager and Council will proceed with the city business, in other words Mike; we, as citizens, are not welcome to know any of the city business or plans.

Immediately after I discovered this bill had been introduced I took it upon myself to contact the citizens of Caliente in regard thereto and advise them what the city was attempting to do. They have mustered a considerable force to write letters to members of the Senate and Assembly in objection to the bill and have requested a hearing thereon if possible. However, should the bill pass the Legislature we would like to prevail upon your good office to veto the same when it is presented for your signature. The citizens of Caliente would be forever grateful. Kindest personal regards,

Sincerely,

  
RALPH DALE COOK