

Assembly

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

MARCH 25, 1975

MEMBERS PRESENT: CHAIRMAN DINI  
 VICE-CHAIRMAN MURPHY  
 ASSEMBLYMAN CRADDOCK  
 ASSEMBLYMAN HARMON  
 ASSEMBLYMAN MAY  
 ASSEMBLYMAN MOODY  
 ASSEMBLYMAN SCHOFIELD  
 ASSEMBLYMAN FORD

MEMBERS EXCUSED: ASSEMBLYMAN YOUNG

(The following bills were discussed at this meeting: A.B. 340, A.B. 56, S.B. 147, A.B. 360, A.B. 358, S.J.R. 7, S.J.R. 8, S.B. 240, A.B. 172, A.B. 178, A.B. 321, BDR 18-710 and \*amendment to NRS 321.322  
 \* AB558

Mr. Dini called the meeting to order at 8:00 A.M. and informed the committee that this meeting was called for the purpose of cleaning up the bills that are being held in the committee.

Mr. Dini stated that the first bill to be discussed was A.B. 340, which requires verbatim transcript of proceedings of local government meetings to establish combined tax rate.

Mr. Dini informed the committee that Mrs. Ford and Mr. Schofield had worked on this bill. Mrs. Ford stated that they had an amendment worked out on this bill. A copy of the amendment is attached to these minutes and made a part hereof.

Mr. Schofield moved for an amend and do pass which was seconded by Mr. Moody. All of the members were in favor of the motion and it passed unanimously. Mr. Young was not present at the vote.

Mr. Dini informed the committee that Mr. Young had requested a committee introduction on clarifying statute concerning institution of declaratory judgment actions against the State to remove cloud on the mineral rights of lands originally obtained from the State. Mr. Schofield moved for committee introduction, which was seconded by Mr. Moody. All of the members were in favor and the motion carried unanimously. A copy is attached to the minutes of this meeting and made a part hereof.

The committee then discussed A.B. 56, which authorizes local governments to inspect factory-built housing and manufactured buildings. Mr. May stated that he had an amendment, but that it was not as yet in form and that he would submit it to the committee shortly.

The committee discussed S.B. 147, which changes approving authority for salary augmentations and fund from which such augmentations are paid. Mr. Dini informed the committee that this bill had been indefinitely postponed but that Mr. Oliver had come up with a possible amendment. Mr. Dini then read the amendment to the committee and the committee discussed the amendment. A copy of the proposed amendment is attached to the minutes of this meeting and made a part hereof. Mr. Schofield moved for an "amend and do pass" on S.B. 147, which was seconded by Mr. Murphy. All of the members were in favor of the amend and do pass and it carried unanimously. Mr. Young was not present at the time of the vote.

The committee next discussed A.B. 360, which makes certain changes in provisions relating to inspector of mines, mines, mining health and safety.

There were two minor corrections on this bill. On Line, 40, page 2, the word "at" should be changed to "in", and on page 6, line 29, after the word production there should be a "," and the word "data" should be deleted.

The committee then discussed Section 15 of this bill, which refers to the members of the board receiving a salary of not more than \$40.00 per day and actual expenses. It was decided by the committee that this portion of the bill should be put in A.B. 358 rather than in this bill.

Mr. Craddock moved for an amend and do pass, which was seconded by Mr. Murphy. All of the committee members were in favor of the amend and do pass and it carried unanimously. The members not present at the time of the vote were Mr. Harmon, Mr. May, Mr. Young, and Mr. Moody.

The next bill to be discussed by the committee was S.J.R. 7, which memorializes congress to refrain from imposing mandatory gasoline rationing as a fuel conservation measure and to explore alternative conservation methods. Mr. May moved for an indefinite postponement which was seconded by Mr. Schofield. All of the members were in favor of the motion and it carried unanimously. Mr. Young was not present at the time of the vote.

The Committee then discussed S.J.R. 8, which extends support of the Nevada state legislature to proposed Nevada-California Regional Exclusion Program. Mrs. Ford suggested that the committee have the remarks recorded in the journal and attached to this bill that the State of Nevada shall have a say in this. A motion for a do pass was made by Mr. Harmon and seconded by Mr. Murphy. All of the members were in favor of the do pass motion and it was carried unanimously. Mr. Young was not present at the time of the vote.

The next bill to be discussed by the committee was S.B. 240, which removes forfeiture provision imposed on county recorder who files a nonconforming plat. Mr. May made a motion for an amend and do pass which was seconded by Mr. Harmon. A copy of the amendment is attached to the minutes of this meeting and made a part hereof. All of the members were in favor of the motion and it carried unanimously. Mr. Young was not present at the time of the vote.

The next bill to be discussed was A.B. 172, which allows the public works board to utilize construction management services procedures. Mr. May stated that his recommendation would be that this bill be indefinitely postponed, but Mr. Hancock feels that the Federal government will mandate it. Mr. Schofield asked if we put local building code verbiage in it if it would make a difference and Mr. May said no. Mr. Craddock stated that he felt that we were being premature to take this on right now. He stated that he felt that it would not work in Nevada at this time. The big advantage would be to get the people thct are familiar with the materials. Mr. Craddock stated that he would go along with an amendment stating that if it was required by federal regulations to give the board the option to do it. Mr. Craddock made a motion for an amend and do pass which was seconded by Mr. May. The amend-ment on this bill will read "effective only at such time as it is required by federal regulations." All of the members were in favor of the motion and it was unanimously carried. Mr. Young was not present at the time of the vote. see attachment

The committee discussed A.B. 178 and it was decided that the committee would hold this bill for a while longer.

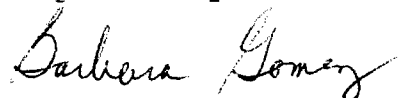
The next bill to be discussed A.B. 321, which makes various changes in state personnel system. Mr. Harmon made a motion for indefinite postponement which was seconded by Mr. May. All of the members were in favor of the motion with the exception of Mrs. Ford who voted no on the motion. Mr. Young was not present at the time of the vote.

Mr. Schofield then made a motion for a study to salvage Section 6 of this bill and asked for committee introduction of this section of the bill. The motion was seconded by Mr. Craddock. All of the members were in favor of the motion with the exception of Mr. Young who was not present at the time of the vote.

Mr. Dini stated that he would like a committee introduction on BDR 18-710. Mr. May moved for committee introduction of BDR 18-710 which was seconded by Mr. Murphy. All of the members were in favor of the motion and it carried unanimously. Mr. Harmon and Mr. Young were not present at the time of the vote.

There being no further business to come before the meeting, the meeting adjourned.

Respectfully submitted,



Barbara Gomez,  
Committee Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS  
TUESDAY,  
Date..March..25,.....1975.....Time....8:00..A..M..Room.....214.....

2. 0526

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

TO THE MEMBERS OF THE GOVERNMENT AFFAIRS  
COMMITTEE - ASSEMBLY

There will be a meeting in the committee room of the committee to do some clean up work on the bills that we are presently holding. The meeting will be from 8:00 A.M. to 9:00 A.M.

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS  
 Tuesday  
 Date March 25, 1975 Time 8:00 A.M. Room 214

2-0527

Bills or Resolutions to be considered	Subject	Counsel requested*
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THE FOLLOWING BILLS WILL BE DISCUSSED BY THE COMMITTEE TOMORROW MORNING - THESE BILLS ARE ALL CLEAN-UP WORK OF THE COMMITTEE.

- A.B. 360 Makes certain changes in provisions relating to inspector of mines, mines, mining health and safety.
- A.B. 340 Requires verbatim transcript of proceedings of local government meetings to establish combined tax rate.
- A.B. 56 Authorizes local governments to inspect factory-built housing and manufactured buildings.
- S.B. 147 Changes approving authority for salary augmentations and fund from which such augmentations are paid.
- S.J.R. 8 Memorializes Congress to refrain from imposing mandatory gasoline rationing as a fuel conservation measure and to explore alternative conservation methods.
- S.J.R. 8 Extends support of the Nevada state legislature to proposed Nevada-California Regional Exclusion Program.
- S.B. 240 Removes forfeiture provision imposed on county recorder who files a nonconforming plat.
- A.B. 172 Allows public works board to utilize construction management service procedures.
- A.B. 178 Provides for an increase in formal bidding limit for state purchases.
- A.B. 321 Makes various changes in state personnel system.

Proposed for committee introduction:

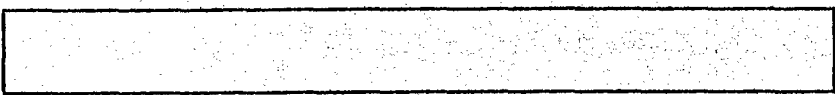
By Mr. Young- Clarifies statute concerning institution of declaratory judgment actions against the State to remove cloud on the mineral rights of lands originally obtained from the State.

\*Please do not ask for counsel unless necessary.

2-0531

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / <del>SENATE</del> AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to Assembly / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill / <del>Joint Resolution</del> No. <u>147</u> (BDR <del>31-572</del> )
Date:	Date:	Proposed by <del>Committee on Government Affairs</del>
Initial:	Initial:	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date:	Date:	
Initial:	Initial:	

Amendment N<sup>o</sup> 5890



Amend section 1, page 1, by deleting lines 11 through 13 and inserting:  
 "the state board of examiners may, [with the approval of the legislative  
 auditor,] authorize the expenditure of sums not exceeding \$2,000 from the  
 reserve for statutory contingency fund".

Amend section 1, page 1, inserting between lines 16 and 17 the following:  
"3. The clerk of the state board of examiners shall, before September 1  
 of each year, file a report with the legislative auditor delineating each



transfer from the fund pursuant to this section for the payment of salaries for the fiscal year ending June 30 of such year."

Amend the title to read as follows:

"AN ACT relating to state financial administration; revising procedures relating to payment of salaries from reserve for statutory contingency fund."

Possible amendments to AB 340:

Pg. 1, line 15: change "on" to "no later than"

Pg. 1, lines 18-21: Remove brackets and italics and add after the word "proceedings" : "following one of the methods approved in regulations promulgated by the Nevada tax commission. The costs of the taking and preparation of the record of the proceedings shall be borne....."

~~Pg. 2, lines 24-26: Delete everything after the word "concerned" and place a period.~~

Pg. 2, line 24: Place a period after the word "concerned" and delete everything down through the word "commission" on line 26.

Pg. 2, line 29: Add: "The record of the proceedings as required in 361.455 (3) shall also be transmitted to the Nevada tax commission within 5 days of the meeting. If the record requires additional preparation, such as the transcription or summary of a taped recording, the costs of the preparation shall be charged back to the county and participating incorporated cities in proportion to the final tax rate as certified by the Nevada tax commission."

Pg. 2, line 33: delete "verbatim transcript" and substitute the word "record/"



TO THE ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

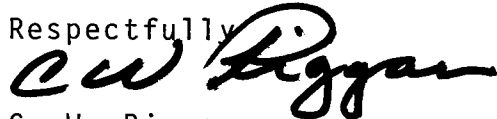
2-0534

In response to your request of Wednesday March 19, I herewith submit proposed language to amend SB 240.

It is my recommendation that NRS 116.150 be deleted in its entirety and the attached be substituted therefore. As you will note, I have added NRS 117.027, 278.420, NRS 280A.560 and the requirements of local ordinance. This I have done in order that all sections of our statutes dealing with subdivision mapping are in conformity.

I have talked with five of our county recorders and they concur with the proposed language I have submitted.

Respectfully



C. W. Riggan  
Chief Deputy Recorder  
Douglas County

## PROPOSED RE-DRAFT OF SB 240

2-0535

Section 1. NRS 116.150 is hereby amended to read as follows:

116.150 A county recorder shall not file for record any map, plat or plan for the subdivision of land, for a condominium plan, or for any planned unit development, until and unless such map, plat or plan shall contain all the certificates of approval, conveyance and consent as set forth in NRS 116.040, 117.027, 278.420, 280A.560 and as may be required by local ordinance.



STATE OF NEVADA  
PUBLIC WORKS BOARD

2- 0536

LIAM E. HANCOCK, A.I.A.  
SECRETARY AND  
MANAGER

Legislative Building, Room 306

CARSON CITY, NEVADA 89701  
(702) ~~882-7445~~ 885-4870

February 27, 1975

Assemblyman Paul W. May  
Nevada State Legislature  
Legislative Building  
Carson City, Nevada

IN REPLY REFER TO SUBJECT

RE  
1975 Legislation  
Assembly Bill No. 172  
Construction Management

Dear Paul:

According to Roland Oakes' office 2/27, he is out of town for a week and consequently not immediately available to establish the "prequalification standards" requested by the Subcommittee.

Since apparently no one disagrees that Construction Management can save time and money on large projects, and since the principal concern is with the "regulations" the Board could adopt for "CM" under A.B. 172, the following might resolve the problem in view of Roland's absence.

While it is the existing policy of the Board to submit proposed regulations to the AGC, AIA and NSPE for comment before considering them for adoption, to insure this is done on "CM" and that no Board action is taken that is contrary to the industry and professions affected, Line 8 of the proposed bill could be amended to read:

"The Board shall adopt regulations which are acceptable to the State's construction industry and architectural and engineering professions establishing procedures for:"

Very truly yours,

William E. Hancock, AIA  
Manager

WEH:km

cc: Mr. Rowland Oakes  
Mr. Allan M. Bruce

*PS - BOTH OAKS & BRUCE ARE IN HAWAII FOR  
A WEEK*

AMENDMENT OF N.R.S. 321.332

SUMMARY - Clarifies statute concerning institution of declaratory judgment actions against the State to remove cloud on the mineral rights of lands originally obtained from the State.

PURPOSE OF AMENDMENT - A major portion of the private lands in Nevada were obtained by the State from the Federal government by State Selection Lists in the late 1800's. The State, thinking the Federal government still claimed the minerals thereon, reserved the minerals when it in turn sold the properties to private individuals.

Later, it became evident that the Federal government disclaimed any mineral rights on lands passed to the State of Nevada on the selection lists. However, the patents the private land owners had obtained from Nevada still contained the reservation which still appears as a cloud on the mineral rights in any title opinion.

In 1963, the Legislature attempted to rectify this problem by confirming to the patentees and their successors the mineral rights, N.R.S. 321.331, and providing for a declaratory judgment action to be brought to obtain a recordable judgment, N.R.S. 321.332.

The ambiguity is that while the clear intent is to benefit the owner of the minerals, N.R.S. 321.332 does not contemplate a severance of the surface estate and the mineral estate. As written, the action can only be brought by those "entitled to the possession of any lands", who arguably is only the surface owner. Such owners of only surface rights are not concerned with clearing the clouds from the title of the mineral estate. The proposed amendment rectifies this situation.

321.332 Consent of state to declaratory judgment action to determine state's right to minerals; service of process on attorney general.

1. Every person, corporation or association, his, her or its heirs, assigns or lawful successors referred to in NRS 321.331, who is entitled to the possession minerals, including all gas, oil and oil shales, of any lands that may have been purchased by him, her or it, or his, her or its predecessors in interest, from the State of Nevada subsequent to March 3, 1887, may bring an action in the district court of this state in and for any county where such lands or any part thereof are situate to determine by declaratory judgment of such court whether or not the State of Nevada has any rights to any minerals therein, including any oil, gas, coal and oil shales and, if possible, the extent thereof, and the State of Nevada hereby consents to the bringing of any such action or actions.

2. Service of process on the State of Nevada in any such action may be secured by serving a copy of the complaint, together with a copy of the summons, on the attorney general of the State of Nevada.  
(Added to NRS by 1963, 98)