

Assembly

4- 1383

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

May 2, 1975

MEMBERS PRESENT:

Chairman Dini
Vice-Chairman Murphy
Assemblyman Craddock
Assemblyman Harmon
Assemblyman May
Assemblyman Moody
Assemblyman Ford
Assemblyman Young

MEMBERS ABSENT:

Assemblyman Schofield

ALSO PRESENT:

Robert L. Stoker
Elmo DeRicco
Glen Griffith
Ernie Gregory
George C. Brookman
Bob Weld
L. H. Berkson
Duane Newton
James Koch
Jim Lien
Roland Westergard
Eric Cronkite
George Zapattini
Assemblyman Mello
Assemblyman Glover

(The following bills were discussed: A.B. 734, A.B. 740, S.C.R. 8, A.B. 709, A.B. 727, A.B. 637, A.B. 315, A.B. 740, A.B. 653, S.B. 491).

Mr. May called the meeting to order at 8:00 A.M.

The first bill to be heard was A.B. 734, which reorganizes state departments dealing with natural resources. Mr. Elmo DeRicco testified. A copy of Mr. DeRicco's testimony is attached to the minutes of this meeting and made a part hereof.

Mr. May asked if Mr. DeRicco was asking the committee to

indefinitely postpone this and to request a resolution according to the two-year interim study.

Mr. DeRicco stated that that was correct.

Mr. May asked if it was to be limited only to the items in A.B. 734. Mr. DeRicco stated not necessarily.

Mrs. Ford asked what has happened to S.C.R. 8 and Mr. DeRicco replied that it had passed both houses.

Mr. Louis Bergevin of the Nevada Cattlemen's Association testified. He stated that the agricultural industry is concerned with this bill. The Department of Natural Resources should contain departments which are natural resources. He stated that the economy was not based on outdoor recreation. They should put this back in the Department of Natural Resources. He stated that there are some very bad conflicts in the bill. He referred to Section 42 on page 12 and to Section 65 on page 19. Any reorganization such as this one should be the subject of a lengthy study so that input of all industries may have their say. He agrees with Mr. DeRicco that we should not further consider this bill and go with S.C.R. 8 and do the study. Perhaps the department should be broken down, but not under this bill. This bill was written with too much haste. It is not in the best interests for the State of Nevada.

Mrs. Ford asked who got together to develop this bill.

Mr. Daykin replied that the bill originated with Ways and Means. When a bill of this size is prepared in a brief period of time, it needs more fine tooth combing after it is introduced than is revealed before. A better bill may be drafted as a result of a November or December request for the legislation.

Mrs. Ford indicated that they were placing the TRPA within one of these departments and she asked if they were able to do that.

Mr. Daykin replied no. The TRPA is a bi-state agency. He stated that they were referring to the Nevada TRPA.

Mrs. Ford asked what the relationship was now.

Mr. DeRicco stated that Mr. John Meder's statement is attached to his testimony. He indicated that he did not know how you would accomplish that.

Mr. John Meder testified next. He stated that is is a member of the TRPA and the NTRPA and has been for five years. One of the concerns is with the state's obligation as far as any claims being filed. Mr. Meder stated that if the state admitted financial obligation, they may put themselves in a viable position. If it is made a state agency, it would put the state in the position of having an obligation.

Mr. Griffin testified next. He stated that after a relatively terse analysis they are concerned with some of the provisions of this bill. He referred to pages 18 and 23. He also referred to pages 32 and 33. He stated that it was not clear as to what would happen to the interest reserve fund. The interest after July 1st would accrue in the bank or part of the funds. This procedure appears inconsistent with page 4, section 17, which states that funds to support the department shall be protected by direct fund appropriations. It is his belief that this legislation is premature. S.C.R. 8 is presently in the hands of the Secretary of State and the study will be done. We should take advantage of a more comprehensive authority under this bill.

Mr. Ernie Gregory testified next. A copy of Mr. Gregory's written testimony is attached to the minutes of this meeting and made a part hereof. He stated that he supported S.C.R. 8.

Mr. May indicated that this committee could probably work on the bill and get it into shape.

Mr. Don Mello testified next. He asked the committee what the problem seemed to be. He stated that the reason that they came up with this bill was the fact that the director told them that his job was too big for him. He had nine division heads and he could not control them. Mr. Mello stated that they told him that they would help him out by splitting the division. He stated that that was the only kind thing that they could do.

Mr. Dini asked if there was any particular reason for putting Environmental Health in that division.

Mr. Mello stated that when the bill was drafted that that was the only way to go. He stated that Assemblyman Weise had asked for that.

Mr. Weise testified. He stated that the greatest demand on environment is related to growth and development. The single resource that is most precious is fish. Mr. Weise stated that the two areas are closely related in that they should be tied together.

Mrs. Ford stated that this would become effective on July 1st. She questioned the budgets on this.

Mr. Mello stated that this would be no problem at all and that they are all taken care of. Mr. Mello further stated that he had not heard the testimony from the Director, but he would think the Director would be in favor of this. It would lessen the responsibilities that he has.

Mr. Dini stated that we would provide Mr. Mello with a copy of Mr. DeRicco's testimony.

Mr. Weise stated that he felt what had prompted this was that Mr. DeRicco stated that the problems that developed in his department were that he could not be an expert in all of these problems.

He was trying to act as an administrator.

Mrs. Ford stated that at this time we have S.C.R. 8 which mandates a study that would provide this before the next session.

Mr. Weise stated that there were some inequities in it.

Mr. Alan Glover testified next. He stated that he did not know how many thousands of dollars we have spent on a comprehensive study of an unincorporated area. He stated that studies are a waste of the taxpayers money.

Mr. Alcare testified next. He stated that they feel that A.B. 734 is a bad bill. He stated that they would hope that this bill not pass. If there are problems, they should be studied. He further stated that S.C.R. 8 is the way to go.

Mr. Conrad testified next. He stated that his testimony included a letter from Esmeralda County Commissioners. This was brought about by the meeting of BLM held in Las Vegas and Tonopah. He stated that they do not wish the county commissioners to be able to tell the people what they should do. He stated that there is a strong movement to get title to public lands. He stated that he was not in favor of the bill.

The next bill the committee heard was A.B. 740, which provides compensation for members of boards of county fire protection districts. Mr. Les Berkson testified. He stated that he was the attorney for Lake Tahoe Fire Protection District. The purpose of this bill is to put the county fire protection districts on a parity with improvement districts. It provides for a salary for trustees not to exceed \$1800.00. It has an assessed valuation of \$48,000,000. It covers a large area. The trustees are all elected trustees. They all spend considerable time on the affairs of the district. They request approval of this bill.

Mr. Dini asked if there was any salary now. Mr. Berkson stated no, there is no authorization now.

Mr. Young asked how many trustees there were. Mr. Berkson replied five trustees. He stated that you are talking about several districts.

Mr. Young asked how the \$1800.00 figure was determined.

Mr. Berkson stated that this would put it on a parity with other districts. Mrs. Ford stated that Mr. Berkson should take a look at S.B. 472 which this committee passed yesterday which relates to the same statutes that he was referring to.

Mr. Jim Lien of the Tax Commission testified next. He stated that Lyon, Humboldt, Elko and Douglas counties are involved. He stated that Clark is administered by county and not by separate trustees. They are talking about less than 50 people who will be affected. He stated that one of the problems is that you are talking about a viable district which may be sitting next to a general improvement district. One can receive compensation and the other can't.

He stated that where the fire protection district overlaps, some of the trustees are paid and some of them are not. He stated that the county commissioners are the board of trustees. This situation has existed in Clark County for a long time. There are a small number of people. Mr. Lien informed the committee that Douglas and Washoe are independent districts. There is no reliance upon county officials. He stated that some of the districts do have large budgets. He further stated that this was permissive legislation.

Mr. Craddock questioned the need to mandate this and suggested that we use the word "may" rather than "shall". He stated that some of the counties may not want to pay this. Mr. Craddock also indicated that there is no amount spelled out other than a maximum.

Mr. Lien stated that by making this permissive they may pay zero.

Mr. Berkson stated that the bill drafters should have used the word "may" instead of "shall".

Mr. Duane Newton testified next. He stated that he agreed with Mr. Berkson and Mr. Lien. He further stated that the system has grown. He stated that there are two to three meetings per month. Some kind of compensation would attract more interest for people to fun for the board.

Mr. Dini asked if there have ever been no candidates. Mr. Newton replied, yes, it happens.

Mr. Newton stated that they do have a fire protection program.

Mrs. Ford asked if their budget goes to the county commissioners.

Mr. Newton replied, yes, they prepare a preliminary budget. If it is in conflict with the \$5.00 limit, they get a letter that it is not in order.

Mrs. Ford asked what their rate was now and Mr. Newton replied \$1.00.

Mr. Coch testified next. He supports this bill. This may get more people interested in running for the position.

The next bill to be discussed was A.B. 709, which requires applicant or his partner or officer to take examination for contractor's license.

Mr. George Brookman testified. He stated that he was speaking on behalf of this bill. He indicated that he had a statement from the roofers association who support this bill. This bill removes an area of irresponsibility and it somewhat tightens some of the requirements. What the bill does is when someone from another state who comes into Nevada and who has money and is promoting siding, etc., in order for him to get a license he must be a qualified employee who has a background in the trade. He must be able to take appropriate tests required by the contractor's board and get a

license. He must also be financially responsible. If for some reason he should fall out of favor with the particular group he represents he can be discharged and the group would then have 30 days to inform the board and they have another 30 days to replace this qualified employee. During this 30 days a lot of work can be done on a substandard basis. Most contractors would like to see this taken out.

Mr. May inquired what the advantage was of having a written and an oral examination. He referred to line 4 on page 1.

Mr. Brookman stated that if a man lack education to be able to read plans or contracts, he should not be allowed to build.

Mrs. Ford referred to line 23 and stated that she did not understand the meaning of the word member.

Mr. Brookman stated that he felt that that should be removed.

Mrs. Ford stated that it should be partner or officer.

Mr. Stoker testified. He indicated that the board is opposed to this bill. He stated that you are only removing qualified employee. It would be the same situation as California. If people want to abuse the industry they can still make qualified employee an officer and he is a bona fide member of the firm. The first part of the bill provides for examination. It is impossible to have them take oral and written examinations. It would be impossible to prepare over 100 examinations between now and that time. They have prepared examinations in many of the special classifications and have three examinations that are being proven. California has the same provision and they have nothing but problems.

Mr. Young asked if contractors had to take an examination.

Mr. Stoker replied that not all of them do.

Mr. Young asked if a license was given on past reference.

Mr. Stoker replied yes, many of them have been licensed before.

Mrs. Ford asked if when they get their license for the first time if they had to take a test.

Mr. Stoker replied that since 1967 examinations have been given. They do not examine in every category. Mrs. Ford asked if that was mandatory in the law?

Mr. Stoker replied no.

Mrs. Ford asked if there were any that were optional. Mr. Stoker replied that practically all of the provisions are optional. Most states do not have examinations.

Mr. Stoker stated that the licenses are renewal each year.

Mr. Craddock stated that some of them have never taken a test in the first place.

Mr. Oakes testified. He stated that he was in favor of A.B. 709.

He referred to lines 21 through 24. He stated that he was not happy with lines 1 through 7 and he agrees with the comments made by Mr. May. We must go back and see why this law was enacted. This language was designed to keep people out. The consumer should be able to get the lowest possible price he can get.

Mr. Bob Weld testified. He stated that they are in favor of this bill. They are trying to upgrade the industry. They are in favor of some form of bill.

Mr. Craddock asked if they would be willing to sit down and work on this bill.

Mr. Dini appointed a subcommittee consisting of Assemblymen Craddock and Harmon to work on this bill.

The next bill to be discussed was S.B. 315, which transfers certain duties of the state fire marshal to local fire marshals. Mr. Dan Quinan testified. He approves of this bill. This will give the authority to the fire chief to act as deputy.

Mr. Otto McFarland testified. He stated that he is in favor of the bill. This will give the cities the authority to enforce the state regulations pertaining to fire regulations.

Mr. May asked what the relationship is between the fire marshal and the small districts.

Mr. Quinan indicated that they assisted them in fire protection and not prevention.

Mr. May asked if there was a legal working relationship.

Mr. Quinan replied no.

The next bill to be discussed was A.B. 727, which confers peace officer powers on security officers and watchmen employed by chief of buildings and grounds division of department of general services. Assemblyman Glover testified. This is a result of a request by security guards for building and grounds.

He referred to page 2, line 27. He believes that section 22 was added to the law which gave legislative security officers this power. The reason they wanted this was because some of them wanted to go to the community college. They wanted to take some classes. If they had a change in the law, they could qualify for LEAA funds.

There are five people that are classified as security officers. At least three of them are interested in taking classes up there. It would improve their ability as peace officers. Mr. Glover informed the committee that Mr. Cooksie and Bert Stevens work here all year long. This bill does not give them early retirement. It would help if the chief of building and grounds had a problem he would have the force ready to go right away. He feels it would protect the state of Nevada.

Mr. Murphy asked if they would be required to go through LEAA post training.

Mr. Glover replied no. It will improve the quality of the people we have now.

Mr. Murphy stated that he thinks they are asking for trouble.

Mr. Glover stated that this bill would make sure that they get people who are security people.

Mr. Murphy stated that he would be interested in checking with the crime commission. Mrs. Ford concurred with Mr. Murphy.

Mr. Harmon moved for a do pass which was not seconded because Mr. Murphy indicated that he would like to wait a day and check with the crime commission.

The committee discussed A.B. 637 next. Mrs. Ford stated that she had the amendments and believed that they were in order.

Mr. May moved for an amend and do pass which was seconded by Mr. Harmon. The motion carried unanimously. Mr. Dini and Mr. Schofield were not present at the time of the vote.

The committee next discussed S.B. 315. Mr. Harmon moved for a do pass, which was seconded by Mrs. Ford. The motion carried unanimously. Mr. Dini and Mr. Schofield were not present at the time of the vote.

The next bill to be discussed was A.B. 740. Mr. Craddock moved for an amend and do pass which was seconded by Mr. Harmon. The amendment is to change the word "shall" to "may". The motion carried unanimously. Mr. Dini and Mr. Schofield were not present at the time of the vote.

The next bill to be discussed was A.B. 653. Mr. Moody moved that this bill be re-referred to Commerce. Mr. May seconded the motion. The motion carried unanimously. Mr. Schofield was not present at the time of the vote.

Mr. Dini stated that the committee would meet at 9:30 A.M. on Monday, May 5, 1975 to discuss S.B. 491. He informed the committee that they would meet on Monday at the p.m. adjournment and would not have a meeting on Tuesday, as Mr. May had requested that his Taxation Committee be able to meet on Tuesday at 8:00 A.M.

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

Respectfully submitted,

Barbara Gomez

BARBARA GOMEZ,
Committee Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS
FRIDAY,
Date MAY 2, 1975 Time 8:00 AM Room 214

4- 1382

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA SUPERSEDES AGENDA FOR
FRIDAY, MAY 2, 1975

- S.B. 315 Transfers certain duties of state fire marshal to local fire marshals.
NOTIFY: Senator Schofield
Fire Marshal
- A.B. 740 Provides compensation for members of boards of directors of county fire protection districts. (Notify Assemblyman Jacobsen)
- A.B. 709 Requires applicant or his partner or officer to take examination for contractor's license.
Notify: Assemblyman Brookman
- A.B. 727 Confers peace officers powers on security officers and watchmen employed by chief of buildings and grounds division of department of general services.
Notify: Buildings and Grounds, Mrs. Glover
- A.B. 734 Reorganizes state departments dealing with natural resources.
Notify: Mr. Mello, Mr. Daykin

Please note: The only change on this agenda is the addition of A.B. 740, A.B. 709, A.B. 727 and A.B. 734.

*Please do not ask for counsel unless necessary.

GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

4- 1392

DATE: May 2, 1975 - 8 am

NAME PLEASE PRINT	BILL #	REPRESENTING	TESTIFYING
O.K. McFarland	315	LAS VEGAS FIRE DEPT	X
ROBERT L. STOKER	709	STATE CONTRACTORS BOARD	X yes
Louis BERGEMAN	734	NU. OUTFITTERS ASSN	X
VELMO DERICCO	734	NEV. DEPT CONS.	YES
Glen Griffith	734	Dept. of fish & Game	yes
Ernie Gregory	734	Environmental Health	yes
GEORGE G. BROOKMAN	709	GEN CONTR.	YES
Bob Weil	709	State HB Assn	yes
H. R. Coward	734	Wyo. Ranger Assn	yes.
H. BERKSON	740 740	LAKE TAHOE FIRE DIST	yes
Duane W. Newlon	740	Lake Tahoe Fire Dist	X +
James Hoch	740	- - - -	X +
Jim Lien	740	Net Tax Comm	yes
Roland D. Westergard		State Engineer	NO
Jim White	734	State Parks	NO
George Zappettini	734	Forestry	NO

STATEMENT OF ELMO J. DeRICCO, DIRECTOR
DEPARTMENT OF CONSERVATION AND NATURAL
RESOURCES, before Assembly Government
Affairs Committee Regarding A.B. 734

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Attached to this statement are copies of the cursory reviews submitted on A.B. 734 by members of various administrative offices, as well as individual division administrators within the Department of Conservation and Natural Resources. I must emphasize that the review was confined only to the Bill as time did not permit detailed analysis of its effect on other laws and/or other agencies in the Executive Branch of government. We are fearful that the legal ramifications of this legislation goes far beyond those items identified in this document.

The attached reports identify some of the problem areas. They also point out numerous technical errors in the Bill itself and offer several different philosophies in restructuring the Department of Conservation and Natural Resources.

These brief comments are from professional employees who work in these capacities every day, and are personally responsible for the results. I strongly urge you to heed their advice.

The concept of separating agencies which must foster special interests from those which must administer basic resources with equity to all interests is good. All of the affected agencies, as well as the public, will, without question, benefit if the changes are made properly and in an orderly manner.

The basic resources are air, land and water. The feeling is very strong in the Department that the Division of Lands must be a part of the proposed Department of Natural Resources, where Department policy does not favor any special interest.

MAY 1, 1975

A.B. 734

4- 1394

The numerous drafting errors and omissions that have been identified in A.B. 734 dismay us. Passage of this legislation, without extensive review, could cripple the State's resources programs.

Every citizen in Nevada will be affected by the changes that are proposed. We urge that all boards, commissions, industries, and the public at large, who have an interest in, and/or may be affected by these changes, be fully informed of any action that is proposed, and further, that they be given an opportunity to be heard.

There is very little time left in this Session to accomplish what must be done to make this legislation viable. The mechanics to accomplish an equitable solution to this matter were made available by the passage of S.C.R. 8.

I recommend that no further action be taken on A.B. 734 and that it be used as a basis for study of the entire matter, under the provisions of S.C.R. 8.

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4- 1395

Address Reply to
Nye Bldg., 201 So. Fall Street
Carson City, Nevada 89701
Telephone (702) 885-4360

STATE OF NEVADA

Department of Conservation and Natural Resources

OFFICE OF THE DIRECTOR
CARSON CITY, NEVADA 89701

April 30, 1975

MEMORANDUM

TO: Elmo J. DeRicco
FROM: Norman S. Hall
SUBJECT: Comments on A.B. 734.

A.B. 734 proposes to establish a Department of Outdoor Recreation, consisting of:

1. Fish and Game Division
2. Forestry Division
3. State Lands Division
4. State Parks Division
5. State Committee on Federal Land Laws.

This bill further proposes a Department of Natural Resources, consisting of:

1. Colorado River Resources Division
2. Conservation Districts Division
3. Environmental Protection Division
4. Oil and Gas Conservation Division
5. Water Resources Division.

State Lands is concerned with land records and land use planning. It definitely does not belong in the Recreation Department. It has no responsibilities in recreation.

Forestry is concerned with forest management, including fire suppression responsibilities. I question whether this division rightfully belongs in a Recreation Department. The United States government places the U.S. Forest Service in the Department of Agriculture.



A.B. 466, as passed by the Assembly, broadens the responsibilities of the State Committee on Federal Land Laws and changes the membership. The responsibilities of this Committee are aimed at Federal land law proposals and Federal land managing agency administrative proposals. The responsibilities of this Committee are most certainly greater than outdoor recreation.

Conservation Districts mainly work with rural environment. The Federal Soil Conservation Service is within the U.S. Department of Agriculture. Perhaps this may be an approach the Committee would desire to explore.

The Environmental Protection Division, as proposed, consists of:

1. Bureau of Environmental Health
2. State Environmental Commission
3. Nevada Tahoe Regional Planning Agency.

The State Environmental Commission is a rule making policy board. The Bureau of Environmental Health is the enforcement agency for the Commission. A.B. 734 does not give any direction or authority or qualifications for an administrator of this division. The Nevada Tahoe Regional Planning Agency is made up of three county commissioners, Governor's appointee, and Director of Natural Resources. This would be an awkward situation and will lead to possible conflicts.

S.C.R. 8 has been passed by both houses of this Legislature which calls for a reorganization study of Fish and Game Department, Agriculture Department, Human Resources Department, and the Department of Conservation and Natural Resources.

The changes proposed by A.B. 734 will touch nearly every citizen of this State. I urge this Committee to realize the short time left for proper consideration of such an important piece of legislation. It would be much better to call for statewide public input as contemplated in S.C.R. 8.

NSH:b

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

201 South Fall Street, Carson City, Nevada 89701


Address All Communications to
the State Engineer, Division
of Water Resources

In reply refer to
No.

April 30, 1975

MEMORANDUM

TO: Elmo J. DeRicco, Director

FROM: Roland D. Westergard, State Engineer 

SUBJECT: Assembly Bill 734

I have reviewed the subject bill from the standpoint of general concept and specific language. In view of the seriousness of resource impact and resulting affects on the State welfare, the bill is premature. The concept advanced in the Senate Concurrent Resolution No. 8 for an interim investigation is certainly preferable. Another general observation is that the proposed "split" of agencies may not be the most reasonable nor desirable from the resource and impact aspects. Again, it is premature to even make recommendations on this division of agencies.

As regards specifics, there are discrepancies in the bill that lead to overall questions about its merits. For example, lines 11 through 13 on Page 12 refer to the "environmental protection division of the department of outdoor recreation." However, line 14 on Page 5 would seem to indicate that this division would be in the department of natural resources. Lines 1 through 3 on Page 16 would require the department of outdoor recreation to be involved with preserving and protecting the sources of water of the Marlette System. However, the water resources division would be within the department of conservation. This is inconsistent. On Page 19, lines 10 through 14, there is reference to the environmental protection division of the department of natural resources which is in conflict with lines 11 through 13 of Page 12. Also, lines 26 and 27 on Page 19 refer to the chief of the fish and game division of the department of natural resources. Other references, particularly in section 12 on Page 3 indicate that the fish and game division would be within the department of outdoor recreation. Lines 22 through 24 on Page 5 provide that the state engineer shall be appointed by the director of the department of natural resources, but lines 47 through 50 provide that the state engineer be appointed by the director of the department of outdoor recreation. (Lines 47 through 50 on Page 48)

Elmo J. DeRicco
April 30, 1975
Page two

4- 1398

I have not reviewed the details sufficiently to confirm that the above are the only discrepancies in the bill. However, I think discrepancies described our sufficient to indicate its total inadequacy.

RDW:gs

RECEIVED

APR 30 1975

Department of Conservation
and Natural Resources

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STATE OF NEVADA
DIVISION OF
COLORADO RIVER RESOURCES

P.O. Box 1748
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 739-8480

RECEIVED
MAY 1 1975



MIKE O'CALLAGHAN
GOVERNOR



DONALD L. PAFF
ADMINISTRATOR

April 30, 1975

Department of Conservation
and Natural Resources

Memorandum

To: Elmo DeRicco, Director, Department of Conservation
and Natural Resources

From: Administrator, Division of Colorado River Resources

Subject: Comments on A.B. 734 as introduced April 25, 1975

The following are general comments on the proposed bill
A.B. 734 which reorganizes State departments dealing with
natural resources:

1. There is no indication in the bill as to who appoints the Director of the Department of Outdoor Recreation.
2. There is no authority given to the Director of the Department of Outdoor Recreation with respect to the Division of Fish and Game. The chief of that Division is appointed by a Commission without either concurrence, recourse or authority of the Department head.
3. We feel that the Land Division should properly be retained in the Department of Natural Resources.
4. We do not see any effect upon the Division of Colorado River Resources except on page 13 of the Bill, we believe that our land authorities should refer to the new Department of Outdoor Recreation with regard to planning procedures.
5. Detailed comments are attached which indicate some necessary corrections as well as some subjective discussions. The corrections for page 8, lines 14, 25, 33, 43, 49 and page 9, line 14 are suggested to be consistent with other sections of the Bill.

Donald L. Paff
for Donald L. Paff

Enclosure

DIVISION OF COLORADO RIVER RESOURCES
 DETAILED COMMENTS ON A.B. 734

Page 1 line 13 & 14 Section 5.1 . . . "in the field of [forest and
 wildlife management.] forest, wildlife
or park management."

or

". . . in the management of forests,
wildlife or park resources."

(NOTE: as written, incumbents in largest Division (Parks)
 may not be able to become Director.)

Page 3 line 3 through 6

(NOTE: express authority to compile, produce, publish
 literature for sale and to allow proceeds to go
 into Department of Outdoor Recreation Cooperative
 Fund would be consistent with activities of other
 National & State Park Systems).

Page 8 line 14 "The assistant director . . ."

line 25 ". . . to the assistant director . . ."

line 33 ". . . the assistant director . . ."

line 43 "1. The assistant director . . ."

line 49 ". . . the assistant director . . ."

Page 9 line 14 ". . . The assistant director . . ."

Page 11 line 25, 26 ". . . the assistant director . . ."

(NOTE: Not absolutely essential!)

Page 11 line 32 ". . . assistant director . . ."

Page 12 line 13 ". . . division of the department of [outdoor recreation] natural resources . . ."

line 27 ". . . division of the department of [outdoor recreation] natural resources or . . ."

Page 13 line 28 ". . . natural resources and the department of outdoor recreation and the county . . ."

(NOTE: Also correct NRS 321.510 (1) ". . . other divisions of the department of natural resources and the department of outdoor recreation and the county . . .")

Page 18 line 48 ". . . of the department of [natural resources] outdoor recreation . . ."

(NOTE: Page 30 - line 36 Should Department of Outdoor Recreation be permitted to concur with appointment of chief of the Fish & Game division as appointed by the Commission? Also, on page 31, line 18, should not the biennial report to the Governor of the Division of Fish & Game go through the Director of the Department of Outdoor Recreation? Also, various other activities of the Fish & Game Division on pages 32 might well be coordinated or concurred upon by the Department Director, otherwise there would be an autocratic division that is inside a department, but without departmental review authority.

Page 48 line 49 ". . . department of [outdoor recreation] natural resources . . ."

Page 50 line 32 ". . . in trust by the [division of] Colorado River Resources Division of the . . ."



4- 1402 AB734
ADDRESS REPLY TO
DIVISION OF STATE LANDS
NYE BUILDING
TELEPHONE 882-7481

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

CARSON CITY, NEVADA 89701

May 1, 1975

M E M O R A N D U M

TO: Elmo J. DeRicco, Director
FROM: John L. Meder, Administrator *JLM*
RE: AB 734--Comments on NTRPA

Careful consideration should be given to making the NTRPA a State agency. NTRPA is an independent entity having limited powers that was created by the 1973 legislature. It is also a general power agency that will be reactivated upon the dissolving of the Bi-State TRPA compact. (NRS 278.702 - NRS 278.770) AB 734 does not speak to the dormant agency.

- : Since the NTRPA is a separate entity, the major association the Director of the Department of Conservation and Natural Resources has is being a member of the governing body. The Department has been providing administrative services to the agency since no funds were provided for clerical services. This arrangement has been satisfactory and could be continued as long as the NTRPA work requirements remain small.
- : The membership of both NTRPA Agencies has a majority of local government appointed members--3 local and 2 state. It is possible for the local governments majority to place the state in a position of legal and financial liability if NTRPA becomes a State agency.
- : Numerous legislators and state officials have expressed concern about possible state liability that may be incurred by NTRPA action. By making it a state agency there would be no doubt about state liability. Currently, there are about \$250 million of claims against the Bi-State agency. The NTRPA has also been named in many of these claims. Specifically, there are at least 3 resort hotels approved by the NTRPA that are in court at this time. NTRPA being a State agency could place a substantial obligation on the state if damages are awarded to the project owners.
- : AB 734 needs amending to correctly reflect NTRPA as in Natural Resources and not Outdoor Recreation.



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

CARSON CITY, NEVADA 89701

1403

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May 1, 1975

MEMORANDUM

TO: Elmo J. DeRicco
FROM: John L. Meder *JLM*
RE: AB 734 Comments from Division of State Lands

We have reviewed AB 734, and are extremely concerned about the possible adverse affects it would have on the Division of State Lands programs. There has not been enough time to properly analyze and understand all the possible affects and ramifications of this broad far reaching proposal. There are many inconsistencies and errors that need correction and clarification before final action is considered. In addition, there are several policy decisions that must be made such as removing the present moratorium on the sale of state land and placing the state land use planning program in a Department that is outdoor recreation and wildlife management oriented.

SCR 8 which has already been passed by the legislature provides the mechanism to review and analyze the reorganization proposal, correct errors, study policy alternatives and make recommendations for consideration by the 59th legislature. Premature action at this time could result in creating many unforeseen problems that could compound the issue under consideration.

Some of the concerns of the Division of State Lands include:

- : The removal of the moratorium on the sale of state land in Section 171. Presently legislative approval is required before state rural land can be sold, traded, or leased.
- : AB 175, which reorganized the Division of State Lands included more statute sections than AB 734. The legal experts should be consulted for the need of amending these other sections. Specifically, NRS 321.020 was excluded and needs to be included in the bill.
- : Land being a basic natural resource should remain in the same Department the other basic natural resources water and air are located.

: The State land use planning program is complimented by the water planning efforts of the Division of Water Resources. Better coordinated programs can be accomplished by working together in the same Department than in separate Departments. Combined efforts are extremely important at this level due to Nevada's limited water supply.

: The State land use planning program is a broad based effort that speaks to all land uses. These include agricultural, mining, industrial, urban and rural, transportation, energy production and transmission, in addition to recreation, forestry and wildlife management. To be effective, it can not be aligned too strongly with any one type of use. Putting this important program in the Department of Outdoor Recreation, where the direction, because of the positions qualifications, will be forestry and wildlife oriented, would place a severe handicap on its ability to function as intended by the land use planning legislation.



4- 1405

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
CONSERVATION AND NATURAL RESOURCES DIVISION
NYE BUILDING, ROOM 216
201 S. FALL STREET
CARSON CITY 89701

ROBERT LIST
ATTORNEY GENERAL

L. WILLIAM PAUL
DEPUTY ATTORNEY GENERAL

May 1, 1975

MEMORANDUM

TO: To Whom It May Concern
FROM: L. William Paul, Deputy Attorney General
SUBJECT: AB 734

A handwritten signature in dark ink, appearing to read "L. W. Paul", written over the typed name in the "FROM" field.

This bill is poorly written. In essence the bill abolishes the Department of Conservation and Natural Resources and creates two new departments, i.e., Outdoor Recreation and Natural Resources and, of course, brings Fish and Game into the Department of Outdoor Recreation as a division. No provision is made for appointment of the Director of either of the new departments. The Assistant Director of the newly created Department of Outdoor Recreation is ex-officio State Land Registrar. This would abolish the position now held by John Meder.

It would appear that provision is made in the newly created Department of Outdoor Recreation for legal services by the Attorney General but that no such provision exists for the Department of Natural Resources. This is questionable and needs further study.

NRS 232.020 creates the Department of Natural Resources and 232.100 provides that the executive head of the Water Resources Division is the State Engineer who shall be appointed by and be responsible to the Director. This is the Director of the Department of Natural Resources. However, on page 48, NRS 532.020 provision is made that the State Engineer shall be appointed by and be responsible to the Director of the Department of Outdoor Recreation. On page 12 in 278.792, the Nevada Tahoe Regional Planning Agency is created within the Environmental Protection Division of the Department of Outdoor Recreation. However, the Environmental Protection Division has been set up as a Division of the Department of Natural Resources.

The bill, on page 53, sec. 171, lifts the land sales and leasing moratorium.

The bill should be completely rewritten with a great deal of thought and study given thereto and in my opinion a two year study as provided in S.C.R. 8 is needed to evaluate the broad spectrum of conservation, natural resources, land use planning, recreation, etc.



4- 1406

Division of Conservation Districts

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

CARSON CITY, NEVADA 89701

April 30, 1975

MEMORANDUM

TO: Elmo J. DeRicco
FROM: Ted Bendure, Administrator
SUBJECT: A.B. 734

I have reviewed A.B. 734 with special reference to the Division of Conservation Districts becoming part of the "new" Department of Natural Resources.

The Division would remain directly responsible to the State Conservation Commission, the Director of the Department of Natural Resources, and perform administrative acts as required by NRS 548. Therefore, the change would be in the composition of the "new" Department and the subsequent Department Director, now and in the future, which is of utmost importance to Conservation Districts efforts in Nevada.

The composition of the Department of Outdoor Recreation and its subsequent wildlife oriented Director will have a direct effect on conservation efforts at the local level. Placing the Division of State Lands and therefore Nevada's land planning efforts in the Department of Outdoor Recreation and at the mercy of a Director selected for his "training, experience, capacity and interest in the field of forest and wildlife management", will raise a furor among agriculturists.

Because of the magnitude of this proposal, it is of absolute necessity that the entire bill and any subsequent measures be discussed by both the State Conservation Commission and the Nevada Association of Conservation Districts prior to any reorganization. The earliest this could be completed is December 1, 1975.

TB:b

DIVISION OF FORESTRY

COMMENTS ON A.B. 734

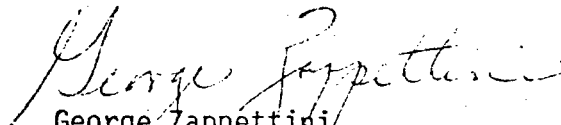
4- 1407

We believe that the proposed name, Department of Outdoor Recreation, is not descriptive of the function of the proposed departmental grouping of Fish and Game, Forestry, State Lands, Parks, and Committee on Federal Land Laws. The agencies involved have a greater role in management of renewable natural resources than is readily apparent. The name Department of Conservation is suggested.

From the Division of Forestry viewpoint the proposed changes would not adversely affect its operation and are satisfactory.

However, it must be recognized that there are many details which must be worked out. There also has not been time for all those affected and concerned to study and make comment.

Therefore while Forestry is in favor of the intent of A.B. 734, it is recommended that more study be given to this highly important matter.


George Zappettini
State Forester



NEVADA
STATE
PARK
SYSTEM

MEMO

TO Elmo DeRicco
FROM Eric Cronkhite
SUBJECT AB 734

4-1408
DATE April 30, 1975

The following comments pertain to AB 734.

Page 1, Section 2, Line 4

Department of Outdoor Recreation name not indicative of overall function of Department.

Page 1, Section 5, Lines 12-14

Qualification of Director is too limiting -- should include parks, outdoor recreation, forestry, fisheries, wildlife management, or combination of related natural resources management knowledge.

Page 2, Section 7, Line 5

The only person who can qualify for Assistant Director is the Administrator of the Division of State Lands. Assistant Director, and Administrator of State Lands Division are two full-time jobs.

Page 2, Section 8, Line 33 (e)

Report would compete with biennial report, but would offer more useful information.

Page 4, Section 21, Line 33

Recommend that the Director's qualifications not be limited to an engineer.

Page 11, Section 40, Lines 35-3, Page 12

Recommend abolishing from Line 38 [to conduct a feasibility study] to Line 48 [and empower and authorize the board to organize].

Page 19, Section 67, Lines 26-27

Check for accuracy, should be Outdoor Recreation Department instead of Natural Resources Department.

Insertion of correct Department name is needed in NRS Sections 407.011, 407.205, 407.207, and 407.209.

EC/bc

RECEIVED
APR 30 1975

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NORMAN GLASER
Chairman



Address reply to
Nye Building
Telephone 885-4363

STATE OF NEVADA
NEVADA STATE ENVIRONMENTAL COMMISSION
CARSON CITY, NEVADA 89701

April 30, 1975

MEMORANDUM

TO: Elmo J. DeRicco, Director
FROM: Ken Boyer, Executive Secretary *KB*
SUBJECT: Comments on A.B. 734

1. Page 12, line 12 and 13, sec. 42, NRS 278.792. It appears that this amendment is not consistent with the bill in that the Environmental Protection Division is not in the Department of Outdoor Recreation but in the Department of Natural Resources as proposed in sec. 65, page 19, line 10.

2. Page 12, line 26 and 27. It appears that this amendment is also inconsistent with the bill in that the Environmental Protection Division is not in the Department of Outdoor Recreation but in the Department of Natural Resources as proposed in sec. 65, page 19, line 10.

3. Page 19, line 27 (A), sec. 65. This line should read, "Department of Outdoor Recreation", not "Department of Natural Resources".

4. Page 19, line 8, sec. 65, NRS 445. It appears from this section that an enumerable amount of changes to the Nevada Revised Statutes relative to the State Environmental Commission have been overlooked. The following NRS would be effected:

- | | |
|-------------|-------------|
| NRS 232.090 | NRS 444.530 |
| NRS 444.560 | NRS 444.570 |
| NRS 444.580 | NRS 444.600 |
| NRS 444.610 | NRS 445.100 |
| NRS 445.354 | NRS 445.424 |
| NRS 445.451 | NRS 445.640 |
| NRS 445.660 | NRS 488.335 |

STATEMENT
OF
ERNIE GREGORY
Chief
Bureau of Environmental Health
May 2, 1975

I am speaking neither for nor against A.B. 734. As you may be aware a portion of the Bureau of Environmental Health anticipated being transferred to the Department of Conservation and Natural Resources by action of this session of the Legislature. This anticipated transfer is reflected on page 503 of the Governor's Budget Proposal and resulted in the preparation of proposed changes in the Nevada Revised Statutes to, among other changes, accomplish this transfer. The budget request was prepared to make the Bureau more or less administratively self-sufficient to minimize the impact of the transfer on the administrative resources of the Department of Conservation and Natural Resources. However, with the introduction of Senate Concurrent Resolution 8 this transfer has been deferred, leaving the Bureau in a state of limbo with certain staff salaries frozen.

As to the bill, there is confusion in which department the Bureau would be located. Section 23, line 14, page 5, and Section 65, line 10, page 19, indicate the Bureau would be a Division within the proposed Department of Natural Resources; but in Sections 42 and 43, lines 12 and 26, page 12, it is indicated as being a Division within the Department of Outdoor Recreation. The intent of the location of the Bureau should be clarified.

4-

The bill seems to assume the Bureau of Environmental Health is an agency specifically organized and structured under the Nevada Revised Statutes. This is not the case. The Bureau is a Section within the Department of Human Resources assigned or delegated the responsibility of implementing or enforcing certain statutory provisions. These for the total Bureau program involve food and drink sanitation, radiological health, air pollution, water pollution and solid waste management. I do not believe it is the intent to move all the programs to one of the new Departments, especially the food and drink sanitation and the radiological health programs, but rather more those related to environmental areas: air pollution, water pollution, and solid waste.

To accomplish this, these specific sections of the NRS must be addressed and are as follows:

1. The Chief or preferably the Administrator of the Division of Environmental Protection must be defined and qualifications, including federally required conflict of interest provisions, set forth.

2. NRS 116.040, 117.027, 244.9241, 244.9244, 278.420, 445.080, 445.090 and 445.100 should be amended to replace designation of [Health Division] with Environmental Protection Division.

3. NRS 445.211, 445.221, 445.227, 445.231, 445.234, 445.237, 445.241, 445.257, 445.261, 445.264, 445.274, 445.281, 445.287, 445.291, 445.294, 445.304, 445.307, 445.314, 445.317, 445.324, 445.331, 445.344, 445.451, 445.456, 445.473, 445.474, 445.476, 445.477, 445.491, 445.496, 445.497, 445.556, 445.576, 445.581, 445.586, 445.598, 445.601 and 445.660 should be amended so that [Department] would read Division.

4. NRS 445.214, 445.224, 445.267, 445.271, 445.284, 445.304, 445.307, 445.311, 445.314, 445.317, 445.321, 445.324, 445.327, 445.427, 445.473, 445.526, 445.529, 445.571, and 445.598 should be amended so that [Director] would read Administrator.

5. NRS 444.510, 445.590 and 444.600 should be amended so that [State Board of Health] would read Administrator of the Environmental Protection Division.

6. NRS 444.570 should be amended so that [State Health Officer] would read Administrator of the Environmental Protection Division.

7. NRS 278.808 should be amended so that [Chief of the Bureau of Environmental Health] would read Administrator of the Environmental Protection Division.

8. NRS 445.146 and 445.424 should be amended so that [Department of Human Resources] would read Department of Natural Resources or Department of Outdoor Recreation.

Other amendments suggested are as follows:

1. NRS 439.200, Section 1(e) amend by adding: except as defined in Chapters 444 and 445 of NRS.

2. NRS 445.354 amend by adding a new Section: All rules, regulations and standards promulgated by the State Board of Health pertaining to water pollution control in force on July 1, 1975, shall remain in effect until such time as revised by the commission pursuant to NRS 445.080 to 445.120, inclusive.

3. Both the air and water pollution portions of Chapter 445 of NRS should be amended by adding a definition of the Environmental Protection Division.

April 28, 1975

4 1413

AMENDMENTS TO A.B. 637 BY THE MARLETTE LAKE WATER SYSTEM ADVISORY COMMITTEE

Page 2, Line 1, Sec. 4 - "Project" means the (delete "acquisition")

add construction

Page 2, Line 5, 1. - A severe and critical shortage of water (delete "Prevails"), add is imminent

Page 2, Line 16 - add and other minor obligations.

Page 2, Line 19 - (delete "a plan and program"), add an engineering study prepared by Water Resources Consulting Engineers, and Montgomery Engineers of Nevada, intended

Page 2, Line 21, No. 5 - change to read 5. The state shall maintain Marlette Lake as an efficient trout brood stock and spawn taking facility.

Page 2, Line 31 - change existing Sec. 6 to Section 7, Sec. 7, to 8, etc.

Enter new Sec. 6

New Sec. 6 The State Public Works Board Shall:

1. Determine the nature and extent of the facilities to be constructed after analysis of engineering reports and consultation with the Marlette Lake Water System Advisory Committee, the State Department of General Services, the State Department of Conservation and Natural Resources and the City of Carson City.
2. Verify the execution of a contract between State and City which will assure reimbursement to the State for the appropriate costs of design and construction of the facilities, and
3. Issue a resolution certifying the need for moneys to accomplish the project.

Page 2, Line 32 - (delete "acquire"), add construct

Page 2, Line 34, 1. - (delete "acquire"), add construct

Page 3, Line 2, Sec. 2 - The cost of the project shall include in addition to ¹⁴¹⁴ 4-
the items specified in NRS 349.168 not to exceed the sum of \$45,000 for
preparation of an environmental impact statement under direction of the
State Public Works Board. The initial sum shall be derived from the
General Fund and not to exceed the sum of \$6,500 for the employment and
retention of financial consultants and attorneys at law. The amount of
\$25,000 shall be provided from the General Fund for preparation of a
watershed management plan under the direction of the Department of
Conservation and Natural Resources.

Page 3, Line 15 - (delete "acquired"), add constructed

Page 3, Line 17 - (delete "acquiring"), add constructing

Page 3, Line 20 - (delete "acquisition"), add construction

Page 3, Line 23 - (delete "acquire"), add construct

Page 3, Line 24 - (delete "acquisition"), add construct

Page 3, Line 38 - (delete "lowest bidder"), add state

Page 4, Line 7 - (delete "to"), add including

Page 4, Line 12 - (delete "as recommended in the plan, program and"),
add from the

Page 4, Line 43 - (delete "governor"), add Interim Finance Committee

Page 4, Line 48 - add after "by" NRS 331.170 or

50,000,000

10,000,000