

MEMBERS PRESENT

Chairman Dini  
Mr. Marvel  
Mr. Fitzpatrick  
Mrs. Westall  
Mr. Harmon  
Dr. Robinson  
Mr. Craddock  
Mr. Jeffrey  
Mr. Getto  
Mr. Bedrosian  
Mr. Bergevin

GUESTS PRESENT

See Guest List attached

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Chairman Dini called the meeting to order at 8:00 A.M.

SB-84 - TRANSFERS ARCHIVES FROM OFFICE OF SECRETARY  
OF STATE TO NEVADA STATE LIBRARY

SENATOR JEAN FORD

Senator Ford stated the Bill accomplishes three things; namely, Sections 1 to 3 and Sections 10 to 17 transfer the basic authority in administration of the State archives from the Secretary of State to a division under the State Librarian; there have been no major changes in the statutory procedure but just transferring the applicable portions of the law. Senator Ford stated the two repealers at the end of the Bill do repeal part of the Secretary of State's law that is now no longer needed with this transfer. She stated it creates a state, county, and municipal archives of the State Librarian. Sections 4 through 9 clarify the role of the state printing and records division in the microfilming responsibilities of the Division of Archives in Section 5. She stated Section 9 transfers to the State Librarian the power to adopt regulations for the minimum retention schedules for local government records. Senator Ford advised the Committee it is the intent of the State Library staff to operate the division under the current procedures that have been transferred to them and learn what is involved in working with the State Board of Examiners which does play a role.

Assemblyman Marvel asked about a fiscal impact and Senator Ford said there was none.

Chairman Dini inquired why the Secretary of State wished to get out from under on this situation and Senator Ford responded that with his other duties and responsibilities he does not have the time or expertise, and it does belong with State Library in terms of the total information gathering, retaining, and provision to the public.

JOE ANDERSON, State Librarian

Mr. Anderson stated the Bill provides for the coordination of relative functions and will provide for reduction of certain duplication of activity that goes on now and will enable them to provide for a working gap in access to the records of the State. He stated they could eliminate a lot of backtracking and double effort. He advised the Committee the proposal as it now comes before the Committee in SB 84 as amended began with Governor Mike O'Callaghan's instructions to him to develop legislation proposals which would join archives and State Library. He stated one of the values of this action would be the coordination of the information resources.

In response to a question by Mr. Marvel concerning what they asked for and what they received in the way of money from Ways & Means, Mr. Anderson responded the budget of State Library and Archives has not yet been closed and Mr. Mello had indicated they were going to keep the budgets open until such time as action by the Committee on SB 84.

SB 141 - REQUIRES MEETINGS OF PUBLIC BODIES TO BE HELD  
IN PLACES WHICH REASONABLY ACCOMMODATE HANDI-  
CAPPED PERSONS

SENATOR JEAN FORD

Senator Ford advised that the Bill was amended, the original language was much stronger mandating that meetings be held in buildings to accommodate giving very little flexibility to local government in anyway. She stated what they are saying is that the officers and employees responsible for public meetings at the local level must make reasonable efforts to assist and accommodate physically handicapped people.

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JOHN GRIFFIN, Rehabilitation Division

Mr. Griffin stated this amendment will insure that handicapped citizens of Nevada have reasonable and equal access to public meetings and can, therefore, participate in Nevada's social and political processes.

SB 168 - BROADENS PROVISIONS FOR PURCHASE OF SURPLUS  
PROPERTY AMONG GOVERNMENT ENTITIES

STEVE TAPOGANA, Chairman, Local Govt. Purchasing Study  
Commission for No. Sect. of Nevada

Mr. Tapogana stated he was speaking for the southern group also and would like to extend their full support to the Bill. He stated the current law makes available Federal surplus property to local governments but it has no provision for municipalities, local governments, to take advantage of other state surplus properties or its own states in actuality.

SB 171 - REVISES DESIGNATIONS OF VARIOUS ACCOUNTS  
& FUNDS

TWAIN WALKER, Legislative Counsel Bureau Auditor

JOHN CROSSLEY, Legislative Counsel Bureau Auditor

Mr. Walker advised the Committee a report had been distributed to each of them outlining the revisions being proposed. He stated the Bill resulted from one of the audits conducted over the last two years and structured the way it is because all of the changes to N.R.S. that are incorporated are similar in nature in that they are accounting-type changes. He stated many of the changes incorporated are simply to bring the law into agreement with what is going on in the agencies; most of the funds being created are already functioning having been created administratively. A copy of the report is attached hereto and made a part hereof.

Mr. Crossley stated this Bill was a follow up of AB 67 of last session attempting to get good accounting into the agencies.

\*See Exhibit

SB 42 - EXTENDS TIME FOR DIVISION OF COLORADO RIVER  
RESOURCES OF THE DEPT. OF ENERGY TO ISSUE  
BONDS

DUANE SUDWEEKS, Administrator, Div. of Colorado Resources

JIM LONG, Financial Manager

Mr. Sudweeks read from a prepared text into the record, dated March 12, 1979, a copy of which is attached hereto and made a part hereof. The statement is additional testimony in regard to the Bill because at the conclusion of the original testimony on March 1, 1979, a member of the Board of Clark County Commissioners had requested that SB 42 be further modified as outlined in Amendment No. 179. Mr. Sudweeks stated that the Amendment would give the Board of County Commissioners of Clark County a priority option to purchase any or all lands that can be acquired in the Eldorado Valley and this would effectively limit the authority of the Division of Colorado River Resources to dispose of the land. He stated it would also virtually preclude any meaningful negotiations with potential developers for reason which he elaborated on later in his testimony. Mr. Sudweeks concluded by stating they strongly oppose Amendment No. 179 and requested the Committee to carefully evaluate their recommendations prior to considering the proposed Amendment.

Mr. Jeffrey stated the Amendment doesn't really deal with what the county was after. He stated the Bill Drafter had left out an entire sentence. Mr. Jeffrey then elaborated on his discussions with the Commissioners who feel they have the expertise and staff to properly plan the area where the State has had the option for 20 years and done nothing with it. He discussed some of the on-going problems, the water line, etc., and he advised the Committee they felt the State did not have the manpower on board to do what was needed and what they had in mind with the property.

Mr. Sudweeks stated in response to the points raised by the Commissioners, they don't think by legislation you have to give them a priority option to accomplish what they are suggesting. Mr. Sudweeks stated they would listen to any proposals they have, they would be considered, and if, in fact, it can be shown it is directly going to benefit the citizens of Clark County and hence the citizens of the State of Nevada it would be carefully evaluated.

AB 348 - PERMITS LEGISLATIVE COMMISSION TO DELEGATE TO  
COMMITTEE ITS POWER TO REVIEW ADOPTED REGULA-  
TION OF STATE AGENCIES

FRANK DAYKIN, Legislative Counsel

Mr. Daykin advised the Committee the Bill was a request of the Legislative Commission which would allow it to delegate its authority to review administrative regulations. He stated at the last session the Legislature passed a Bill providing that each regulation adopted by an administrative agency is to be reviewed by the Legislative Commission and if appears to exceed the statutory authority for adopting it, the Legislative Commission returns it to the agency and they then have the choice to either modify it or insist upon its being filed as originally adopted. Mr. Daykin went on that the problem arises in that in order to permit the regulations to be adopted with reasonable speed, the existing legislation contains the 35 day clause if the Legislative Commission takes no action within that period of time it is deemed to make no objection and the regulation is filed.

Chairman Dini stated it was pointed out to him that perhaps there was some confusion by some groups that belong to the uniform nationwide industries, such as insurance, that modifications be made to it to bring it in line with Nevada's format law, and asked Mr. Daykin to address himself to that.

Mr. Daykin responded that they were directed to prepare an administrative code in which all of the administrative regulations would be included and the statutory direction was they were to be written in clear and concise language. He stated the Insurance Commission offered an elaborate model regulation which was about as clear and concise as the average insurance policy. Mr. Daykin stated you have a policy judgment to make in that connection whether to carve out an exception to the requirement of clear and concise wording if an agency brings in what it represents as a model or uniform regulation; if the substance is not different, it should not present any problem to the business which is regulated.

Chairman Dini announced the testimony was concluded on AB 348.

COMMITTEE ACTION:

AB 348 - Mr. Getto moved AMEND and DO PASS; seconded by Mr. Marvel, and unanimously carried.

SB 84 - Mr. Harmon moved DO PASS; seconded by Mr. Bergevin, and unanimously carried.

SB 141 - Mr. Craddock moved DO PASS; seconded by Mr. Marvel; and unanimously carried.

SB 168 - Mr. Marvel moved DO PASS; seconded by Mr. Craddock, and unanimously carried.

SB 171 - Mr. Harmon moved DO PASS; seconded by Mr. Fitzpatrick, and unanimously carried.

Chairman Dini stated they would hold SB 42.

Mr. Marvel respectfully moved that the Committee introduce legislation that comes from Humboldt County which clarifies Boards of Hospital Trustees authority to construct possible medical and health care facilities and Board of Hospital Trustees and Board of County Commissioners authority to offer inducement on hospital's medical staff, and the purpose is to try to keep doctors in rural areas. Mr. Craddock seconded the motion, and it was unanimously carried.

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

Respectfully submitted,

Sandra Shatzman  
Assembly Attache

Area Accessibility for the Handicapped for Public Meetings  
Nevada - 1979

Nevada Rehabilitation Division  
Carson City, Nevada 89710  
(702) 885-4440  
John Griffin  
Chief, PRPD

As reported by our field offices, the State Department of Education, and the State Fire Service Training Program, we checked the following Nevada cities and found that each has at least one facility which is reasonably accessible to the handicapped:

Austin	Jackpot
Battle Mountain	Lovelock
Beatty	McDermitt
Boulder City	Minden (Gardnerville)
Caliente	Owyhee
Carlin	Pahrump
Dayton	Panaca
Elko	Pioche
Ely	Schurz
Empire/Gerlach	Silver Springs
Eureka	South Tahoe
Fallon	Tonopah
Fernley	Virginia City
Gabbs	Wells
Goldfield	Wendover
Hawthorne	Winnemucca
Henderson	Yerington
Incline	

Further, all schools with special education programs are required to have accessible areas. Also, there are approximately 140 fire houses in the State, all of which have ground level entrances and can and often do use their engine rooms for public meetings. In rural areas, both public schools and fire houses are willing to furnish space for public meetings and often serve as community centers in addition to carrying out their primary function.

AUDIT DIVISION

SB 171

In the 61 audit reports the Audit Division presented to the Legislative Commission in the last two years, there were many recommendations regarding the creation and repeal of "funds" in the State's Accounting System. Most of the funds created in this BDR were already in existence, having been created administratively. The funds being abolished were not being used and the accounting was being accomplished in some other fund.

The following agencies are affected:

	<u>Sections</u>
Attorney General	1,51,55,61
Department of General Services	2,10,11,14,15,16,17,18,19, 20
Budget Office	3,21
Department of Commerce	4,33,52,53,54,56,57,58,59, 60
Parole and Probation	5,6,7
Governor's Office	8,61
Department of Conservation and Natural Resources	9,24,25,26,29,34,35,36,37, 38,39,40,41,42,43,44,45,46, 47,48
Treasurer's Office	12,13,23,61
Legislature	22
Department of Motor Vehicles	27,30,31,32
Racing Commission	28
Agriculture	49,50

Administratively created funds legalized	11
One new fund created (Forestry)	<u>1</u>
Total funds put in law	<u><u>12</u></u>
Number of funds removed from statutes, however function for which fund was put in law not changed	<u>9</u>
Number of funds transferred from one agency to another (Revenue Sharing Trust Fund)	<u>1</u>
Number of funds only categorized as to type	<u><u>20</u></u>



During the 1977 Session, AB 67 was enacted which provided for the identification of funds by fund types. Accordingly, NRS 353.321 reads:

"1. The state controller shall report each fund and group of accounts in one of the following categories for annual financial statement purposes:

- (a) State general fund;
- (b) Special revenue funds;
- (c) Capital projects construction funds;
- (d) Intragovernmental service funds;
- (e) Enterprise funds;
- (f) Trust and agency funds;
- (g) Debt service funds;
- (h) General long term debt group of accounts; or
- (i) General fixed assets group of accounts.

2. All resources and financial transactions of the state government shall be accounted for within a fund or group of accounts. The state controller shall assign each existing fund and group of accounts which is created by statute to the proper category unless the category is designated by statute."

While in this bill we have created 12 funds and abolished 9, we also have identified several funds as to category.

#### ATTORNEY GENERAL

(Sections 1,51,55,61)

Section 1 creates the Attorney General's Special Fund. This fund is already being used in the Controller's System. In that fund is also being accounted the Unfair Trade Practices Fund (Section 51), and the Private Investigator's Fund (Sections 55 and 61). Accordingly, the later two funds are not necessary and while we have not eliminated the functions, we have provided for the proper accounting within the existing system.

#### THE DEPARTMENT OF GENERAL SERVICES

(Sections 2,10,11,14,15,16,17,18,19,20)

We have only created two funds - One in the Director's Office (Section 2), and one in Purchasing. The rest of the sections identify the funds as intragovernmental service funds. The purpose is to clearly establish the fact these are to operate as a business. They are to charge for their services and include, among other things, a factor for depreciation of fixed assets in their billing rates.

REVENUE SHARING TRUST FUND  
(Sections 3,61)

The Budget Office, not the Treasurer, should have responsibility for this fund. We also eliminate reference to the Governor handling Special Revenue Sharing money which authority terminated in 1973.

DEPARTMENT OF COMMERCE  
(Sections 4,33,52,53,54,56,57,58,59,60)

We have created only one fund, that being in the Real Estate Division. Again this was already created administratively. The rest of the sections identify the funds as to category.

PAROLE AND PROBATION  
(Sections 5,6,7)

We created one fund; the Restitution Trust Fund, and made accounts out of two loan funds.

GOVERNOR'S OFFICE - HIGHWAY SAFETY  
(Section 8)

We identified the fund as to category.

CONSERVATION AND NATURAL RESOURCES  
(Sections 9,24,25,26,29,34,35,36,37,38,39,40,41,42,43,44,45,  
46,47,48)

Director's Office: We created an all inclusive trust fund, Section 9, and repealed another (Section 47).

In regard to Section 48 which repeals the annual audit requirement of the Soil Conservation Commission, they fall under the Legislative Auditor's authority.

Parks Division: Two funds are created, the most important one being in Section 25 where the Capital Projects Construction Funds are created. This is the same as a provision we have for the Public Works Board. Many capital projects are presently accounted for in the General Fund, which is wrong.

Forestry Division: Made an account out of a fund. More importantly, in Section 34, we created a fund to account for all of the nursery activities of the Division.

Water Resources: We repealed one fund (Section 36) and created one (Section 37).

TREASURER'S OFFICE  
(Sections 12,13,23)

We identify one fund (Section 12), as to category and make an account out of a fund (Section 23).

DEPARTMENT OF MOTOR VEHICLES  
(Sections 27,30,31,32)

We are creating 2 funds that already exist in the system (Sections 27 and 32). We are identifying one fund as to category (Section 30), and abolishing reference to a revolving fund (Section 31).

RACING COMMISSION  
(Section 28)

We have identified fund by category.

AGRICULTURE  
(Sections 49,50)

Change language to eliminate "Fund Account". Should only be Fund.

DEPARTMENT OF ENERGY

DIVISION OF COLORADO RIVER RESOURCES

Additional Testimony Regarding Senate Bill No. 42 -  
Assembly Committee on Government Affairs

March 12, 1979

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Mr. Chairman and Committee members, I am Duane Sudweeks, Administrator of the Division of Colorado River Resources. With me <sup>is</sup> ~~are Lee Bernstein, Deputy Administrator, and Jim Long,~~ Financial Manager.

On March 1, 1979, I presented testimony in support of Senate Bill 42. At the conclusion of that testimony, we were informed that a member of the Board of Clark County Commissioners had requested that this bill be further modified as outlined in Amendment No. 179. This proposed amendment had not been discussed with the Division of Colorado River Resources, and we had no prior knowledge that such an amendment had been requested. We verbally requested the opportunity to review this amendment and provide appropriate written comments. Those comments, which closely parallel my testimony today, were mailed on March 8, 1979, to all members of this Committee, as well as Senator Gibson, Chairman of the Senate Government Affairs Committee which introduced the bill; and Senator Faiss and Assemblyman Sena who are members of the Eldorado Valley Advisory Group.

Amendment No. 179 would give the Board of County Commissioners of Clark County a priority option to purchase any or all lands that can be acquired in the Eldorado Valley. This would effectively limit the authority of the Division of Colorado River Resources to dispose of the land. It would also virtually preclude any meaningful negotiations with potential developers for reasons which I will state later. We believe that such an amendment, which restricts the legislatively delegated duties of the Division, would be contrary to the best interests of the people of the State of Nevada.

The Eldorado Valley Advisory Group, appointed by the Governor to advise the Administrator of the Division of Colorado River Resources, recommended that the 1979 legislature extend the acquisition authorization, contained in Chapter 462, Statutes of Nevada 1975, for an additional 15 years. That was the sole intent of Senate Bill 42. This legislation was sought to protect the interests of the people of the State of Nevada by continuing to provide a final alternative or backup method to provide funds for the purchase of Eldorado Valley lands. Inasmuch as current legislative authority to fund this acquisition expires on May 15, 1980, the Advisory Group felt it was imperative that this acquisition authorization be extended.

We have carefully reviewed Amendment No. 179. We must take opposition thereto for the following reasons:

1. The proposed amendment would give the county a priority option to purchase any or all of the land in the Eldorado Valley which would, in effect, make it virtually impossible to negotiate with any other potential developer. No developer would be willing to spend time and money on purchase negotiations, planning matters, soil testing, water availability studies or other related requirements if he knows that someone else has a prior option to purchase the property.
  
2. The wording of the amendment leaves many questions unanswered. It does not contain a price at which the option can be exercised; it does not contain time limitations (the development of 105,000 acres could encompass a development period of up to twenty years or more); it does not provide for prior planning approval by any State agency; and it does not restrict the sale to Clark County for its own use or use by its prospective developer. The language could cause considerable disagreement if the county chooses to exercise its option. The sale price to the County is not specified. If the land were sold to the County at the original appraised price of approximately \$12.00 per acre any sales revenues in excess of the acquisition price, which could be substantial, would go directly into the County Treasury instead of the Treasury of the State of Nevada.

3. The proposed amendment was obviously hastily and incompletely written. There have been omissions in the wording of this proposed amendment in that it reads in part, "the administrator shall sell and dispose of lands in the Eldorado Valley in accordance with plans and procedures adopted by him, but only after he has given the board of county commissioners of Clark County an option to purchase any or all of the land described in NRS 321.410 in accordance with terms the Interior, and a reasonable opportunity to exercise that option." (Emphasis added). The latter part of that sentence does not make sense grammatically.

Additionally, the title has been amended beyond the point of recognition when compared to the original intent of this proposed bill.

4. It was the intent of Public Law 85-339 to sell the lands to the State of Nevada and not to Clark County.
5. The Division of Colorado River Resources has always been cooperative with Clark County in that we have considered all of their prior suggestions relative to the development of these lands. Providing the county a priority option by legislation is not essential inasmuch as the Division is presently required to consider all reasonable development proposals.

EXHIBIT

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The proposed amendment has several far-reaching ramifications that would, in effect, hamper, if not completely prevent, the Division of Colorado River Resources from fulfilling its statutory responsibilities. Therefore, we must strongly oppose Amendment No. 179 and encourage you to carefully evaluate our recommendations prior to considering the proposed amendment.

My testimony today addresses only the proposed Amendment No. 179. Before the Committee acts on Senate Bill 42, I would appreciate your consideration of my March 1 testimony as well as today's.

If you have any questions, we shall be happy to attempt to answer them.



