

Assembly

3-1015

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

April 15, 1975

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

ALSO PRESENT: John Reiser, Nevada Industrial Commission
Bob Rigsby, S.P.C.
Pat Brady, Printing Office
Bob Gray, State Library

(The following bills were discussed at this meeting: A.B. 404, A.B. 525, A.B. 558, A.B. 465, A.B. 230, A.B. 526, A.C.R. 32).

Vice-Chairman Murphy called the meeting to order.

The first bill to be discussed was A.B. 404 which removes office building restriction from type of buildings that Nevada industrial commission may purchase.

Mr. Reiser of the Nevada Industrial Commission testified. He stated that the intent of A.B. 404 is to clarify the restriction of buildings by the commission. In 1973 the legislature provided authorization for the NIC to provide rehabilitation and additional safety services beyond those provided in the past. This bill clarifies the authority of the commission.

Mr. Young referred to the 10% investment of total assets and asked what we were talking about.

Mr. Reiser stated that approximately \$8,000,000 would be the maximum that can be invested.

Mr. Young asked where they would be building these.

Mr. Reiser stated that they would be in Reno and Las Vegas.

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The next bill to be discussed was A.B. 525, which creates state publications information center. Mrs. Ford testified and distributed a chart to the committee, a copy of which is attached to the minutes of this meeting and made a part hereof. Mrs. Ford informed the committee that the chart was an appendix to a report that she prepared. The report was published in the Bureau of Government Research out of the University in Reno. She stated that this chart lists all of the areas in the N.R.S. that mandate some kind of annual or biennial report. This bill repeals 29 annual or biennial reports. Sections 13 to 36 with two exceptions repeal 22 additional ones. The bulk of the bill is that it repeals some 51 annual reports. The ones on the chart are the ones that would remain and they are underlined in red.

Mrs. Ford exhibited numerous of the reports to the committee members. She indicated that the separate reports that would still be retained are the State Controller, Department of Education. She stated that they were used and read in their present form. She informed the committee that there are 12 reports in the chart that would remain, and that they had checked with all agencies. Most of the agencies were pleased not to have to provide any information in this form any longer. The report that this bill proposes would be handled under the authority of the State Library. Section 2 of the bill provides for a directory of public officials annually.

Section 3 would provide for a biennial report of the State.

This bill would take 60 reports and make a digest into one volume coming out every two years. The State Library would send a form requestion information in a uniform manner to all state agencies.

Section 4 of the bill creates a biennial book of facts. Some people feel that there is a demand in the Department of Economic Development. Section 5 creates an advisory commission. Mrs. Ford indicated that some people have questioned the language for the advisory commission. She stated that she has no strong opinion about retaining the advisory commission.

Sections 6 through 12 amend the existing mandate for the State Distribution Center. It simply extends it to make it become a publications center.

Section 11 provides for free distribution of booklets to a small list of people; i.e., libraries in the state, members of the legislature, the council bureau, county clerks, etc.

It also would allow the State Library to put a price on the documents because they feel there is a market for this to the public. Section 16 talks about a mandate that we have in the statutes relating to the legislature, and the state printer. The printer must take 125 more than is needed. He must make 50 sets. It is an appendix to the official journals of the legislature. It is a

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compilation of reports that he must do. This must be done in the way of the 1927 legislature. No index, no page numbering or tabing.

◦ What is being proposed is the doing away with the appendix to the journals.

Mrs. Ford indicated that there is a cost involved of about \$72,000. She stated that she had presented this project to Senate Finance and Ways and Means. The State Library has included 3 people in their budget. It was not recommended by the governor that those positions be taken care of. She indicated that a fiscal note had been prepared but had not been put in the books.

Mr. Young stated that each agency's budget can be reduced. Mrs. Ford indicated that all of the ones that can be repealed would be reduced by the figure that the state printer charged. There is an offset of about \$30,000 that can be accounted for in various agency reports. Mrs. Ford stated that it will save time and money. The legislative manual will be retained.

Mr. Murphy referred to the warehousing industry and stated that that industry wanted most of this information and was unable to obtain it all in one package. He stated that they would be able to use this very effectively.

Mr. Joe Anderson, State Librarian of the State of Nevada testified next. He stated that this was a planning and management idea. The State Library has been operating a state document distribution center and the purpose of that is to enable the people to have easy access to public documents and reports on the functions of the state government. They have 100% cooperation from all of the state agencies. They warehouse the publications for the various agencies. They have a regional publication system. This bill will strenghten it and make it more efficient.

Mr. Noel Clark testified next. He stated that this bill was a step in the right direction. He fully supports the bill. It would be better management.

Yvonne Sadler testified next. She stated that this type of material in this form is very badly needed.

Martha Gould, Washoe County Library testified next. Miss Gould stated that we have to prove that we know how to manage our own force.

Dr. Roscoe testified next. He indicated that they do research in government and public affairs in the state. They get requests that would be included in these publications.

Mr. Bob Laird testified next. This bill is important from a public point of view. This removes a stigma that many of the public face. It may encourage them to participate more in the

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activities of government affairs. He is in favor of it.

Mr. Kirshner of the State Library testified next. He indicated that they would like to make an official run of 2,500 copies of the publication.

Mr. Anderson testified next. He stated that the management and planning part of this concept maximizes the existing resources in the state. The availability is an excellent resource.

Mr. Brady testified next. He stated that there would be four documents that would be supplementing 51. It is difficult to compare the two.

Mr. Dini indicated that the testimony on this bill was now concluded.

The next bill to be discussed was A.B. 558, which clarifies right of owner of mineral estate to bring action for declaratory judgment against state to remove any cloud on title to mineral rights on lands originally obtained from state.

Mr. Marfesi testified. This bill is a clarification of the existing statute under NRS 321.332 and it amends section 332. A question of interpretation has arisen. They want to provide that not only can a surface right owner bring an action, but also that a mineral right owner may do the same. see attachment

Mr. May stated that he had a conflict of interest. Mr. May stated that it did not need some clean up and stated that he did not agree with Mr. Marfesi.

Mr. Young asked Mr. Marfesi if he had read Section 331 and stated that he was amending 332. Mr. Young asked if Section 331 had to be amended. Mr. Marfesi stated that he did not think so. He stated that the mineral right owner would be subject to section 331.

Mrs. Ford moved for a do pass on A.B. 465, which was seconded by Mr. Young. All of the members were in favor of the motion and it was unanimously carried. Mr. Murphy was not present at the time of the vote.

Mr. Craddock stated that he did not have anything to report as yet on A.B. 230.

Mr. Moody moved for a do pass on A.B. 404, which was seconded by Mr. Schofield. All of the members were in favor of the motion and it was carried unanimously. Mr. Murphy was not present at the time of the vote. Mr. Young did not vote on the bill although he was present at the time of the vote.

The next bill the committee discussed was A.B. 558. Mr. Young moved for a do pass which was seconded by Mrs. Ford. All of the committee members were in favor of the motion and it was unanimously

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carried. Mr. Murphy was not present at the time of the vote. Mr. May did not vote although he was present at the time of the vote.

Mr. Harmon moved for an amend and do pass on A.B. 465 and refer to Ways and Means, which was seconded by Mrs. Ford. All of the members were in favor of the motion and it carried unanimously. Mr. Murphy was not present at the time of the vote.

Assemblyman Brookman stated that she would like the committee to let her have a committee introduction, for a contractor's bill that she had. Mrs. Ford moved for a committee introduction for a request for Assemblyman Brookman's bill which was seconded by Mr. May. All of the members were in favor of the request for committee introduction and it carried unanimously. Mr. Murphy was not present at the time of the vote.

Mr. May moved for committee introduction of BRD 21-768 which was seconded by Mrs. Ford. All of the members were in favor of the motion and it carried unanimously. Mr. Murphy was not present at the time of the vote.

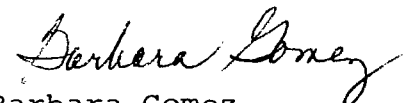
A.B. 526. Mr. May moved for a do pass with regard to this bill as a courtesy for Assemblyman Price. Mr. Ashworth stated that this was the worst thing we could do. There was no second of the motion and it was decided that the committee would hold this bill.

Mr. May moved for a motion to deny Mr. Coulter's request for committee introduction which was seconded by Mr. Young. All of the members were in favor and it was unanimously carried. Mrs. Ford voted no against the motion to deny the request. Mr. Murphy was not present at the time of the vote.

A.C.R. 32. Mrs. Ford suggested that we broaden the scope of the study under this bill. She suggested that we get the amendment drafted and refer it to Legislative Functions. Mr. Harmon moved for an amend and do pass which was seconded by Mrs. Ford. All of the members were in favor of the motion and it was unanimously carried. Mr. Moody and Mr. Murphy were not present at the time of the meeting.

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

Respectfully submitted,



Barbara Gomez,
Committee Secretary

AB 509 see attachment

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS
TUESDAY,

Date April 15, 1975 Time 8:00 A.M. Room 214

3- 1014

Bills or Resolutions
to be considered

Subject

Counsel
requested*

A.B. 525

Creates state publications information center.

NOTIFY: Assemblyman Ford

A.B. 404

Removes office building restriction from type of buildings that Nevada industrial commission may purchase.

NOTIFY: Mr. Reiser, NIC
Labor and Management (Mr. Banner)

A.B. 558

Clarifies right of owner of mineral estate to bring action for declaratory judgment against state to remove any cloud on title to mineral rights on lands originally obtained from state.

NOTIFY: Assemblyman Young

EXHIBIT "C"

<u>NPS</u>	<u>AGENCY</u>	<u>DEADLINE</u>	<u>TO WHOM?</u>	<u>PRINTING COST</u>	<u>NO. OF COPIES</u>	<u>INCLUDED IN 1973 APPENDIX</u>
160.080	Public Defender	A - nonspecific	Governor	?	?	No
210.070	Nevada Youth Training Center	B - by Sept. 1 - even	Adm. of Youth Services	\$ 90	100	No
210.480	Nevada Girls Training Center	B - by Sept. 1 - even	Adm. of Youth Services	81	225	Yes
213.1095	Parole & Probation	B - at close	Governor, Parole Board	107	250	No
218.830	Legislative Auditor	B - by Dec. 31 - even	Governor, Legislature, Sec. of State	?	?	No
219.040	Comm. on Uniform State Laws	"At each Legislative Session"	Legislature	?	?	No
225.120	Secretary of State	B - by Aug. 1 - even	Governor	1,009	850	Yes
226.120	Treasurer	A - by Sept. 1	Governor	707	630	Yes
227.110	Controller	A - by Sept. 1	Governor, Legislature	140	360	Yes
228.100	Attorney General	B - by Sept. 1 - even	Governor	4,303	1,680	Yes
231.060	Economic Development Advisory Councils	B - by Sept. 1 - even	Governor	?	?	No
231.090	Department of Economic Development	A - nonspecific	Governors Advisory Councils	?	?	No
232.070	Conservation and Natural Resources	B - by Oct. 1 - even	Governor	136	500	No
233.080	Equal Rights Commission	B - by Jan. 15 - odd	Governor, Legislature	222	700	Yes
233A.065	Indian Affairs Commission	B - nonspecific	Governor	736	3,085	Yes
233C.090	Council on the Arts	B - by Sept. 1 - even	Governor, Legislature	?	?	No
233E.130	Bicentennial Commission	A - by Dec. 31	Governor	?	?	No
284.065	Personnel Advisory Commission	B - nonspecific	Governor	?	?	No
284.105	Personnel Division	B - nonspecific	Dir. of Administration, Advisory Commission	?	?	No
286.280	Public Employees' Retirement Board	A - nonspecific	Members, employers	?	?	No
293.253	Secretary of State - Constitutional amendments, ballot questions	B - 1st Monday in Aug. - even	County clerks	390	1,090	Yes
324.050	State Register of Lands	B - by Sept. 1 - even	Comm. of Industry, Agriculture	?	?	No
333.090	Purchasing	B - nonspecific	Director of General Services	?	?	No
341.160	Public Works Board	nonspecific	Governor, Legislature	800	200	No
344.040	Printer	B - nonspecific	Governor, Legislative Commission	40	100	No
353.230	Budget Division	B - "no later than 10th day of regular session"	Governor, Legislature	?	450	No
353.263	State Board of Examiners	B - by Sept. 1 - even	President of Senate, Speaker of Assembly	?	?	No
360.100	Tax Commission	A - nonspecific	nonspecific	792	1,195	Yes
378.050	Library	B - nonspecific	Governor, Legislature	?	?	No

Key: A Annual
 B Biennial
 * Printing cost obtained from LCB survey or State Printer

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 AB525

<u>NRS</u>	<u>AGENCY</u>	<u>DEADLINE</u>	<u>TO WHOM?</u>	<u>PRINTING COST</u>	<u>NO. OF COPIES</u>	<u>INCLUDED IN 1973 APPENDIX</u>
382.030	Nevada Historical Society	B - nonspecific	Governor	?	?	No
385.230	Education	B - by Dec. 1 - even	Governor, Legislature	?	?	No
388.370	Vocational Education	B - nonspecific	Legislature	183	480	Yes
396.505	University Board of Regents	B - by Feb. 1 - odd	Legislature	?	?	No
396.780	UNR, Agriculture Experiment Station	B - by Sept. 1 - even	Governor, Legislature	?	?	No
397.070	Interstate Education Compact Comm.	B - by Sept. 1 - even	Governor, Legislature	?	?	No
399.160	Manpower Training, Career Education	A - nonspecific	Governor	600	600	No
408.220	Highway	B - by Sept. 1 - even	Highway Board	1,386	610	Yes
412.052	National Guard	B - by Nov. 1 - even	Governor	281	580	Yes
422.190	Welfare	B - nonspecific	Director of Human Resources	578	390	Yes
423.100	Children's Homes	B - by Sept. 1 - even	State Welfare Board, Adm.	320	1,090	Yes
427A.070	Aging Services	B - by Sept. 1 - even	Governor	5	4	No
433.1222	Mental Health Institute	B - nonspecific	Division Administrator	?	?	No
439.180	Health	B - nonspecific	Director of Human Resources	63	310	Yes
451.370	Commission on Anatomical Dissection	B - by Sept. 1 - even	President of University System and State Board of Health	?	?	No
477.050	Fire Marshal	B - by Sept. 1 - even	Governor	415	875	No
501.337	Fish and Game	B - nonspecific	Governor, Legislature, Fish and Game Commission	1,732	650	Yes
512.140	Inspector of Mines	B - on Aug. 1 - even	Governor	2,486	1,780	Yes
514.070	Bureau of Mines	B - by Sept. 1 - even	Board of Regents,	?	?	No
561.145	Agriculture	B - nonspecific	Governor, Legislature and Board of Agriculture	785	500	No
562.150	Sheep Commission	B - by Oct. 31 - even	Governor	177	290	Yes
584.660	Dairy Commission	B - within 30 days of Legislative session	Governor	181	310	Yes
607.080	Labor	B - nonspecific	Governor, Legislature	817	390	Yes
612.235	Employment Security	B - by Dec. 1 - even	Governor	1,344	590	Yes
615.180	Vocational Rehabilitation	B - by Sept. 1 - even	Governor	350	1,400	No
633.040	Board of Osteopathy	B - by Sept. 1 - even	Secretary of State	?	?	No
637.080	Board of Opticians	B - by Sept. 1 - even	Attorney General	?	?	No
639.060	Board of Pharmacy	B - by Sept. 1 - even	Governor	?	?	No
644.160	Board of Cosmetology	B - by Sept. 1 - even	Governor	?	?	No
653.100	Board of Public Health Sanitarians	B - by Sept. 1 - even	Governor, each Public Health Sanitarian	33	140	Yes
673.042	Savings Association Commission	B - by Sept. 1 - even	Governor, each licensed association	117	100	No
675.270	Banks	A - nonspecific	nonspecific	853	350	Yes

<u>NFS</u>	<u>AGENCY</u>	<u>DEADLINE</u>	<u>TO WHOM?</u>	<u>PRINTING COST</u>	<u>NO. OF COPIES</u>	<u>INCLUDED IN 1973 APPENDIX</u>
679B.210	Insurance	A - "earliest practicable"	Director of Commerce	?	?	No
703.180	Public Service Commission	B - nonspecific	nonspecific	\$1,200	500	No
Art. 5	Governor's Message	B - "at every regular session"	Legislature	605	840	Yes
<u>Section 10</u>						
-----	Alcoholism	-----	-----	428	435	Yes
-----	Highway Traffic Census	-----	-----	503	390	Yes
-----	Museum	-----	-----	386	1,110	Yes
-----	Secretary of State Elections Returns	-----	-----	9,571	3,350	Yes
-----	Historical Society Quarterly	-----	-----	9,308	8,880	Yes
-----	Colorado River Resources	-----	-----	325	250	No
-----	Industrial Commission	-----	-----	6,880	17,000	No
-----	Highway Patrol	-----	-----	230	300	No
-----	Highway Safety	-----	-----	431	500	No
-----	Prison	-----	-----	---	1,000	No
				<u>\$50,938+</u>	<u>57,409</u>	

(26 agencies not reporting)

December 30, 1974

Amend A.C.R. 32

Page 1

Add a new WHEREAS after the sixth whereas at line 19 and move the last whereas down.

WHEREAS, It is local general purpose government that is often charged with responsibility for correcting the results of poor judgment or fiscal mismanagement by general improvement districts;

Also, at the end of line 25, after ". . . methods of" add:

creating, governing and

Page 2

Add a new RESOLVED at line 4 and move the last resolved down.

RESOLVED, That the review of chapter 318 of NRS include an assessment of the relationship of it to the provisions of county, city and unincorporated town law; and be it further

Recommended Amendments to A. B. 509
as presented to Government Affairs Committee

Page 1 - Section 3, Paragraph 1, line 8--delete [without limitation]; insert after "includes",
such as but not limited to.

Page 1 - Section 4, Paragraph 1, line 20--delete [and]; insert or.

Page 2 - Section 4, Paragraph 2--delete paragraph in its entirety; insert "Chief administrative officer" means the person directly responsible to the governing body for the proper administration of that particular entity.

Page 3 - Section 9, Paragraph 2, line 9--insert after "officer", or the governing body.

Page 3 - Section 9, Paragraph 2, line 13 and 14--delete [submitted at the next regular or special meeting of the governing body for ratification]; insert reported to the governing body at its next regular meeting.

Page 3 - Section 10, line 19--insert after "bidders qualifications", including past performance.

Page 4 - Section 18, Paragraph 2, line 44--delete [presented at]; insert reported to.

Page 4 - Section 18, Paragraph 2, line 45--delete [or special] and [for ratification by a majority].

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Page 4 - Section 19, Paragraph 1, line 48--insert after "no", authorized representative or.

Page 5 - Section 19, Paragraph 1, line 1--delete [such]; insert after "a member", of such governing body.

Page 6 - Section 25, Paragraph 2, line 22--delete [local].

Page 6 - Section 28, Paragraph 1 and 2, lines 32 through 40--delete total section 28.

Page 7 - Section 30, Paragraph 1 through 5, lines 18 through 48--NOTE: The present

NRS 334.030 is ok. All deletions should be put back. All insertions should be taken out.

Submitted by,

Joseph Cathcart
Purchasing Director, City of Las Vegas

April 7, 1975

AB558
1027
3-

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)