

SENATE FINANCE COMMITTEE  
MINUTES OF MEETING  
MARCH 9, 1977

The meeting was called to order at 8:00 p.m.

Senator Floyd R. Lamb was in the chair.

PRESENT: Senator Floyd R. Lamb, Chairman  
Senator James I. Gibson, Vice-Chairman  
Senator Eugene V. Echols  
Senator Norman Ty Hilbrecht  
Senator C. Clifton Young  
Senator Norman Glaser  
Senator Thomas R.C. Wilson

OTHERS: Ron Sparks, Deputy Fiscal Analysis  
Cy Ryan, CPU  
Howard Barrett, Budget Director  
Norman S. Hall, Director, Department of Conservation & Natural Resources  
John Fransway, Environmental Conservation  
Kenneth S. Boyer, Executive Secretary, State Environmental Commission  
Rolan D. Westergard, State Engineer, Department Water Resources  
Julian Smith, Commission of Federal Land Laws  
Allision A. Millard, Administrator Division of State Lands  
Ted Bendure, Conservation District  
Frank W. Daykin, Legislative Counsel

Mr. Norman Hall spoke on the Budget (page 634) See attached memorandum.

Senator Lamb asked Mr. Hall if it is not more or less the opinion of the parks people that we ought to improve the parks we've got.

Senator Hilbrecht asked where is the \$6,000 management study and what would the \$1,000 be in the next year? Senator Hilbrecht wanted to know what kind of work was the on going contractual service arrangement?

Mr. Hall said the \$6,000 management study is a "one-shot" cost in the first year. The \$1,000 is used when the Deputy Attorney General has to get a court reporter for transcripts and depositions etc.

Senator Lamb asked who was instate travel for.

Mr. Hall said it was for our department people. Our accountant goes out and our Legal Deputy Attorney General, plus the people in the Department.

Senator Lamb asked Mr. Hall who is the Assistant Director?

Mr. Hall said Steve Robinson.

Senator Lamb asked what he did. Mr. Hall said he is my Assistant Director and he helps me.

*Environmental*  
STATE EMPLOYMENT COMMISSION (page 636,637)

Mr. Fransway said it is his proposal and the proposal of the Commission, which consists of eight appointed people from the State of Nevada, to attempt to provide a buffer between the Federal and the Nevada agencies. He said if we are able to have meetings, set up efficient standards, set up compliance schedules and so forth, we can deal almost entirely within the State of Nevada on environmental issues.

Mr. Fransway said he is asking for an increase in instate travel on page 636 to \$7,500.

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Mr. Fransway said he talked to the Governor and he said, "I never appointed a Republican to a job in my life where he didn't want to double the budget."

A.B. 279 was unanimously passed.

CALIFORNIA-NEVADA COMPACT (page 643)

Mr. Westergard discussed the request for \$3,000 for the California-Nevada Interstate Compact Commission. He said several years ago the Nevada Legislature approved a water compact allocating the waters of Lake Tahoe and Carson Truckee Walker Rivers between the States of California and Nevada. It was submitted to Congress for ratification and unfortunately has not been considered by the Congressional Committees as of the date. He said it was recently introduced in February in this session of Congress.

Mr. Westergard said he feels it is necessary to have funding available in the event we are able to get it set for committee hearings before the United States Congress and the funds requested would be essentially to defray the expenses of Commission members, if in fact, trips to Washington are necessary or if in fact, meetings with our counterpart in California, are required to further the efforts of the Interstate Compact.

Mr. Westergard said the Commission in the State of California, our counterpart in California, was dissolved this year but has insurances from the Department of Water Resources in California, that if we are able to again actively pursue this compact, that the support from the State of California, will be forth coming.

Senator Glaser said we have been funding this thing as long as he can remember. He asked Mr. Westergard if he was going to get the compact ratified as long as the Indians are stirring things up around Pyramid Lake.

Mr. Westergard said this is one of the reasons the Federal people have been reluctant to submit Federal agency reports on the proposed compact. He said the issue of the allocations between the States will have to be resolved in some form.

He said in the last year we spent around \$63 in 1975-76 so even though the money has been appropriated, we have not spent it and we feel it is justified.

TAHOE REGIONAL PLANNING AGENCY (page 646) See attached.

Senator Lamb asked if this was the agency to take care of Nevada's interest in that area so as to see that California doesn't run away with it?

Mr. Hall said it was the bi-State compact that Nevada entered into with California.

Senator Gibson asked what was the effect of the legislation before us and will it effect this budget?

Mr. Hall said it is to modify the three pieces of legislation that are presently introduced. It goes to the organization and the voting and membership on the bi-State agency.

Senator Lamb asked Mr. Hall to tell him about the composition of the Tahoe Agency.

Mr. Hall said on the Nevada side there are five members. Three of which represent local government, one from Douglas County, one from Carson City and one from Washoe County. There is a Governor's appointee. The Director of the Department is on it by law or his designee.

Senator Lamb asked if they work with a like committee out of California. Mr. Hall said yes.

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FEDERAL LAND LAWS (page 647) See attached.

Juliam Smith requested an increase in the buget from \$2,500 to \$7,500 that had been recommended by the Governor. The increase is to hold additional meetings in the next biennium.

Mr. Smith said we are asking for \$900 in Contract Services. This is for speakers to attend conferences who do not have budgets.

Senator Lamb said maybe speakers should be sent instead of bring them out.

Senator Gibson asked what does A.B. 278 do to this budget?

Mr. Smith said it abolishes it. There are recommendations for amendment to it that would recreate us under State Land and take away our identity as far as who we represent. It would reduce the size of the committee and not identify us with any certain agency.

Senator Young if the mentioned meeting accomplished anything worthwhile.

Mr. Smith said he was encourage by its active participation. People enjoy coming, we are fullfilling a need and there is excellent feedback.

SOIL CONSERVATION DISTRICT (page 638) See attached.

Senator Lamb asked Mr. Bendure what the EPA Planning Grant was?

Mr. Bendure said it was part of the "208" program.

Senator Young wondered how closely Mr. Bendure was going to coordinate where there is any overlapping and if he was going to be working with the Four Corners Grant program.

Mr. Bendure said there is one conservation district in Carson Valley working with the Four Corners. A contract was recently signed.

Senator Young asked what was going to be done with the Four Corners??

Mr. Bendure said some extensive map work will be done on the flood plains in the Carson Valley.

Senator Gibson asked Mr. Bendure what his background was.

Mr. Bendure said he earned masters degree in Agriculture and Resource Economics from the University of Nevada.

Senator Lamb asked if there was a Federal employee in most area conservation districts? Mr. Vendure said there are thirteen offices of SCS in this state. There are eight conservation districts in Elko, the main office is in Elko and a sub-unit in Wells.

Senator Glaser was not satisfied with the answers to Senator Young's question in regard to the relationship of the state office with the SCS federal office.

Mr. Bendure clarified it by saying we are not. The state agency tries to direct what the SCS will be doing. SCS is to work through conservation districts. The local districts are the ones that develop work plans which in essence dictate what the SCS should be doing.

DIVISION OF WATER RESOURCES (page 640)

The purpose of this Divison is to determine and implement the best practical, legal and administrative arrangement and procedures required to achieve the most effective and economical utilization of the water resources of the State This program, to meet the basic responsibilities of the administration, adjudication, distribution and planning of the States' water resources,

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is conducted through the Carson City office and two branch offices (Elko and Las Vegas). The State Engineer, as administrative head of the Division, is responsible for the general supervision of these operating sections.

The proposed budget does not include planning grant funds. Although authorization for the Water Resources Council and associated planning grants ~~to the state has been~~ extended through fiscal year 1978, there are no assurances that funding will be available. The President's budget for fiscal year 1977 did not include any planning grant funds although a limited appropriation may be made available only through joint efforts of Congressional committees of both houses.

No increase in the program is contemplated and increases in the travel and operating categories are generally adjusted only for inflation. Two positions funded currently with federal funds have been deleted due to the uncertainty of the availability of the funds.

The recommendation for equipment includes the replacement of a 1972 truck which has over 60,000 miles; replacement of two typewriters; and, miscellaneous drafting equipment.

Senator Wilson asked if the budget would be effected by S.B. 153.

Mr. Westergard said he wasn't sure ~~what was~~ being purposed in S.B. 153. If in fact, some of the people assigned to this division were pulled out of this division, under S.B. 153, persumably this budget would be reduced to defray the personnel cost and salary of those people. If people are pulled out of this budget, it will effect our planning efforts and our day to day operations that we are involved in, in the Administration of the State Resources.

Senator Wilson said if S.B. 153 passes, we will need the judgement of how it would effect us.

Senator Hilbrecht wondered if it might be useful if there was a breakup of people that we believe for primary assignments, have to do with planning functions as opposed to water rights adjudication.

Senator Glaser asked if the Interstate Compact Committee still held meetings.

Mr. Hall said few meetings are held because of differences between the State of Washington and Idaho. It indicates that the states in the Pacific Northwest, are not getting along as well as they have in the past. This is due primilarly to limited water supplies.

Senator Young was concerned about the Western States Water Council.

Mr. Westergard said approximately \$13,000 goes to the Western States Water Council to support the Administrative staff of the council. The council is composed of three representative of each of the eleven western states.

Mr. Westergard said appearances have been made before Congressional Committee's on Safety of Damn legislation and all the gamets on what U.S. Congress is considering in the field of water resources that could affect the west. Mr. Westergard said it provides a collective form of representatives from eleven western states that can speak in one voice. He said he understands that the efforts through the Western Governor's Conference, that created the group in the first place to make this the Central Water Resource Agency, is to represent the Western Governor's and the Western United States. He said it will take on a significant roll in the future.

Senator Young wanted to know if there is anything to get out of this since there has been so many problems.

Mr. Westergard said the major effect and the most positive result is to have

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the assistance of the ten Western States in positions established before the U.S. Congress.

He said through discussions that prompted S.B.153, there has been discussion on interstate transfer. It is our position that the Western State's Water Council is a good forum for such discussion.

Senator Gibson asked if there has been any input into President Carter's freeze of various water projects.

Mr. Westergard said the Western State's Water Council will address that in Salt Lake City, Utah in April.

Senator Lamb asked about the \$100,000 that is being spent on the U. S. Geological survey.

Mr. Westergard said it has been going on since early 1960. The appropriation has not always been at the \$100,000 level. It has been for the last two or three years. It is a continuing program to develop and up date information on the various ground water basins throughout the state. There are some 252 ground water basins.

In addition to the preliminary evaluation of the resource available, and the potential for development, we have through that program, a network of stream gaging stations throughout the state which gives us information on the surface water runoff. When a ground water basin is developed extensively, they do provide assistance to come back and evaluate the effects of that development in determining, if in fact, it has reached its potential and if there is more water there for development.

Senator Hilbrecht asked if any work had been done in the Las Vegas Valley.

Mr. Westergard said there is a continuing monitoring program to monitor the effects of the ground water pumpage in the Las Vegas Valley. It is done on a year to year basis.

Senator Hilbrecht asked if the efforts were tangible?

Mr. Westergard said it is primarily a data collection function. There are some 252 ground water basins throughout the state, this is the primary source of water that may be available for the development of future growth of the State of Nevada, because the surface water sources are for all practical purposes fully committed.

Senator Hilbrecht asked what techniques the U.S. Geological Survey used for mapping.

Mr. Westergard said mapping is incorrect terminology. The justifications for the program statement in the budget are brief. It not only includes mapping but an estimate of how much water is available from these ground basins and the techniques used. This is through the information from the gages which our office maintains in cooperation with some of the Federal agencies.

Senator Hilbrecht asked if the Southern Nevada Water Supply System, has developed data to recharge the ground water basin resulting from non-use.

Mr. Westergard said the estimates that were developed years ago were from 25,000 to 35,000 acre feet per year. Since 1975 we issued temporary permits which were subject to revocation over 100,000 acre feet per year. Since the import of water through the Southern Nevada Water Supply Project, we have been actively revoking those ground water permits. In turn, as Senator Hilbrecht suggested, monitoring the effects of that.

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OIL AND GAS CONSERVATION COMMISSION (page 676)

The Nevada Oil and Gas Conservation Commission is composed of the State Engineer, the Director of the Nevada Bureau of Mines and Geology, and one lay member of the public appointed by, and serving at the pleasure of the Governor. The Commission is charged with receiving and issuing permits for the drilling of oil and gas wells, answering inquiries from the public and supervision of the producers of oil and natural gas to the degree that these natural resources will best serve the interests of the State. Revenues of the agency are derived from drilling permit fees, a severance tax of five mills per barrel of oil, and five mills per 50,000 cubic feet of natural gas.

Nevada has one producing oil field, the Eagle Springs field in Railroad Valley, Nye County, about sixty miles southwest of Ely.

The number of barrels of oil produced since the discovery of the field in 1954 totals 2,968,009 barrels as of December 31, 1975. The administrative services are provided by the Department of Conservation and Natural Resources. A reserve balance is maintained and carried forward each year to cover future operating expenses as needed.

Senator Lamb asked where the personnel comes from.

Mr. Westergard said we have no permanent personnel other than from my office which provides the staff support.

Senator Hilbrecht asked how the 5 mil tax of Nevada compares with other State's.

Mr. Westergard said he thought it was lower than most state's.

Senator Gibson asked what state lands are not in your custody?

Mr. Millard said all state lands except the Nevada State Highway Department.

Senator Gibson asked if he maintains custody of the Parks land.

Mr. Millard said we inventory them and work with them.

Senator Young asked what the total area of state land was.

Mr. Millard said around 185,000 acres including fish and game but not highways.

Senator Young asked who was working with subdivisions.

Mr. Millard said Fred Weldon and Bob Erickson.

Senator Young asked if there was any indication of a federal land planning measure.

Mr. Millard said we are concerned about the provisions of the Organic Act, which is loaded with land use planning. It is the first time within the Federal Government that such has been a part of the Federal Statute. It appears to us that the federal people would be able to come to the local community and direct land use planning and master planning if such was not being done in the individual counties.

Mr. Millard said in the last three weeks Congressman Udall had advised him that they are involved with the strip mining situation and the coal miners. As soon as this matter is resolved in the Congress, they are going to have a open hearing on land planning legislation.

Senator Young asked if the local communities are assisting them.

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Mr. Millard said we have a request for assistance from Louie Lamier, who is chairman of the Board of County Commissioner's in Lander County. Planners are to assist them in subdivision investigation.

Senator Young asked what counties.

Mr. Millard said we have assisted in Lincoln County, Esmeralda County, Nye, Boulder City and Storey County's.

Senator Lamb asked where in Lincoln County. Mr. Millard said they worked with Ken Lee.

CAREY ACT: S.B. 141

Mr. Millard said he met with Senator Dodge relative to the Carey Act, stating there is a renewed interest in this matter.

The Carey Act is an act passed in the Congress in 1895. The legislation in this state dates back to about 1911 and updated in 1925. It was primarily designed to encourage the acquisition of land for agriculture purposes, throughout the State of Nevada. There was an original grant of about two million acres.

There are certain fees established in the Act that he could pay including a \$1.25 an acre for this acquisition of this land. S.B. 141 raises the fees to what we believe the current cost criteria is. It changes the payment by acre from a minimum of \$10 per acre to include the fair market value, plus the cost of acquisition. This would be the development of his irrigation system etc. These matters under the act would be determined by the Carey Act Commission, which is comprised of Mr. Millard, Mr. Westergard, and Dean Bahmont, Dean of College of Agriculture, University of Nevada, Reno.

In developing the fiscal impact statement, there is a one-time appropriation of \$10,000 to assist in the payment of the administrative and fee cost. This is a replaceable fund by the fees that are charged to the applicant at the time we forward his application to the Bureau of Land Management.

It was the belief that once the case load reached the minimum of ten people, we would no longer be able to handle it with the present five people, thus, needing more personnel help. At the present time there are three cases pending. One is on publication by the State Engineer for water and a protest period is about to begin in Lander County.

The Bureau of Land Management has not published their regulations relative to the processing of The Carey Act applications.

Senator Young asked how many potential acres are potentially subject to The Carey Act applications?

Mr. Millard said 160 acres per individual.

Senator Young asked how many Carey Act applications have been approved and passed. Mr. Millard said there was a large development in Northern Elko County, of about 1700 acres. 800 of those acres are default and are not in the ownership of the State of Nevada. The balance was finally patented to the individuals.

Mr. Millard spoke on the Desert Land Entry and the Carey Act stating that they are different laws and still on the books.

Senator Lamb asked what other means can an individual acquire land other than the Desert Land Entry and The Carey Act.

Mr. Millard said under the Organic Act, there are sale provisions and that is fair market value. Land use planning is also involved in the Organic Act.

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Mr. Millard referred to S.B. 141, stating the \$10,000 figure should be \$18,000. There is a \$8,000 cost for a secretary.

Mr. Millard said the Federal Act is made available through application and the state is required to administer the act within its boarder.

Senator Lamb said he thought the fee should be enough to cover the cost of anybody's application.

Mr. Millard said he believed that within the acreage cost, depending on what the fair market value would be within the area where the application was made, that perhaps this money could replace the cost of the secretarial assistance or the other administrative cost.

Mr. Millard said because of limitations imposed by numbers of people, they can not hire anyone.

S.B. 62

Mr. Daykin explained that this bill provides for codifying the various regulations of the executive agencies of the state. This would be done as to past regulations over the next two legislative interiums. Any new regulation would also be codified. For that purpose, every regulation would be submitted first in draft form to the Legislative Counsel Bureau. This would be put into appropriate language and keep the code arranged logically by subject matter so that regulations could be found by the general public. Copies of the code would be kept in the Secretary of State's office and Attorney General's office, and additional copies wherever the legislature directed.

It also provides for legislative review of the regulations adopted. If in the codification process, it seems to us in codifying, that some regulation departs from the intent of the legislature in giving the agency regulation making power, we first bring it to the attention of the agency. If they back off that is the end of it. If they don't, we bring it to the attention of the Legislative Commission. The Commission will hear, consider, and decide whether in their judgement it does. If in their judgement it does, then they file a notice with the Secretary of State to that effect. Unless the agency within 90 days gets a declaratory judgement that the regulation is valid, the regulation expires.

The bill also gives the Attorney General the power to file a similar notice with the Secretary of State in similiar affect.

Mr. Daykin said in the area of legislative review, the bill permits any legislator or any person, affected by a regulation, to complain to the Legislative Commission, if our staff has not done so, that the regulation goes outside legislative intent or the agency acted arbitrarily or unreasonable in adopting or enforcing it. The Commission also hears that complaint.

If they find then that this does not knock the regulation out because this would be substituted the Commission for a court justice, it has the affect in any subsequent judicial action of placing the burden of proof on the agency. It raises the presumption that the regulation was invalid and the agency must prove that it is not.

Senator Lamb commented on the fact that Government Affairs processed this bill.

Senator Gibson said the money that would be required would be involved within the Legislative Council Bureau budgets. Senator Gibson felt the bill was important because the regulations at the present time are in no central place where all of them are kept together.

Senator Lamb asked if there was really a need for the money.

Mr. Daykin said the need for the money is relatively small because the



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professional work would be done by lawyers who are trying to keep on the pay roll for continuity. It would take two or three extra clerical positions and a couple mag card typewriters rented during the interim instead of handing back to IBM after the session.

Senator Glaser said this was the first time he had to review this bill and was concerned about the vast amount of regulations that would come out of the federal establishment and run through the federal register.

Senator Glaser said he liked the merits of the bill and the amount of money involved would be modest enough to insure some protection from the government by regulation.

Senator Young asked why are certain agencies, like the Gaming Control Board, exempt from this.

Mr. Daykin said they are exempt under the present Administrative Procedure Act. Mr. Daykin said they did not make a substitute change in the APA, but do provide those regulations to be published in the codification. He said they are not undertaking, for example, to review gaming regulations.

Senator Young questioned the regulation that the agency has 90 days to get a declaratory judgment.

Mr. Daykin said if the Legislative Commission finds that the regulation is inconsistent with the intent of the Legislature in adopting the statutes, which gives the agency regulation making power, then the agency has 90 days in which to get a declaratory judgment that the thing is valid or lapsed.

Senator Gibson heard from agencies, that the amendments adopted, have taken care of the objections.

S.B. 62

Senator Young: Do Pass  
Senator Gibson: 2nd  
Motion carried.

S.B. 270

Mr. Daykin prepared amendments instructed by Mr. Sparks. The amendments add an appropriation to the Legislative Commission for the automated text processing system in the Legislative Council Bureau for the bill drafting operation. They make the expenditure from the appropriation to the State Printer, contingent upon the approval of the Legislative Commission, so that the Commission can be sure that the equipment he is procuring will tie into the equipment that is being procured for the Council Bureau. Mr. Daykin does not anticipate that the requirement will involve any delay for them because they are settled on what they want to get and we are in good shape on what we believe we need and the systems tie together.

Senator Gibson asked the amount of money.

Mr. Daykin said \$500,000.

Amendment 239-A (See attached).

Senator Gibson asked what the period of time was for the legislative part of the amendment?

Mr. Daykin said it is for the coming biennium, making both of the appropriations revert.

Senator Glaser said he felt it would be worthwhile.

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Senator Glaser: Moved to amend and Do Pass  
Senator Gibson: 2nd  
Motion carried.

Senator Lamb thanked Mr. Daykin for coming.

Senator Glaser moved to reconsider S.B. 298 involving appropriation for six million dollars for bonds.

Because of lack of committee members they did not act on this bill.

S.C.R. 16

Senator Hilbrecht: Moved to amend to \$5,000 and pass.  
Senator Young: 2nd  
Motion carried.

Mr. Barrett said if you do that you are not really making an appropriation but leaving the old language.

Discussion and confusion followed. Senator Echols asked if it could be amended to be worded to reappropriate the \$5,000.

Mr. Barrett said he would like to see language at the end saying you are actually appropriating \$5,000 for the balance.

Senator Lamb said he didn't care where he put it just as long as he appropriates \$5,000.

The committee next discussed the authorization for the Mental Hygiene and Mental Retardation Division to spend a certain amount of money for a recreational complex.

Mr. Sparks said this was discussed with Dr. Gwen O'Bryan and no action was taken. Mr. Sparks said there is an alternative to include that amount of money in the authorized expenditure act for the recreation complex.

S.B. 348

Provides for establishment of branch office of Real Estate Division of Department of Commerce under direction of Deputy Real Estate Commissioner.

Last session the Legislature gave authority for them to do whatever they wanted to do with it for recreation purposes.

Senator Lamb suggested that it be put in the authorized act.

Senator Hilbrecht asked how much money there was in the budget.

Senator Lamb said there is \$31,000 on hand and \$107,630 to come in on May 14.

Senator Young asked what the \$138,630 was for.

Mr. Sparks said for the recreation comple. He said the complex will cost over \$300,000. This money will be available from the land exchange. They expect to get the additional money from the community and from grants.

Senator Hilbrecht: Do Pass  
Senator Young: 2nd

Senator Echols said he thought it was appropriate to have someone supply the committee with the justification for those real estate commissions. Senator Echols moved that the Chairman be directed to request an appropriate person and justification of the Real Estate Commission that has been paid and how much.

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DEPARTMENT OF COMMERCE (page 634)

Hold

OFFICE OF COMMUNITY SERVICES (page 12)

Mr. Barrett said this is the agency that has the rural housing authority which does not show on the budget document because it is in a bank account and it is not part of the state's accounting system.

Mr. Barrett said Jay Baker administers this rural housing authority.

Senator Hilbrecht: Moved to go with the Governor  
Senator Gibson: 2nd  
Motion carried.

Let the records show that Senator Lamb and Senator Young did not vot for the New Careers portion of the budget.

NEVADA HISTORICAL SOCIETY (page 264)

Senator Gibson: Moved to go with the Governor  
Senator Hilbrecht: 2nd  
Motion carried.

HISTORICAL PRESERVATION (page 267)

Hold

HOME MAKING SERVICES (page 410)

Senator Young: Moved to go with the budget  
Senator Gibson: 2nd  
Motion carried.

FOOD STAMPS (page 412)

Senator Echols asked the committee if anything could be done regarding procedures the post office uses to dispense stamps to people in regular lines.

Discussion followed on lines at the post office and the inconvenience people felt.

Senator Glaser said there is over a million dollars of general fund money in this.

Senator Lamb asked Mr. Barrett if the committee could take a look at these new positions again.

Mr. Barrett said he couldn't give any justificaion now because it was done back in November.

Senator Hilbrecht: Go with the Governor with the exception of providing for salary savings in the amount of \$43,844 and \$45,684 the second year of the biennium.

Senator Glaser: 2nd  
Motion carried.

Senator Young wanted to know what was the savings in the general fund?  
Senator Hilbrecht said \$43,844.

Senator Young: Moved to approve the amended budget  
Senator Hilbrecht: 2nd  
Motion carried.

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CHILD WELFARE (page 416)

Senator Gibson: Moved to approve the budget  
Senator Young: 2nd  
Motion carried.

CHILD SERVICES (page 424)

Senator Gibson: Moved to approve the budget  
Senator Echols: 2nd  
Motion carried.

*Child Protection*

~~HOMEMAKER SERVICES~~ (page 427)

Senator Echols: Moved to approve the budget  
Senator Young: 2nd

Senator Lamb said he had a question on Homemaker service.

Senator Echols said he thought it was a very commendable program. He felt problems should start being solved at home.

Motion carried.

PURCHASE OF SOCIAL SERVICES (page 428)

Senator Glaser: Moved to go with the Governor  
Senator Hilbrecht: 2nd  
Motion Carried.

U.S. INDIAN SERVICE (page 430)

Senator Young: Moved to approve  
Senator Hilbrecht: 2nd  
Motion Carried.

FEDERAL CUBAN REFUGEE (page 432)

Senator Hilbrecht: Do Pass  
Senator Young: 2nd  
Motion carried.

INDO CHINESE REFUGEE (page 434)

Senator Hilbrecht: Moved to go with the Governor  
Senator Young: 2nd  
Motion carried.

WORK INCENTIVE (page 436)

Hold for Senator Wilson

DEVELOPMENTAL DISABILITIES (page 495)

Senator Gibson: Moved to approve the budget  
Senator Echols: 2nd  
Motion carried.

AGING SERVICES (page 497)

Senator Glaser: Moved to go with the Governor  
Senator Hilbrecht: 2nd  
Motion carried.

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WORK INCENTIVE (page 436)

Senator Gibson said the Congress has made this program a condition for the aid to Dependent Children Federal Subsidy. He said if this program is dropped, they will pull their funds out of ADC.

This budget was held for futher discussion.

NORTHERN NEVADA CHILDREN"S HOME (page 486)

Mr. Barrett said after the budget was closed, the personnel division has reclassified the positions. More money needs to be added to the budget to fund these reclassifications.

Senator Young: Moved to amend to include funds for the reclassified positions.  
Senator Hilbrecht: 2nd  
Motion carried.

SOUTHERN NEVADA CHILDRENS HOME (page 489)

Senator Young: Moved to amend by adding funds for reclassified positions.  
Senator Wilson: 2nd  
Motion carried.

DEPARTMENT OF MILITARY (page 557)

Senator Lamb asked how many salaries does the Adjutant General get?

Mr. Barrett said he makes an additional amount from the FEDS. He said he would obtain a figure.

Senator Lamb asked Mr. Barrett what he thought of it.

Mr. Barrett asked Ron Sparks if during a budget hearing we had the figures.

Mr. Barrett said the figure is somewhere between \$5,000 and \$10,000.

Senator Hilbrecht didn't think Mr. Edsell made himself clear as to whether any portion of the people needed for the new armories, was in the budget.

Mr. Barrett said there is \$1,099 the first year for utilities and \$1,154 the second year. There is \$245 the first year for maintance.

Senator Lamb said he would like to see a plan to move the armory off of 25th Street.

This budget was held for Capital Improvements

NATIONAL GUARD BENEFITS (page 561)

Senator Young: Moved to approve  
Senator Gibson: 2nd  
Motion carried.

FDA A PROGRAM (page 567)

Mr. Barrett said a memo was sent that there was no way of keeping track of whether employees are retired military or not. A recent survey was done for the Governor and it turned out in Employment Security Department and Department of Motor Vehicles.

We estimate that somewhere between 5% and 6% state employees have military retirement.

Senator Young wondered if it would involve some constitutional right if you have two people, one retired military and one who isn't, and the one who is can't work for the state.

SENATE FINANCE COMMITTEE  
MINUTES OF MEETING

PAGE 13

Senator Hilbrecht asked Senator Lamb if he would authorize he and Senator Gibson to talk to Frank Daykin and see if there are any legal impediments in developing that kind of a policy.  
Senator Lamb said yes.

Senator Young asked if anybody had any heart for legislative commission sub committee review, of Civil Defense Program. He suggested that a legislative commission appoint a sub committee to review the Civil Defense program.

Senator Wilson said in his judgment, glib generalities are justification for cutting the budget.

HARDWARE PROGRAM (page 569)

Senator Gibson: Do Pass  
Senator Hilbrecht: 2nd  
Motion carried.

SURPLUS PROPERTY CIVIL DEFENSE (page 570)

Senator Gibson: Do Pass  
Senator Young: 2nd  
Motion carried.

CIVIL DEFENSE AND DISASTER AGENCY EMERGENCY PLANNING PROGRAM (page 571)

Senator Young: Do Pass

This budget was held for further discussion.

TAXICAB AUTHORITY (page 615)

Senator Lamb asked if the committee wanted overtime.

Senator Hilbrecht said he thought they have done a good job and the industry has improved over what it had been in the past.

Senator Hilbrecht: Moved to approve  
Senator Young: 2nd  
Motion carried.

The meeting adjourned at 10:25 A.M.

RESPECTFULLY SUBMITTED:

  
HENRI VALENTA, SECRETARY

APPROVED:

  
FLOYD R. LAMB, CHAIRMAN

SENATE BILL NO. 348—COMMITTEE ON FINANCE

the Research Library  
Original bill is on file at  
MARCH 15, 1977

Referred to Committee on Commerce and Labor

SUMMARY—Provides for establishment of branch office of real estate division of department of commerce under direction of deputy real estate commissioner. (BDR 54-1177)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to the real estate division of the department of commerce; providing for the establishment of a branch office directed by the deputy real estate administrator; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 645.170 is hereby amended to read as follows:  
2 645.170 1. The principal office of the real estate division shall be at  
3 Carson City, Nevada.  
4 2. *A branch office, directed by the deputy real estate administrator,*  
5 *shall be at Las Vegas, Nevada.*  
6 3. The real estate division may designate other convenient places  
7 within the state for the establishment of branch offices.

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SENATE CONCURRENT RESOLUTION NO. 16—  
COMMITTEE ON FINANCE

MARCH 2, 1977

Referred to Committee on Finance

SUMMARY—Authorizes unobligated balance of certain appropriations to be utilized to construct service center at Clark County Community College. (BDR 1341)

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EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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SENATE CONCURRENT RESOLUTION—Authorizing the unobligated balance of certain appropriations to be utilized to construct a service center at the Clark County Community College, Clark County, Nevada.

- 1       WHEREAS, The sum of \$3,079,000 from the higher education capital  
2 construction fund created by NRS 463.385 was made available to the  
3 board of regents of the University of Nevada, pursuant to section 1 of  
4 chapter 626, Statutes of Nevada 1973, for capital improvements for the  
5 Clark County Community College, phase II, North Las Vegas, Clark  
6 County (project No. 73-U4); and  
7       WHEREAS, The sum of \$5,858,730 was appropriated from the state gen-  
8 eral fund to the state public works board and allocated in subsection 2 of  
9 section 1 of chapter 601, Statutes of Nevada 1975, for capital improve-  
10 ments for the University of Nevada System; and  
11       WHEREAS, The sum of \$1,879,200 of the appropriation made in sub-  
12 section 2 of section 1 of chapter 601, Statutes of Nevada 1975, for capital  
13 improvements for the University of Nevada System was allocated for capi-  
14 tal improvements for the Clark County Community College; and  
15       WHEREAS, The capital improvements at the Clark County Community  
16 College, for which those sums are made available, are substantially com-  
17 pleted and the unobligated balance of the project account as of December  
18 30, 1976, was \$366,556.11; and  
19       WHEREAS, The board of regents of the University of Nevada desires  
20 that the unobligated balance of the money available for capital improve-  
21 ments be utilized to construct a service center on the Clark County Com-  
22 munity College campus; and  
23       WHEREAS, The cost estimate for the construction of a 6,250-square-  
24 foot service center, with certain additional improvements, is \$313,000;  
25 now, therefore, be it  
26       Resolved by the Senate of the State of Nevada, the Assembly concur-  
27 ring, That the unobligated balance of the money allocated in section 1 of



- 1 chapter 626, Statutes of Nevada 1973, and subsection 2 of section 1 of
- 2 chapter 601, Statutes of Nevada 1975, for capital improvements for the
- 3 Clark County Community College be utilized for the construction of a
- 4 service center on that campus; and be it further
- 5 *Resolved*, That the construction be accomplished in accordance with
- 6 the provisions of chapter 341 of NRS.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 279

ASSEMBLY BILL NO. 279—ASSEMBLYMEN MOODY, DINI, MELLO, SERPA, GLOVER, DEMERS, HARMON, HOWARD, WEISE, JACOBSEN, BARENGO, POLISH, WESTALL, COULTER, GOODMAN, GOMES, MURPHY, WAGNER, RHOADS, CRADDOCK, HAYES, SENA, DREYER, HORN, BENNETT, JEFFREY, SCHOFIELD, VERGIELS, CHANEY, KOSINSKI, PRICE, HICKEY AND KISSAM

FEBRUARY 7, 1977

Referred to Committee on Ways and Means

SUMMARY—Makes appropriation to desert research institute of University of Nevada System for weather modification activities in Lake Tahoe and Walker River basins. (BDR S-1241)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: Contains Appropriation.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT making an appropriation to the desert research institute of the University of Nevada System for emergency weather modification activities for the Lake Tahoe and Walker River basins and for the Spring Mountains; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. There is hereby appropriated from the state general fund  
2 to the desert research institute of the University of Nevada System the sum  
3 of \$167,004 for the purpose of carrying out emergency weather modifica-  
4 tion activities for the Lake Tahoe and Walker River basins and for the  
5 Spring Mountains.

6 SEC. 2. After June 30, 1977, the unencumbered balance of the appro-  
7 priation made in section 1 of this act shall not be encumbered and shall  
8 revert to the state general fund.

9 SEC. 3. This act shall become effective upon passage and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)

FOURTH REPRINT

S. B. 62

SENATE BILL NO. 62—SENATOR DODGE

JANUARY 19, 1977

Referred to Committee on Government Affairs

SUMMARY—Provides for codification and review of administrative regulations. (BDR 18-107)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to administrative regulations; providing for their codification; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 233B of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 18, inclusive, of this act.  
3 SEC. 2. 1. *It is the policy of this state that every agency regulation*  
4 *be made easily accessible to the public and expressed in clear and concise*  
5 *language. To assist in carrying out this policy, every permanent regula-*  
6 *tion shall be incorporated, excluding any forms used by the agency, any*  
7 *publication adopted by reference, the title, citation of authority, signature*  
8 *and other formal parts, in the Nevada Administrative Code, and every*  
9 *emergency or temporary regulation shall be distributed in the same man-*  
10 *ner as the Nevada Administrative Code.*  
11 2. *The legislative commission may authorize inclusion in the Nevada*  
12 *Administrative Code of the regulations of an agency otherwise exempted*  
13 *from the requirements of this chapter.*  
14 SEC. 3. 1. *At or before the time of giving notice of its intention to*  
15 *adopt, amend or repeal a permanent regulation an agency shall deliver*  
16 *to the legislative counsel a copy of the proposed regulation or amend-*  
17 *ment or an identification of the regulation to be repealed. The legislative*  
18 *counsel shall examine and if appropriate revise the language submitted so*  
19 *that it is clear, concise and suitable for incorporation in the Nevada*  
20 *Administrative Code, but shall not alter the meaning or effect without*  
21 *the consent of the agency.*  
22 2. *Unless the proposed regulation is submitted to him between*  
23 *November 1 of an even-numbered year and June 1 of the succeeding odd-*  
24 *numbered year, the legislative counsel shall deliver the approved or*  
25 *revised text of the regulation within 30 days after it is submitted to him.*

1 If the proposed or revised text of a regulation is changed before adoption,  
2 the agency shall submit the changed text to the legislative counsel, who  
3 shall examine and revise it if appropriate pursuant to the standards of  
4 subsection 1. Unless it is submitted during the November 1–June 1 period  
5 mentioned in subsection 2, the legislative counsel shall return it with any  
6 appropriate revisions within 30 days.

7 3. An agency may adopt a temporary regulation between December 1  
8 of an even-numbered year and June 1 of the succeeding odd-numbered  
9 year without following the procedure required by this section and section  
10 4 of this act, but any such regulation expires by limitation on August 1 of  
11 the odd-numbered year. A substantively identical permanent regulation  
12 may be subsequently adopted.

13 4. An agency may amend or suspend a permanent regulation between  
14 December 1 of an even-numbered year and June 1 of the succeeding  
15 odd-numbered year by adopting a temporary regulation in the same  
16 manner and subject to the same provisions as prescribed in subsection 3.

17 SEC. 4. 1. An agency shall not adopt, amend or repeal a permanent  
18 regulation until it has received from the legislative counsel the approved or  
19 revised text of the regulation in the form to be adopted. The agency shall  
20 immediately notify the legislative counsel of the date of adoption of each  
21 regulation adopted.

22 2. Upon adoption of any regulation, the agency, if requested to do  
23 so by an interested person, either prior to adoption or within 30 days  
24 thereafter, shall issue a concise statement of the principal reasons for  
25 and against its adoption, and incorporate therein its reason for overruling  
26 the consideration urged against its adoption.

27 SEC. 5. 1. The legislative counsel shall prescribe the numbering,  
28 page size, style and typography of the Nevada Administrative Code. For  
29 convenience of reproduction in the code, he may prescribe the same mat-  
30 ters in original agency regulations.

31 2. The legislative counsel shall prepare or cause the superintendent  
32 of the state printing and records division of the department of general  
33 services to prepare four sets of the Nevada Administrative Code and of  
34 supplementary pages as required from time to time, which shall be kept  
35 respectively:

36 (a) By the secretary of state as the master copy;

37 (b) By the secretary of state for public use;

38 (c) By the attorney general for his use and that of the executive depart-  
39 ment; and

40 (d) By the legislative counsel for his use and that of the legislature.

41 The legislative commission may direct the preparation of additional sets  
42 or pages, or both, and specify the places where such sets or parts of sets  
43 are to be kept and the uses to be made of them.

44 3. Each agency shall reimburse the legislative counsel bureau and  
45 the state printing and records division of the department of general serv-  
46 ices for their respective costs in preparing and keeping current that  
47 agency's portion of the Nevada Administrative Code in the number of  
48 copies required for agency, official and public use. If additional sets or  
49 pages are sold, the legislative commission shall set sale prices sufficient

- 1 to recover at least the cost of production and distribution of the addi-  
 2 tional sets or pages.
- 3 SECS. 6-8. (Deleted by amendment.)
- 4 SEC. 9. "Agency" means an agency, bureau, board, commission,  
 5 department, division, officer or employee of the executive department of  
 6 the state government authorized by law to make regulations or to deter-  
 7 mine contested cases.
- 8 SEC. 10. "Contested case" means a proceeding, including but not  
 9 restricted to ratemaking and licensing, in which the legal rights, duties  
 10 or privileges of a party are required by law to be determined by an  
 11 agency after an opportunity for hearing, or in which an administrative  
 12 penalty may be imposed.
- 13 SEC. 11. "Emergency regulation" means a regulation adopted pur-  
 14 suant to subsection 5 of NRS 233B.060.
- 15 SEC. 12. "License" means the whole or part of any agency permit,  
 16 certificate, approval, registration, charter or similar form of permission  
 17 required by law. "Licensing" means the agency procedure whereby the  
 18 license is granted, denied, revoked, suspended, annulled, withdrawn or  
 19 amended.
- 20 SEC. 13. "Party" means each person or agency named or admitted  
 21 as a party, or properly seeking and entitled as of right to be admitted as  
 22 a party, in any contested case.
- 23 SEC. 14. "Permanent regulation" means a regulation which is not an  
 24 emergency regulation or a temporary regulation.
- 25 SEC. 15. "Person" means any natural person, partnership, corpora-  
 26 tion, association, political subdivision or public or private organization  
 27 of any character other than an agency.
- 28 SEC. 16. "Regulation" means an agency rule, standard, directive or  
 29 statement of general applicability which effectuates or interprets law or  
 30 policy, or describes the organization, procedure or practice requirements  
 31 of any agency. The term includes a proposed regulation and the amend-  
 32 ment or repeal of a prior regulation, but does not include:
- 33 1. A statement concerning only the internal management of an  
 34 agency and not affecting private rights or procedures available to the  
 35 public;
  - 36 2. A declaratory ruling;
  - 37 3. An intra-agency memorandum;
  - 38 4. An agency decision or finding in a contested case; or
  - 39 5. A regulation concerning the use of public roads or facilities which  
 40 is indicated to the public by means of signs and signals.
- 41 SEC. 17. "Temporary regulation" means:
- 42 1. A regulation adopted pursuant to subsection 3 of section 3 of this  
 43 act; or
  - 44 2. Any other regulation which is effective for 120 days or less and  
 45 which is not an emergency regulation.
- 46 SEC. 18. 1. The following agencies are entirely exempted from the  
 47 requirements of this chapter:
- 48 (a) The governor.
  - 49 (b) The Nevada state prison.
  - 50 (c) The University of Nevada System.

- 1 (d) The department of the military.
- 2 (e) The state gaming control board.
- 3 (f) The Nevada gaming commission.
- 4 (g) The state board of parole commissioners.
- 5 (h) The welfare division of the department of human resources.
- 6 (i) The state board of examiners acting pursuant to chapter 217 of
- 7 NRS.

8 2. The state board of education is subject to the provisions of this  
9 chapter for the purpose of regulation-making but not with respect to any  
10 contested case.

11 3. The special provisions of:

12 (a) Chapter 612 of NRS for the distribution of regulations by and the  
13 judicial review of decisions of the employment security department;

14 (b) Chapters 616 and 617 of NRS for the determination of contested  
15 claims; and

16 (c) Chapters 704 and 706 of NRS for the judicial review of decisions  
17 of the public service commission of Nevada,  
18 prevail over the general provisions of this chapter.

19 4. The provisions of this chapter do not apply to any order for  
20 immediate action, including but not limited to quarantine and the treat-  
21 ment or cleansing of infected or infested animals, object or premises,  
22 made under the authority of the state board of agriculture, the state board  
23 of health, the state board of sheep commissioners or any other agency  
24 of this state in the discharge of a responsibility for the preservation of  
25 human or animal health or for insect or pest control.

26 SEC. 19. NRS 233B.020 is hereby amended to read as follows:

27 233B.020 1. By this chapter, the legislature intends to establish mini-  
28 mum procedural requirements for the regulation-making and adjudication  
29 procedure of all agencies of the executive department of the state govern-  
30 ment and for judicial review of both functions, [excepting] *except* those  
31 agencies expressly exempted pursuant to the provisions of this chapter.  
32 This chapter confers no additional regulation-making authority upon  
33 any agency except to the extent provided in subsection 1 of NRS  
34 233B.050.

35 2. The provisions of this chapter are intended to supplement [pres-  
36 ent] statutes applicable to specific agencies. [Nothing in the chapter  
37 shall be held to limit or repeal] *This chapter does not abrogate or limit*  
38 additional requirements imposed on such agencies by [statutes or to limit  
39 such requirements] *statute* or otherwise recognized by law.

40 [3. The state board of education is an agency subject to the provi-  
41 sions of this chapter for the purpose of regulation making but not with  
42 respect to any contested case.]

43 SEC. 20. NRS 233B.030 is hereby amended to read as follows:

44 233B.030 , [In] *As used in this chapter, unless the context otherwise*  
45 *requires* [:

46 1. "Agency" means each public agency, bureau, board, commission,  
47 department, division, officer or employee of the executive department  
48 of the state government authorized by law to make regulations or to  
49 determine contested cases, except:

- 50 (a) The governor.

- 1 (b) Any penal or educational institution.
- 2 (c) Any agency acting within its capacity as administrator of the mili-
- 3 tary affairs of this state.
- 4 (d) The state gaming control board.
- 5 (e) The Nevada gaming commission.
- 6 (f) The state board of parole commissioners.
- 7 (g) The welfare division of the department of human resources.
- 8 (h) The state board of examiners acting pursuant to chapter 217 of
- 9 NRS.

10 2. "Contested case" means a proceeding, including but not restricted  
 11 to ratemaking and licensing, in which the legal rights, duties or privileges  
 12 of a party are required by law to be determined by an agency after an  
 13 opportunity for hearing. Nothing contained in this section shall be con-  
 14 strued to require a hearing where not otherwise required by law or regu-  
 15 lation.

16 3. "License" means the whole or part of any agency permit, certifi-  
 17 cate, approval, registration, charter or similar form of permission  
 18 required by law. "Licensing" means the agency procedure whereby the  
 19 license is granted, denied, revoked, suspended, annulled, withdrawn or  
 20 amended.

21 4. "Party" means each person or agency named or admitted as a  
 22 party, or properly seeking and entitled as of right to be admitted as a party  
 23 in any contested case.

24 5. "Person" means any individual, partnership, corporation, associa-  
 25 tion, political subdivision or public or private organization of any charac-  
 26 ter other than an agency.

27 6. "Regulation" means each agency rule, standard, directive or state-  
 28 ment of general applicability that implements or interprets law or policy,  
 29 or describes the organization, procedure or practice requirements of any  
 30 agency. The term includes the amendment or repeal of a prior regulation,  
 31 but does not include:

- 32 (a) Statements concerning only the internal management of an agency  
 33 and not affecting private rights or procedures available to the public;
- 34 (b) Declaratory rulings issued pursuant to NRS 233B.120;
- 35 (c) Intra-agency memoranda;
- 36 (d) Agency decisions and findings in contested cases;
- 37 (e) Regulations concerning the use of public roads or facilities which  
 38 are indicated to the public by means of signs and signals; or
- 39 (f) Any order for immediate action, including but not limited to quar-  
 40 antine and the treatment or cleansing of infected or infested animals,  
 41 objects or premises, made under the authority of the state board of agri-  
 42 culture, the state board of health, the state board of sheep commissioners  
 43 or any other agency of this state in the discharge of a responsibility for the  
 44 preservation of human or animal health or for insect or pest control.], *the*  
 45 *words and terms defined in sections 9 to 17, inclusive, of this act have*  
 46 *the meanings ascribed to them in those sections.*

47 SEC. 21. NRS 233B.040 is hereby amended to read as follows:  
 48 233B.040 [Unless otherwise provided by law.] 1. *To the extent*  
 49 *authorized by the statutes applicable to it, each agency may adopt reason-*  
 50 *able regulations to aid it in carrying out the functions assigned to it by law*

1 and shall adopt such regulations as are necessary to the proper execution  
2 of those functions. If adopted and filed in accordance with the provisions  
3 of this chapter, such regulations [shall] have the force of law and shall be  
4 enforced by all peace officers. In every instance, the power to adopt regu-  
5 lations to carry out a particular function is limited by the terms of the  
6 grant of authority under which the function was assigned.

7 2. Every regulation adopted by an agency shall include:

8 (a) A citation of the authority pursuant to which it, or any part of it,  
9 was adopted; and

10 (b) The address of the agency and, to the extent not elsewhere pro-  
11 vided in the regulation, a brief explanation of the procedures for obtaining  
12 clarification of the regulation or relief from the strict application of any  
13 of its terms, or otherwise dealing with the agency in connection with the  
14 regulation.

15 3. An agency may adopt by reference in a regulation material pub-  
16 lished by another authority in book or pamphlet form if:

17 (a) It files two copies of the publication with the secretary of state  
18 and makes at least one copy available for public inspection with its  
19 regulations; and

20 (b) The reference discloses the source and price for purchase of the  
21 publication.

22 An agency shall not attempt to incorporate any other material in a regu-  
23 lation by reference.

24 SEC. 22. NRS 233B.050 is hereby amended to read as follows:

25 233B.050 1. In addition to other regulation-making requirements  
26 imposed by law, each agency shall:

27 (a) Adopt [regulations] rules of practice, setting forth the nature and  
28 requirements of all formal and informal procedures available, including  
29 a description of all forms and instructions used by the agency.

30 (b) Make available for public inspection all regulations adopted or  
31 used by the agency in the discharge of its functions [.] and that part of  
32 the Nevada Administrative Code which contains its regulations.

33 (c) Make available for public inspection all final orders, decisions  
34 and opinions except those expressly made confidential or privileged by  
35 statute.

36 2. No agency regulation, rule, final order or decision [shall be] is  
37 valid or effective against any person or party, nor may it be invoked by  
38 the agency for any purpose, until it has been made available for public  
39 inspection as required in this section, except that this provision [shall  
40 not be applicable] does not apply in favor of any person or party who  
41 has actual knowledge thereof.

42 SEC. 23. NRS 233B.060 is hereby amended to read as follows:

43 233B.060 1. Prior to the adoption, amendment or repeal of any  
44 regulation, the agency shall give at least 30 days' notice of its intended  
45 action, unless a shorter period of notice is specifically permitted by  
46 statute.

47 2. The notice shall:

48 (a) Include a statement of either the terms or substance of the pro-  
49 posed regulation or a description of the subjects and issues involved,



1 and of the time when, the place where, and the manner in which,  
2 interested persons may present their views thereon.

3 (b) Be mailed to all persons who have requested in writing that they  
4 be placed upon a mailing list, which shall be kept by the agency for  
5 such purpose.

6 The attorney general may by regulation prescribe the form of notice to  
7 be used, which shall be distributed to each recipient of the agency's  
8 regulations.

9 3. The agency shall at the time of giving the notice deposit one copy  
10 of the text of the proposed regulation with the secretary of state, and  
11 keep at least one copy available in its office from the date of the notice  
12 to the date of the hearing, for inspection and copying by the public.  
13 The notice shall state the address or addresses at which the text of the  
14 proposed regulation may be inspected and copied. After the agency  
15 has filed the original and copies of the adopted regulation, [pursuant to  
16 NRS 233B.070,] the secretary of state may discard the deposited copy  
17 of the proposed regulation.

18 [3.] 4. All interested persons shall be afforded a reasonable oppor-  
19 tunity to submit data, views or arguments, orally or in writing. With  
20 respect to substantive regulations, [opportunity for oral hearing must be  
21 granted if requested by any interested person who will be directly affected  
22 by the proposed regulation.] the agency shall set a time and place for an  
23 oral public hearing, but if no one appears who will be directly affected  
24 by the proposed regulation and requests an oral hearing, the agency  
25 may proceed immediately to act upon any written submissions. The  
26 agency shall consider fully all written and oral submissions respecting  
27 the proposed regulation.

28 [4.] 5. If an agency finds that an emergency exists, and such a find-  
29 ing is concurred in by the governor by written endorsement on the original  
30 copy of a proposed regulation, a regulation may be adopted and  
31 become effective immediately upon its being filed in the office of the  
32 secretary of state. A regulation so adopted may be effective for a period  
33 of not longer than 120 days, but the adoption of an identical regula-  
34 tion under subsections 1 to 3, inclusive, is not precluded.

35 [5.] 6. No regulation adopted after July 1, 1965, is valid unless  
36 adopted in substantial compliance with this [section,] chapter, but no  
37 objection to any regulation on the ground of noncompliance with the pro-  
38 cedural requirements of this section may be made more than 2 years after  
39 its effective date. Regulations in effect on July 1, 1965, [shall] continue  
40 in effect until amended or repealed in accordance with the provisions of  
41 this chapter, if an original and two copies [are] were deposited with  
42 the secretary of state on or before July 1, 1965.

43 [6. Upon adoption of a regulation, the agency, if requested to do  
44 so by an interested person, either prior to adoption or within 30 days  
45 thereafter, shall issue a concise statement of the principal reasons for  
46 and against its adoption, and incorporate therein its reason for over-  
47 ruling the consideration urged against its adoption.]

48 Sec. 24. NRS 233B.070 is hereby amended to read as follows:

49 233B.070 1. [Regulations shall become] A regulation becomes  
50 effective 30 days after an original and [three duplicate copies of each]

1 duplicate copy of the regulation are filed with the secretary of state, except  
2 where:

- 3 (a) A later date is required by statute;  
4 (b) An earlier date is permitted by statute;  
5 (c) A later date is specified in the regulation; or  
6 (d) The [agency finds that an emergency exists, and such finding is  
7 concurred in by the governor, by written endorsement upon the original]  
8 regulation is an emergency regulation.

9 2. [Each regulation shall include a citation of the authority pur-  
10 suant to which it, or any part of it, was adopted.

11 3.] The secretary of state shall cause to be endorsed on the original  
12 and duplicate [copies] copy of each regulation filed the time and date  
13 of the filing thereof, and shall maintain a file of such regulations for public  
14 inspection together with suitable indexes therefor.

15 4. No adopted regulation, which attempts to incorporate an agency's  
16 ruling, order or similar pronouncement by referring to the general subject  
17 of such, or to where such may be found, or to both, shall be effective.

18 5. The secretary of state shall deliver a duplicate copy of each  
19 adopted regulation to the Nevada legislative counsel bureau.

20 6.] 3. Each agency shall furnish a copy of [its regulations] any of  
21 its regulations, or all or part of that part of the Nevada Administrative  
22 Code which contains its regulations, to any person who requests a copy,  
23 and may charge a reasonable fee for such copy based on the cost of  
24 reproduction if it does not have funds appropriated or authorized for  
25 such purpose.

26 SEC. 25. NRS 233B.100 is hereby amended to read as follows:

27 233B.100 1. Any interested person may petition an agency requesting  
28 the adoption, filing, amendment or repeal of any regulation and shall  
29 accompany his petition with relevant data, views and arguments. Each  
30 agency shall prescribe by regulation the form for such petitions and the  
31 procedure for their submission, consideration and disposition. Upon sub-  
32 mission of such a petition, the agency shall within 30 days either deny  
33 the petition in writing, stating its reasons, or initiate regulation-making  
34 proceedings. [in accordance with NRS 233B.060.]

35 2. Any regulation of any agency is subject to amendment or suspen-  
36 sion by the governor pursuant to the provisions of section 7 of [this act.]  
37 Assembly Bill 640 of the 59th session of the legislature.

38 SEC. 26. NRS 233B.110 is hereby amended to read as follows:

39 233B.110 1. The validity or applicability of any regulation may be  
40 determined in a proceeding for a declaratory judgment in the district  
41 court in and for Carson City, or in and for the county where the plaintiff  
42 resides, when it is alleged that the regulation, or its proposed application,  
43 interferes with or impairs, or threatens to interfere with or impair, the  
44 legal rights or privileges of the plaintiff. A declaratory judgment may be  
45 rendered after the plaintiff has first requested the agency to pass upon  
46 the validity of the regulation in question. The court shall declare the  
47 regulation invalid if it finds that it violates constitutional or statutory  
48 provisions or exceeds the statutory authority of the agency.

49 [2. Any] The agency whose regulation is made the subject of [a]  
50 the declaratory action [under subsection 1] shall be made a party to

1 the action. [Any agency may institute an action for a declaratory judg-  
2 ment, as provided in subsection 1, concerning any regulation adopted and  
3 filed by it or any other agency.]

4 2. *An agency may institute an action for declaratory judgment to*  
5 *establish the validity of any one or more of its own regulations.*

6 3. Actions for declaratory judgment provided for in subsections  
7 1 and 2 shall be in accordance with the Uniform Declaratory Judg-  
8 ments Act (chapter 30 of NRS), and the Nevada Rules of Civil Pro-  
9 cedure. In all actions under subsections 1 and 2, the [attorney general  
10 shall, before judgment is entered, be served with a copy of the petition,  
11 and shall be] *plaintiff shall serve a copy of the complaint upon the*  
12 *attorney general, who is also entitled to be heard.*

13 SEC. 27. NRS 47.140 is hereby amended to read as follows:

14 47.140 The laws subject to judicial notice are:

15 1. The Constitution and statutes of the United States, and the con-  
16 tents of the Federal Register.

17 2. The constitution of this state and Nevada Revised Statutes.

18 3. Any other statute of this state if brought to the attention of the  
19 court by its title and the day of its passage.

20 4. A county, city or town code which has been filed as required by  
21 NRS 244.118, 266.160, 268.014, 269.168 or the city charter and any  
22 city ordinance which has been filed or recorded as required by the  
23 applicable law.

24 5. A regulation of an agency of this state which has been adopted  
25 [pursuant to NRS 233B.060] and filed pursuant to [NRS 233B.070.]  
26 *chapter 233B of NRS.*

27 6. The class and organization of a city incorporated under general  
28 law.

29 7. The constitution, statutes or other written law of any other state  
30 or territory of the United States, or of any foreign jurisdiction, as con-  
31 tained in a book or pamphlet published by its authority or proved to  
32 be commonly recognized in its courts.

33 SEC. 28. NRS 612.220 is hereby amended to read as follows:

34 612.220 1. The executive director shall administer this chapter. [as  
35 the same now exists or may hereafter be amended.]

36 2. He shall have power and authority to adopt, amend or rescind  
37 such rules and regulations, to employ, in accordance with the provisions  
38 of this chapter, such persons, make such expenditures, require such  
39 reports, make such investigations, and take such other action as he  
40 deems necessary or suitable to that end. [Such rules and regulations  
41 shall be effective upon publication in the manner, not inconsistent with  
42 the provisions of this chapter, which the executive director shall pre-  
43 scribe.]

44 3. The executive director shall determine his own organization and  
45 methods of procedure in accordance with the provisions of this chapter.

46 SEC. 29. NRS 612.240 is hereby amended to read as follows:

47 612.240 1. General and special rules may be adopted, amended or  
48 rescinded by the executive director only after public hearing or oppor-  
49 tunity to be heard thereon, of which proper notice has been given.

50 2. General rules shall become effective 10 days after filing with

1 the secretary of state and publication in one or more newspapers of  
2 general circulation in this state.

3 3. Special rules shall become effective 10 days after notification  
4 to or mailing to the last-known address of the individuals or concerns  
5 affected thereby.

6 4. Regulations *for the internal management of the employment*  
7 *security department which do not affect private rights or procedures*  
8 *available to the public* may be adopted, amended or rescinded by the  
9 executive director and shall become effective in the manner and at the  
10 time prescribed by the executive director.

11 SEC. 30. NRS 616.218 is hereby amended to read as follows:

12 616.218 The [Nevada Administrative Procedure Act (chapter  
13 233B of NRS) applies to all proceedings or hearings under this chapter,  
14 but its application is controlled by the specific provisions of this chapter  
15 and the] commission may by regulation provide for specific procedures  
16 *for the determination of contested cases* not inconsistent with [chapter  
17 233B of NRS or] this chapter.

18 SEC. 31. NRS 617.165 is hereby amended to read as follows:

19 617.165 The [Nevada Administrative Procedure Act, chapter 233B  
20 of NRS, applies to all proceedings or hearings under this chapter, but its  
21 application is controlled by the specific provisions of this chapter and  
22 the] commission may by regulation provide for specific procedures *for*  
23 *the determination of contested cases* not inconsistent with [chapter 233B  
24 of NRS or] this chapter.

25 SEC. 32. NRS 233B.160 is hereby repealed.

26 SEC. 33. The legislative commission shall prescribe the order in which  
27 the legislative counsel shall codify the existing regulations of the several  
28 agencies, and shall so schedule his work that it is completed before  
29 November 1, 1980. Every agency of the executive department of the  
30 state government, except those entirely exempted from the operation of  
31 the Nevada Administrative Procedure Act, shall make available to the  
32 legislative counsel all records requested by him to assist in the codifica-  
33 tion of its regulations. The legislative counsel shall review and if appro-  
34 priate revise the language of any existing regulation being codified so  
35 that it is clear, concise and suitable for incorporation in the Nevada  
36 Administrative Code.

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF STATE LANDS - By Addison A. Millard, Administrator  
101-4173

The Division of State Lands includes the offices of the Deputy State Land Registrar and the State Land Use Planning Agency.

The Deputy State Land Registrar is responsible for township plats; one of a kind historic documents; recording state leases; and the microfilming of old records. Currently an inventory of all State agency owned parcels of land, as well as those under general ownership in the name of Nevada is underway. Inventories for the Divisions of Forestry and Parks have been completed. An updated listing for Buildings and Grounds ownership is being compiled with the other State agencies to follow.

The Deputy State Land Registrar also is engaged in confirming individual titles and survey descriptions of the remaining school lands within Nevada. There are 2,976.55 acres of several land grants remaining in State ownership for the benefit of schools in Nevada. Exact survey and descriptions are being clarified by personal visits to County Assessors and Recorders. A microfilming update using color microfilm is being investigated, because the original microfilming of the township plats, etc., did not pick up the color coding. Thus to ensure accurate documentation and maintenance of these records for the future, a trial run using color film will be tried.

The two planners in the State Land Use Planning Agency have been heavily involved in the White Pine County Resource Study and Review. Substantial time also has been given to the report, study and necessary research on the Walker River Basin as a potential area of critical environmental concern. This has involved meetings with the State Land Use Planning Advisory Council; the Technical Advisory Committee; several State and Federal Agencies; and engineering consultants, as well as planning for a meeting to be held in Hawthorne before February 15. Considerable technical assistance has been provided to local counties in their planning activity. In addition, a great deal of time has been spent in preparation of changes in the subdivision laws which will be introduced in this Session of the Legislature. Our planners have Chaired many meetings of the Committee Studying Nevada's Land Division Laws established by the Legislative Commission. This committee was responsible for recommending revisions to the State subdivision law. Rewriting the subdivision law is very important and the staff members of this office

January 25, 1977

have played a very key role in assisting in these responsibilities.

Of considerable interest is the daily volume of telephone calls and mail being received concerning the availability of State land for sale or lease, and oil, mineral and geothermal activity. Data received regarding the new BLM Organic Act is being reviewed and analyzed. The Division is very interested in the procedures and rules forthcoming from the Department of the Interior.

#### Equipment

The Plotting Calculator will be utilized to plot State owned and selected parcels of land. All lands titled to the several State agencies will be programmed into the calculator. As time progresses the memory system will contain an up-to-date inventory of State ownership. The present inventory of agency ownership will be programmed when all legal descriptions and related data are confirmed with Agency Heads and County Assessors.

The Plotting Calculator is the most feasible type of land recording equipment as it relates to the minimum staff of the Land Office. A number of investigations regarding several types of equipment, leasing of time, combined systems with purchase and lease of time available have been pursued. The initial \$9,000 cost with a two man staff indicates the most efficient plan.

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DIVISION OF CONSERVATION DISTRICTS

BUDGET REQUEST

1978 - 1979

The primary responsibility of the State Conservation Commission is to assist the Conservation Districts; other federal, state and local agencies; and the citizenry in planning and implementing the resource management systems required to improve the quality of the resource base and environment.

The Commission, whose members serve without compensation, meet on a quarterly basis. However, because of the number of activities the Commission is directly and/or indirectly involved, it has recently initiated a system whereby working committees are functioning within the Commission.

Implementation of Commission policies are carried out by the Division of Conservation Districts, which until January 1, 1977, was composed of an Administrative Officer and a half-time Senior Clerk-Typist. Currently the Division has 6 employees, four of which are not reflected in the budget because they are funded by a "208" federal planning grant. This grant is scheduled for completion December 31, 1977, at which time the Division will revert back to 1.5 employees. Division offices are located in the Capitol Building Annex.

ACCOMPLISHMENTS

District boundaries were reorganized to provide a closer working relationship with county government and assistance was provided to districts in updating Long Range Programs and Annual Work Plans. Slide shows also were developed as supplemental material.

A Comprehensive Employment and Training Assistance grant to employ eight personnel for six months was managed by the Commission for Districts.

Workshops were held for District Supervisors to acquaint them with their duties and responsibilities, and to provide them with pertinent information.

Other Division accomplishments during the biennium included:

In cooperation with the Nevada Association fo Conservation Districts, the Division developed and published a brochure titled "Outdoor Classrooms" which shows how schools can develop and utilize outdoor environmental classrooms. Also, the Division in conjunction with the Nevada Association of Conservation Districts, publishes a bi-monthly newsletter to inform district leaders and other of new developments.

Hosted the Western States Conservation Commissions, Committees and Boards meeting.

Developed a Memorandum of Understanding between U.S. Forest Service (USFS), Bureau of Land Management (BLM), Soil Conservation Service (SCS), Nevada Fish and Game and State Conservation Commission to coordinate planning on private and public grazing lands.

Requested and received a grant for \$208,000 from Environmental Protection Services as part of the 208 program to assess and determine the location of the diffuse sources of water pollution in non-designated areas and to develop efficient, practical and economical practices that will abate water pollution. The Commission will be utilizing Conservation Districts and various other local grass roots organizations for input throughout the planning process. The actual planning started on January 2, 1977.

#### BUDGET STATEMENT

Our budget request, with few exceptions reflects inflationary increases. The exceptions are:

#### OUT OF STATE TRAVEL

The Division requested \$400, which will allow the Administrator and/or Commission Chairman to attend only 1 or possibly 2 of the 6 meetings per year that directly involves the Commission.

#### OPERATING EXPENSES

The Division requested \$300 to continue publication of six issues per year of the newsletter intitled "News of Nevada's Conservation Districts".

#### DUES AND REGISTRATION

The Division requested \$600 to cover Commission and/or staff members dues and registration fees at meetings which many times also includes lodging and meals.

#### STATE OWNED BUILDING RENT

The Division was sharing extremely crowded office space with another Division in the Department before moving to new quarters. We are requesting \$2,160 per year for adequate space.

#### EPA PLANNING GRANT

As mentioned perviously, the Commission will be receiving approximately \$208,000 under the "208" program. The program is scheduled for completion on December 31, 1977.

208

March 7, 1977

MEMORANDUM

TO: Senate Finance Committee

FROM: Norman Hall, Director, Department  
of Conservation and Natural Resources

SUBJECT: Budget

ADMINISTRATIVE OFFICES - Department of Conservation  
and Natural Resources - Pg. 634

The budget for the Director's office of the Department of Conservation and Natural Resources reflects a continuation of existing programs. No new positions have been requested.

Budget requests reflect increases in the cost of doing business. The additional travel expenses in in-state travel are justified by the increased cost of transportation reflected during the past biennium. It should be noted that Department travel funds are used to reimburse personnel from the various Divisions when they are representing the Department on specific programs. In addition, legal and accounting personnel are traveling more in order to meet their responsibilities.

Nevada TRPA. The \$2,500.00 authorized for the purpose of covering the expenses of the Governor's appointee to the Tahoe Regional Planning Agency.

The purpose of the Director's office of this Department is to provide supervision to all administrative and technical activities of the Department. This is accomplished through coordinating and providing policy direction to each of the Division

chiefs. Final responsibility, however, rests with the Director. This budget request represents the necessary funding to have the staff and information to monitor divisional operations and formulate policy. It is my intention to maximize the service delivery of our Department to the people it serves. To further this end, I request \$6,000.00 to help fund a management study of our Parks Division. That study's objective would be to analyze the present Park's operations and suggest alternatives for improvement.

STATE ENVIRONMENTAL COMMISSION - Pg. 636-637

The State Environmental Commission is a Division of the Department of Conservation and Natural Resources. The budget calls for one new clerical position in order to meet the demand of increasing meetings and hearings. For the same reason, there is a request for an increase in in-state travel for the Commission members.

TAHOE REGIONAL PLANNING AGENCY - Pg. 646

The budget request is for \$50,000 to support the Bi-state Agency. It is being requested in this Department's budget for allocation to the Bi-State Agency as deemed necessary by Nevada's representatives on the Agency. It has been the practice for Nevada to match the State of California's appropriation on a 1-2 basis.



March 7, 1977

STATE MULTIPLE USE ADVISORY COMMITTEE ON FEDERAL LANDS

Page 647

This Committee was revised in the 1975 Session of the Legislature to encompass a diverse variety of land users on public lands. An increase in the Committee's budget has been recommended to allow for speakers knowledgeable on proposed federal legislation or regulation to be reimbursed for participation through contract services.