

Committee in session at 7:40 a.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 (absent for part of voting)
Senator Norman D. Glaser
Senator Thomas R.C. Wilson
Senator Lawrence E. Jacobsen
Senator Clifford E. McCorkle

ABSENT: None

OTHERS Ronald W. Sparks, Chief Fiscal Analyst
Eugene Pieretti, Deputy Fiscal Analyst
Howard Barrett, Budget Director
Vernon Bennett, Executive Officer, PERS
Cy Ryan, United Press
John Rice, Associated Press

AB 413 Provides for control of certain public lands
by State of Nevada. (Attachment A)

Mr. Sparks read the amendments.

Senator Glaser commented that agency heads will constitute the Board, until the lands are acquired; than a proper Commission will be set up.

Senator Echols said he prefers private citizens, instead of agency heads, on the Board.

Senator McCorkle asked what is the relationship between the State Land Registrar and the Committee. Senator Wilson replied that it is necessary that the bill demonstrate an ability for multiple use planning of the land, because the Statute is a predicate for a lawsuit.

Mr. Sparks read a section from the bill related to the functions of the Board. Senator Wilson said that the Board has more than an advisory function; it is jurisdictional.

Senator McCorkle questioned the meaning of the section in the bill related to conveying lease licenses and permits. Senator Wilson said the reason for this provision is because some Nevadans presently use federal lands through various kinds of permits. He said the State is asserting title to federal lands, and wishes to preserve the rights of people who presently use these lands. Senator Wilson added that this provision will avoid lawsuits.

Senator McCorkle asked if this language restricts the state use of the land to the same restrictions the federal government now has on the lands. Senator Wilson answered no.

Senator McCorkle remarked that a concern of many people is that bringing the federal lands in Nevada under State control will open these lands up to private purchase and speculation. Senator Wilson said that is his concern also.

Senator McCorkle asked what safeguards there are in the bill to prevent this problem. Senator Wilson referred to a provision that states the land cannot be conveyed, including long-term lease land, without legislative authority. Senator Glaser said in several places in the bill, it says the land will be held "in trust".

Senator McCorkle asked if each conveyance will have to be approved by the legislature. Senator Wilson replied yes; except the "sign off" that Senator McCorkle asked about earlier. Senator Wilson said the bill states that there will no conveyance by the State Land Registrar.

Senator McCorkle remarked that Nevada will have no more flexibility than it ever had. He asked what is to be accomplished by this bill.

(AB 413 - discussion continued)

Senator Wilson said it is a predicate for a lawsuit.

Senator McCorkle asked what will happen after the lawsuit is won. Senator Glaser replied that the legislature will design new language for the bill.

Senator McCorkle asked if the law will be more flexible then. Senator Wilson said a multiple land use policy, a master plan, will be developed.

Senator Jacobsen moved that the amendments to AB 413 be adopted.

Seconded by Senator Glaser.

Motion carried.

Senator Echols absent.

Senator Jacobsen moved "Do Pass as Amended" on AB 413.

Seconded by Senator Glaser.

Motion carried.

Senator Echols absent.

AB 475 Makes administrative changes in Public Employees' Retirement Act and legislator's retirement system. (Attachment B)

Vernon Bennett, Executive Officer, PERS, submitted information regarding this bill (see Attachment C).

Senator Wilson moved that the amendments to AB 475 be adopted.

Seconded by Senator Glaser.

Motion carried.

Senator Echols absent.

Senator Lamb recessed the meeting at 8:05 a.m. to meet jointly with the Assembly Ways and Means Committee.

The Senate Finance Committee reconvened at 9:45 a.m.

Senator Lamb asked the Committee members to state their opinions on budget issues that the two money committees have not concurred on.

CRIME PREVENTION - Page 12

Senator Gibson said he has changed his mind on the placement of the program. He commented that he thinks it belongs in the Attorney General's Office.

Senators McCorkle and Jacobsen said they would like the program to be in the Governor's Office,

Senator Wilson said it is a political question. He said he is ambivalent about it.

Senator Glaser said it worked well in the Attorney General's Office the last four years and suggested it ought to stay there.

Senator Lamb said the present Attorney General had nothing to do with the Crime Prevention program. He said Governor List started it; it is his program.

Senator Gibson asked what would happen if Attorney General Bryan brings in 4 or 5 programs and then is elected Governor. He asked if those programs would also be transferred to the Governor's Office.

Senator Glaser moved to leave the Crime Prevention Program in the Attorney General's Office.

Seconded by Senator Gibson.

Senators Lamb, McCorkle and Jacobsen voted no.

Senator Echols abstained.

Motion lost.

STATE TREASURER - Page 44

Senator Wilson said he thinks the Committee ought to stay with their decision regarding the data processing. Senator McCorkle concurred.

Senator Lamb called for a show of hands of those who want to keep the data processing allocation. The Committee agreed to keep this program.

PERSONNEL DIVISION - Page 57

Ron Sparks said the Ways and Means Committee may be willing to transfer the Productivity Unit to another office.

Senator Wilson asked what are the policy considerations in moving the productivity unit within the Executive Branch, instead of the legislative branch. He asked if the productivity unit is not a responsibility of management.

Senator Glaser suggested having an outside productivity team do the studies.

Senator McCorkle said both the Executive Branch's productivity unit and the Legislative Branch's audit are accomplishing the same objective. He commented that if the legislature budgets based on performance audits, and makes recommendations to the governor, it is accomplishing the same end. He said it appears the only solution is to go with the Assembly, and still accomplish the same result.

Senator Lamb said it is a personal issue between the Ways and Means Committee and Mr. Wittenberg; if Mr. Wittenberg were not in charge of the Personnel Division, there would be no problem with the Personnel Division's productivity studies.

Mr. Sparks said if the program is moved, it will probably have to be funded with general fund money.

Mr. Barrett commented that his office feels the productivity section belongs in the Executive Branch; it served a purpose, otherwise they would not have continued recommending it. He said Mr. Wittenberg has done a very good job, in spite of several setbacks.

Mr. Barrett added that in most states, the productivity study section is attached to the Budget Division. He said they put it in the Personnel Division because Jim Wittenberg was aggressive in getting the program started with federal money. Mr. Barrett said part of the problem is that the previous Director of Taxation is still complaining about the productivity study done on his Department. He said the current Director supports the program wholeheartedly.

(Personnel Division - continued)

Senator McCorkle said he would like to put the productivity study in Mr. Crossley's office. Senator Lamb said it will cost the General Fund if placed there. Mr. Sparks added that it is presently funded by personnel assessment.

Senator Wilson asked if personnel assessments could still be relied upon if it's staying in the administration, but went to the Budget Office. Mr. Barrett said he is not sure; if it stayed in the Department, perhaps it could still be done.

Senator Wilson said he feels it should remain in the Executive Branch or in Mr. Barrett's Office; both are preferable to putting it in the Legislative Branch.

Senator Lamb remarked that personalities should have nothing to do with the decisions being made.

Senator Glaser suggested moving the productivity unit to the Budget Division. If the Ways and Means Committee does not agree, the Committee should hold the budget.

Senator McCorkle thought the Committee should go with the transfer to the Budget Division. He added he hoped there is strong support for the Employee Relations Officer.

DEPARTMENT OF ECONOMIC DEVELOPMENT - Page 110

Mr. Sparks described the differences between the Ways and Means Committee action on this budget and the Finance Committee action.

Senator McCorkle commented that he is disappointed that the added people are statisticians and analysts. He said he would like to eliminate some of them as a compromise with the Ways and Means Committee.

Senator Lamb recessed the meeting at 10:05 a.m.

The meeting reconvened at 11:30 a.m.

AB 63 Imposes additional state tax on slot machines.
(Attachment D)

Senator Gibson said his concern about this bill is that it was invading the Distributive School Fund. He said in 10 years it would cost \$42,000,000 the state would have to provide from the General Fund. He said the amendments put the law back as it was approved last biennium. Senator Gibson continued that these amendments commit 20 percent to capital construction for higher education. He said it also makes them fund the two stadiums out of this fund; the Distributive School Fund is left untouched.

Senator Gibson stated they also added the authorization to sell bonds to this bill. He explained that in the next four years they will utilize \$5,000,000 a year to the higher education construction fund for projects the State has authorized. He said they would like to take that \$20,000,000, and put it with the money that is to be used for the building of the stadiums, so they can have a bigger bond issue, for economies of scale. Senator Gibson continued that their plan is to sell about a \$60,000,000 bond issue. From the cash flow generated from interest on investments and tax, they will be able to fund all of the projects. The 20 percent tax will yield sufficient monies to redeem the bonds with some money left over.

In this type of bond issue they have to have a 1.4 ratio which means the income pledged against the bonds would be 40 percent over what is needed. He mentioned they have never sold a bond backed by gaming tax before; but he feels that is not a problem because Atlantic City is raising millions of dollars on gaming revenues. Senator Gibson continued that they worked out a proposal

(AB 63 - discussion continued)

to give them about \$5,000,000 from the General Fund for an initial reserve for about 2 years. Senator Gibson said that by then the slot tax will have generated enough revenues for the reserve, and the General Fund monies will be released; there is no loss to the General Fund. He said this is in lieu of losing the \$3,100,000 in this biennium from the school fund, plus from now on. He said the collection date (page 3, line 25) needs to be changed back to June 20.

Senator Gibson said they also took out the provision that Assemblyman Mello added regarding when programs must start and stop. He said they took out lines 10 through 14, page 5, and substituted "The Board of Regents shall pursue both projects concurrently." Senator Gibson commented that he met with the Chairman of the Board of Regents and other regents, the President of UNR, the Chancellor of the University System, the Boosters' Club representatives to work these amendments out. These people are in accord with these amendments.

Senator Gibson remarked that Dr. Baepler, and Hal Smith, bond consultant and fiscal advisor, met with Mr. Daykin to give him the amendments. Senator Gibson said missing: the date correction and the money.

Senator Wilson moved that these amendments, included the remaining two modifications to AB 63, be adopted.

Seconded by Senator Jacobsen.

Senator McCorkle asked what was the amount the State was previously going to authorize, and what is the new amount. Senator Gibson replied that the amount was not changed; the authorization is a little liberal, but his worry was removed when they no longer invaded the General Fund. He advised Senator McCorkle that \$30,000,000 is for UNLV and \$26,000,000 is for UNR.

Motion carried.

AB 534 Lowers age of eligibility and revises benefits for surviving spouses of deceased supreme court judges and district court judges. (Attachment E)

Mr. Sparks presented information about the cost of changing the age, but not the benefit level, of a beneficiary. He said that Mrs. Waters will be 60 in October, 1980, therefore she would receive benefits for 9 months, a total of \$3,600. Mrs. Craven will be 65 in February 1980 and would receive \$2,800. Mr. Sparks advised that if the age limit is lowered, the impact would be a total of \$6,400 for the biennium.

Senator Gibson said he would like to see some increase in the pension, but would not like tying it to a percentage of the actual pension. He suggested increasing the pension to about \$500 per month, remove the language regarding percentage, and lower the age limit to 60.

Senator Gibson moved that AB 534 be amended by setting the benefit at \$500 a month and remove language having to do with percentage of the pension.

Seconded by Senator Jacobsen.

Motion carried.

AB 824 Consolidates parole officers for juvenile offenders into youth parole bureau in youth services division. (Attachment F)

Senator Gibson moved "Do Pass" on AB 824.

Seconded by Senator Glaser.

Senator McCorkle asked if there is a need for this bill. Mr. Sparks replied that the bill provides for better management; it will not increase the program.


Senators McCorkle and Echols voted no.

Motion carried.

Senator Echols remarked that he is in favor of the bill, but would like to amend it.

Meeting adjourned at 11:50 a.m.

Respectfully submitted,



Carolyn Y. Mann, Secretary

APPROVED:



Floyd R. Lamb, Chairman

ATTACHMENT A

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 413

ASSEMBLY BILL NO. 413—ASSEMBLYMEN RHOADS, HAYES, MANN, MARVEL, BERGEVIN, POLISH, ROBINSON, BANNER, HICKEY, HORN, BRADY, DINI, GLOVER, CHANEY, BENNETT, TANNER, STEWART, FITZPATRICK, PRICE, PRENGAMAN, FIELDING, SENA, CRADDOCK, BARENGO, CAVNAR, MAY, GETTO, BREMNER, MALONE, WESTALL, VERGIELS, WEISE, HARMON, RUSK, WEBB, JEFFREY AND MELLO

FEBRUARY 15, 1979

Referred to Committee on Environment and Public Resources

SUMMARY—Provides for control of certain public lands by State of Nevada.
(BDR 26-1537)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

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

AN ACT relating to public lands; creating a board of review; providing for state control of certain lands within the state boundaries; providing penalties; making an appropriation; 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 321 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 SEC. 2. *The legislature finds that:*
- 4 1. *The State of Nevada has a strong moral claim upon the public*
- 5 *land retained by the Federal Government within Nevada's borders*
- 6 *because:*
- 7 (a) *On October 31, 1864, the Territory of Nevada was admitted to*
- 8 *statehood on the condition that it forever disclaim all right and title to*
- 9 *unappropriated public land within its boundaries;*
- 10 (b) *From 1850 to 1894, newly admitted states received 2 sections of*
- 11 *each township for the benefit of common schools, which in Nevada*
- 12 *amounted to 3.9 million acres;*
- 13 (c) *In 1880 Nevada agreed to exchange its 3.9-million-acre school*
- 14 *grant for 2 million acres of its own selection from public land in Nevada*
- 15 *held by the Federal Government;*

1 (d) At the time the exchange was deemed necessary because of a
2 immediate need for public school revenues and because the majority of
3 the original federal land grant for common schools remained unsurveyed
4 and unsold;

5 (e) Unlike certain other states, such as New Mexico, Nevada received
6 no land grants from the Federal Government when Nevada was a ter-
7 ritory;

8 (f) Nevada received no land grants for insane asylums, schools of
9 mines, schools for the blind and deaf and dumb, normal schools, miner's
10 hospitals or a governor's residence as did states such as New Mexico; and

11 (g) Nevada thus received the least amount of land, 2,572,478 acres,
12 and the smallest percentage of its total area, 3.9 percent, of the land
13 grant states in the far west admitted after 1864, while states of compara-
14 ble location and soil, namely Arizona, New Mexico and Utah, received
15 approximately 11 percent of their total area in federal land grants.

16 2. The State of Nevada has a legal claim to the public land retained
17 by the Federal Government within Nevada's borders because:

18 (a) In the case of the State of Alabama, a renunciation of any claim
19 to unappropriated lands similar to that contained in the ordinance
20 adopted by the Nevada constitutional convention was held by the
21 Supreme Court of the United States to be "void and inoperative" because
22 it denied to Alabama "an equal footing with the original states" in
23 *Pollard v. Hagan*, 44 U.S. (3 How.) 212 (1845);

24 (b) The State of Texas, when admitted to the Union in 1845, retained
25 ownership of all unappropriated land within its borders, setting a further
26 precedent which inured to the benefit of all states admitted later "on an
27 equal footing"; and

28 (c) The Northwest Ordinance of 1787, adopted into the Constitution
29 of the United States by the reference of Article VI to prior engagements
30 of the Confederation, first proclaimed the "equal footing" doctrine, and
31 the treaty of Guadalupe Hidalgo, by which the territory including Nevada
32 was acquired from Mexico and which is "the supreme law of the land"
33 by virtue of Article VI, affirms it expressly as to the new states to be
34 organized therein.

35 3. The exercise of broader control by the State of Nevada over the
36 public lands within its borders would be of great public benefit because:

37 (a) Federal holdings in the State of Nevada constitute 86.7 percent of
38 the area of the state, and in Esmeralda, Lincoln, Mineral, Nye and White
39 Pine counties the Federal Government controls from 97 to 99 percent of
40 the land;

41 (b) Federal jurisdiction over the public domain is shared among 17 fed-
42 eral agencies or departments which adds to problems of proper manage-
43 ment of land and disrupts the normal relationship between a state, its
44 residents and its property;

45 (c) None of the federal lands in Nevada are taxable and Federal Gov-
46 ernment activities are extensive and create a tax burden for the private
47 property owners of Nevada who must meet the needs of children of Fed-
48 eral Government employees, as well as provide other public services;

49 (d) Under general land laws only 2.1 percent of federal lands in Nevada
50 have moved from federal control to private ownership;

1 (e) Federal administration of the retained public lands, which are vital
2 to the livestock and mining industries of the state and essential to meet the
3 recreational and other various uses of its citizens, has been of uneven
4 quality and sometimes arbitrary and capricious; and

5 (f) Federal administration of the retained public lands has not been
6 consistent with the public interest of the people of Nevada because the
7 Federal Government has used those lands for armament and nuclear test-
8 ing thereby rendering many parts of the land unusable and unsuited for
9 other uses and endangering the public health and welfare.

10 4. The intent of the framers of the Constitution of the United States
11 was to guarantee to each of the states sovereignty over all matters within
12 its boundaries except for those powers specifically granted to the United
13 States as agent of the states.

14 5. The attempted imposition upon the State of Nevada by the Con-
15 gress of the United States of a requirement in the enabling act that
16 Nevada "disclaim all right and title to the unappropriated public lands
17 lying within said territory," as a condition precedent to acceptance of
18 Nevada into the Union, was an act beyond the power of the Congress of
19 the United States and is thus void.

20 6. The purported right of ownership and control of the public lands
21 within the State of Nevada by the United States is without foundation and
22 violates the clear intent of the Constitution of the United States.

23 7. The exercise of such dominion and control of the public lands
24 within the State of Nevada by the United States works a severe, continu-
25 ous and debilitating hardship upon the people of the State of Nevada.

26 SEC. 3. As used in sections 2 to 9, inclusive, of this act, unless the
27 context otherwise requires:

28 1. "Division" means the division of state lands of the state depart-
29 ment of conservation and natural resources.

30 2. "Public lands" means all lands within the exterior boundaries of
31 the State of Nevada except lands:

- 32 (a) To which title is held by any private person or entity;
- 33 (b) To which title is held by the State of Nevada, any of its local gov-
34 ernments or the University of Nevada System;
- 35 (c) Which are located within congressionally authorized national parks,
36 monuments, national forests or wildlife refuges, or which are lands
37 acquired by purchase consented to by the legislature;
- 38 (d) Which are controlled by the United States Department of Defense,
39 Department of Energy or Bureau of Reclamation; or
- 40 (e) Which are held in trust for Indian purposes or are Indian reserva-
41 tions.

42 SEC. 3.5. 1. There is hereby created a board of review composed
43 of the:

- 44 (a) Director of the state department of conservation and natural
45 resources;
- 46 (b) Administrator of the division of environmental protection of the
47 state department of conservation and natural resources;
- 48 (c) Administrator of the division of mineral resources of the state
49 department of conservation and natural resources;

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1 (d) Administrator of the division of state parks of the state department of conservation and natural resources;

2 (e) State engineer;

3 (f) State forester firewarden;

4 (g) Chairman of the state environmental commission; and

5 (h) Director of the department of energy.

6 2. The director of the state department of conservation and natural resources shall serve as chairman of the board.

7 3. The board shall meet at such times and places as are specified by a call of the chairman. Five members of the board constitute a quorum. The affirmative vote of a majority of the board members present is sufficient for any action of the board.

8 4. Except as provided in this subsection, the members of the board serve without compensation. The chairman of the state environmental commission is entitled to receive a salary of \$40 for each day's attendance at a meeting of the board and the travel expenses and subsistence allowances provided by law for state officers.

9 5. The board:

10 (a) Shall review and approve or disapprove all regulations proposed by the state land registrar under section 4 of this act.

11 (b) May review any decision of the state land registrar made pursuant to sections 2 to 9, inclusive, of this act if an appeal is taken pursuant to section 8.5 of this act, and affirm, modify or reverse the decision.

12 SEC. 4. 1. The division shall hold the public lands of the state in trust for the benefit of the people of the state and shall manage them in an orderly and beneficial manner consistent with the public policy declared in section 6 of this act.

13 2. The state land registrar may with the approval of the board of review adopt regulations necessary to manage the public lands in an orderly and beneficial manner and to carry out the provisions of sections 2 to 9, inclusive, of this act and the public trust created in those sections.

14 3. Except as provided in this subsection, the state land registrar may contract for or employ such professional and clerical personnel as are needed to carry out his functions. Any contract for professional services must be approved by the state board of examiners and any money necessary to compensate those persons must be approved for expenditure by the legislature or the interim finance committee.

15 SEC. 5. 1. Subject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control.

16 2. Until equivalent measures are enacted by the State of Nevada, the rights and privileges of the people of the State of Nevada under the National Forest Reserve Transfer Act (16 U.S.C. §§ 471 et seq.), the General Mining Laws (30 U.S.C. §§ 21 et seq.), the Homestead Act (43 U.S.C. §§ 161 et seq.), the Taylor Grazing Act (43 U.S.C. §§ 315 et seq.), the Desert Land Act (43 U.S.C. §§ 321 et seq.), the Cary Act (43 U.S.C. §§ 641 et seq.) and the Public Rangelands Improvement Act (43 U.S.C. §§ 1901 et seq.) and all rights-of-way and easements for public utilities must be preserved under administration by the state.

1 3. Public lands in Nevada which have been administered by the United States under international treaties or interstate compacts must continue to be administered by the state in conformance with those treaties or compacts.

2 SEC. 6. The public lands of Nevada must be administered in such a manner as to conserve and preserve natural resources, wildlife habitat, wilderness areas, historical sites and artifacts, and to permit the development of compatible public uses for recreation, agriculture, ranching, mining and timber production and the development, production and transmission of energy and other public utility services under principles of multiple use which provide the greatest benefit to the people of Nevada.

3 SEC. 7. 1. Except as provided in subsection 2, no sale, conveyance or other disposal of the public lands may be permitted or authorized by the state land registrar, unless specifically authorized by an act of the legislature enacted after July 1, 1979.

4 2. To the extent that the public lands may be conveyed, leased, permitted, or licensed by the Federal Government or any of its agencies, the state land registrar is hereby authorized to convey, lease, license or permit the use of public lands to the same extent or in the same manner as those lands are conveyed, leased, licensed, or permitted to be used by the Federal Government or any of its agencies.

5 3. All proceeds of fees, rents, royalties or other money paid to the state under sections 2 to 9, inclusive, of this act must be deposited with the state treasurer for credit to the state general fund.

6 SEC. 8. 1. Except as it is authorized pursuant to section 5 of this act or except as it may be authorized by the state land registrar pursuant to any authority conferred upon him by law, any sale, lease, exchange, encumbrance or other disposal of any parcel of or any interest in the public lands is void.

7 2. Any person who intends to perform or who actually carries out any act with respect to the use, management or disposal of any of the public lands under color of any statute, ordinance, regulation, custom or usage of the United States or otherwise, shall obtain written authorization from the state land registrar approving or confirming any such act, which authorization shall be given only to the extent it is authorized under the laws of this state.

8 3. Any person who does not obtain written authorization from the state land registrar as required by subsection 2 may be enjoined by the state land registrar from attempting to perform or continuing to carry out any act respecting the use, management or disposal of any of the public lands in any court of competent jurisdiction of this state within whose jurisdiction any of the affected public lands are located or the person resides.

9 4. The State of Nevada is entitled to receive any money or consideration paid by any person or legal entity for any purported sale, lease, exchange, encumbrance or other disposition of any of the public lands made contrary to the provisions of this act. The money may be recovered in a civil action initiated by the state land registrar against the person who collected the money in any court of competent jurisdiction of this state

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EXHIBIT A

1 within whose jurisdiction any of the affected public lands are located or
2 the person resides.

3 SEC. 8.5. 1. Any person who is aggrieved by a decision of the state
4 land registrar made pursuant to sections 2 to 9, inclusive, of this act may
5 appeal by letter to the board of review within 30 days after the date of
6 the decision from which the appeal is taken. The letter must set out:

7 (a) The decision from which the appeal is taken;

8 (b) Legal grounds for the contention of the appellant that the decision
9 exceeds the authority of the state land registrar; and

10 (c) Facts to support the contention,
11 with sufficient particularity to permit the state land registrar to prepare
12 for a hearing.

13 2. Upon receiving the letter, the board may:

14 (a) Dismiss the appeal if it appears from the letter to lack any merit; or

15 (b) Set a date for a hearing of the appeal which must be not less than
16 15 days nor more than 45 days after the date on which the board receives
17 the letter. The board shall notify the state land registrar and the appellant
18 of the date, time and place of the hearing.

19 3. Any hearing held by the board must be informal.

20 4. The state land registrar or his representative shall present at the
21 hearing the facts considered in reaching his decision. The appellant or his
22 representative may present matters in support of his contention that
23 the state land registrar's decision exceeds his authority.

24 5. If the appellant does not appear in person or by representative, the
25 board may consider the matter's set forth in his letter of appeal and may
26 dismiss the appeal or take any other action which it finds to be reasonable
27 and proper.

28 6. The board shall issue its order as soon as practicable after con-
29 ducting the hearing. The order of the board is a final decision in a
30 contested case.

31 SEC. 9. The attorney general may initiate or defend any action com-
32 menced in any court to carry out or enforce the provisions of sections
33 2 to 9, inclusive, of this act or seek any appropriate judicial relief to
34 protect the interests of the state or the people of the state in the public
35 lands. The right to enforce the provisions of sections 2 to 9, inclusive,
36 of this act vests exclusively in the attorney general.

37 SEC. 10. 1. The department of conservation and natural resources
38 shall conduct an inventory and a study of the public lands of Nevada to
39 determine, in conjunction with the respective boards of county com-
40 missioners and the planning commissions of the several counties, the
41 methods of management that will best satisfy the requirements of
42 section 6 of this act and establish a basis for determining the best uses
43 of the land.

44 2. The department of conservation and natural resources shall sub-
45 mit a report of its findings and recommendations to the 61st session of
46 the legislature.

47 SEC. 11. There is hereby appropriated to the interim finance com-
48 mittee from the state general fund the sum of \$250,000 for the biennium
49 beginning July 1, 1979, and ending June 30, 1981, for the support of

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1 the state land registrar and the division of state lands of the state
2 department of conservation and natural resources in carrying out the
3 purposes of this act, and for the attorney general for any litigation
4 arising out of this act. All costs of litigation incurred by the attorney
5 general in enforcing the provisions of this act are a charge upon the
6 appropriation made in this section.

20

EXHIBIT A

ATTACHMENT B

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 475

ASSEMBLY BILL NO. 475—COMMITTEE ON WAYS AND MEANS

FEBRUARY 27, 1979

Referred to Committee on Ways and Means

SUMMARY—Makes administrative changes in Public Employees' Retirement Act and legislators' retirement system. (BDR 23-846)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to retirement; making administrative changes in the Public Employees' Retirement Act and the legislators' retirement system; 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 286.040 is hereby amended to read as follows:

2 286.040 1. "Employee" means:

3 (a) A public officer of the State of Nevada or its political subdivisions.

4 (b) Any person employed by a public employer whose compensation
5 [and all other customary employee benefits are] is provided by the
6 public employer and who is under the direction or control of officers of
7 the public employer.

8 2. "Employee" does not include independent contractors or persons
9 rendering professional services to an employer on a fee, retainer or con-
10 tract basis.

11 3. The board shall determine who are employees under this defini-
12 tion.

13 SEC. 2. NRS 286.160 is hereby amended to read as follows:

14 286.160 1. The board shall employ an executive officer who serves
15 at the pleasure of the board. The executive officer shall select an assistant
16 executive officer [whose appointment is effective upon confirmation by
17 the board. The assistant executive officer serves] and administrative
18 assistant whose appointments are effective upon confirmation by the
19 retirement board. The assistant executive officer and administrative
20 assistant serve at the pleasure of the executive officer.

21 2. The executive officer [and the assistant executive officer], assist-
22 ant executive officer and administrative assistant are entitled to annual

ELBERT B. EDWARDS
CHAIRMAN EMERITUS

VERNON BENNETT
EXECUTIVE OFFICER

WILL KEATING
ASSISTANT EXECUTIVE OFFICER

STATE OF NEVADA



PUBLIC EMPLOYEES RETIREMENT SYSTEM

P.O. Box 1569
CARSON CITY, NEVADA 89701
TELEPHONE (702) 885-4200

RETIREMENT BOARD

L. ROSS CULBERTSON
CHAIRMAN

SAM A. PALAZZOLO
VICE CHAIRMAN

MEMBERS

DARREL R. DAINES
WILLIS A. DEISS
ELBERT B. EDWARDS
BOYD D. MANNING
DONALD L. REAM

May 15, 1979

The Honorable Floyd R. Lamb
Chairman, Senate Finance Committee
Legislative Building
Carson City, Nevada 89710

ATTACHMENT C

Ref: AB 475
Third Reprint

Dear Senator Lamb:

As you are aware, AB 475, Third Reprint, was removed from the General File and placed on the Secretary's desk upon the request of Senators Close and Ashworth due to concern they had with the special usury exemption provided to PERS. Senator Close has advised that SB 26 has been resolved satisfactorily so that it will raise the usury rate to 18%. He and Senator Don Ashworth feel that the Retirement System should fall under the general usury provision like other agencies. Senator Close is suggesting an amendment to delete sections 22 and 24 from AB 475 so that it will not include any reference to usury. The Retirement System has no objection to this amendment now that the usury law will be improved in accordance with SB 26. Based on your authorization, I have requested an amendment to AB 475, Third Reprint, to delete sections 22 and 24 in their entirety. I would appreciate your immediate consideration of this amendment.

We are concerned regarding the time problem with AB 475 because we are required to hold AB 474 until AB 475 has been passed, due to conflicts. Therefore, we would appreciate any special actions which you and members of the Senate Finance Committee may be able to take to obtain quick consideration of AB 475. We understand that the rules can be suspended and AB 475 passed through the Senate as amended to delete sections 22 and 24 without having to obtain a prior additional reprint of the bill. We hereby officially request that this action be taken due to the fact that AB 475 has already appeared on the General File two previous times. We understand that the Assembly Ways and Means Committee has no objection to the amendments to AB 475 and will provide a prompt consideration of concurrence in the amendments so that this bill can be forwarded for enrollment and AB 474 can proceed for consideration.

We appreciate your continued cooperation, assistance and patience regarding the Retirement System's legislative program.

Sincerely

Vernon Bennett
VERNON BENNETT
Executive Officer

c.c.: Senate Finance Committee
Senator Mel Close
Senator Don Ashworth
Retirement Board

VB:bb

O-207

2743

ATTACHMENT D

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 63

ASSEMBLY BILL NO. 63—ASSEMBLYMEN MELLO, PRICE, MAY, BARENGO, DINI, BREMNER, ROBINSON, POLISH, HICKEY, HARMON, RUSK, HORN, VERGIELS, WESTALL, COULTER, MANN, WEBB, MALONE, MARVEL, GLOVER, SENA, WEISE, HAYES, CRADDOCK, FIELDING, PRENGAMAN, RHOADS, FITZPATRICK, JEFFREY, WAGNER, BERGEVIN AND GETTO

JANUARY 16, 1979

Referred to Committee on Taxation

SUMMARY—Imposes additional state tax on slot machines contingent upon expiration of federal tax on slot machines. (BDR 41-766)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to gaming licensing and associated revenue; imposing an additional state tax on slot machines contingent upon the expiration of the federal tax on slot machines; revising the distribution of revenue from this source between the public schools and the state university; authorizing the issuance of bonds for certain projects supported in part from this revenue; 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 463.372 is hereby amended to read as follows:
2 463.372 For purposes of administering the quarterly state license fee
3 imposed by NRS 463.373, [and] the annual state license fee imposed by
4 NRS 463.375, [a slot machine means any device, contrivance or machine,
5 otherwise fitting the description provided by NRS 463.0127, which was
6 intended by manufacture or design to be played or operated by one per-
7 son, notwithstanding the fact that any such device, contrivance or machine
8 may have been installed in a licensed gaming establishment in conjunction
9 with one or more like or similar devices, contrivances or machines for the
10 purpose of affording one person an opportunity to play or operate any
11 such combination.] and the annual tax imposed by NRS 463.385, the
12 commission shall prescribe by regulation the manner of counting slot
13 machines whose operations are related to one another.

SEC. 2. NRS 463.385 is hereby amended to read as follows:

1 463.385 1. In addition to any other license fees and taxes imposed
2 by this chapter, there is hereby imposed upon each slot machine operated
3 in this state a tax equal to the amount of any credit which may be
4 allowed against the tax imposed on slot machines by 26 U.S.C. § 4461
5 or other federal statute for the payment of a state tax. If no credit is
6 allowed, no tax is payable under this subsection.

7 2. The commission shall:

8 (a) Collect the tax annually on or before June 20, as a condition
9 precedent to the issuance of a state gaming license to operate any slot
10 machine.

11 (b) Include the proceeds of the tax in its reports of state gaming taxes
12 collected.

13 3. The commission shall pay over the tax as collected to the state
14 treasurer to be deposited to the credit of the state distributive school
15 fund and the [higher education] capital construction fund [.] for higher
16 education, hereby created in the state treasury, in the amounts and to be
17 expended only for the purposes specified in subsections 4 and 5.

18 4. Except as provided in subsection 6, during each fiscal year the
19 state treasurer shall deposit the first \$5 million of the tax paid over
20 to him by the commission in the [higher education] capital construction
21 fund [.] for higher education. When [requested by the board of regents
22 of the University of Nevada,] specific projects are authorized by the leg-
23 islature, money in the [higher education capital construction fund shall]
24 fund must be transferred by the state controller and the state treasurer to
25 the state public works board for the purpose [only] of constructing capi-
26 tal improvement projects for the University of Nevada System, including
27 but not limited to capital improvement projects for the community college
28 division. As used in this subsection, "construction" includes but is not lim-
29 ited to planning, design, site acquisition and development, construction,
30 reconstruction, furnishing, equipping, replacing, repairing, rehabilitating,
31 expanding and remodeling. [Unless specifically directed by an act of the
32 legislature concerning priorities of construction of specific projects with
33 moneys in the higher education capital construction fund, the board of
34 regents of the University of Nevada shall determine the order of priority
35 and the needs of the University of Nevada System with respect to expendi-
36 tures of available moneys in the higher education capital construction
37 fund.] Any [moneys] money remaining in the higher education capital
38 construction fund at the end of a fiscal year [shall] does not revert to the
39 general fund in the state treasury but [shall remain] remains in the
40 [higher education] capital construction fund for higher education for
41 authorized expenditure.

42 5. Except as provided in subsection 6, during each fiscal year the
43 state treasurer shall deposit all money in excess of the first \$5 million of
44 the tax paid over to him by the commission in the state distributive school
45 fund to be apportioned as provided in NRS 387.030 among the several
46 school districts of the state at the times and in the manner provided by
47 law.

48 6. If the amount of any credit which is allowed against the tax
49 imposed on slot machines by 26 U.S.C. § 4461 or any other federal
50

1 statute for the payment of a state tax is increased after July 1, 1977,
2 the amount of tax collected by the commission under this section which
3 represents that increase [shall] must be paid over to the state treasurer
4 for deposit to the credit of the special [higher education] capital con-
5 struction fund [.] for higher education, which is hereby created in the
6 state treasury, and expended only for the purposes specified in sub-
7 section 7.

8 7. The board of regents of the University of Nevada may use any
9 money in the capital construction fund for higher education and the
10 special [higher education] capital construction fund for higher education
11 for the payment of interest and amortization of principal on bonds and
12 other securities issued before or after July 1, 1979, to defray [costs of
13 construction of specific projects.] in whole or in part the costs of any
14 capital project authorized by the legislature.

15 SEC. 3. NRS 463.385 is hereby amended to read as follows:

16 463.385 1. In addition to any other license fees and taxes imposed
17 by this chapter, there is hereby imposed upon each slot machine operated
18 in this state [a tax equal to the amount of any credit which may be
19 allowed against the tax imposed on slot machines by 26 U.S.C. § 4461
20 or other federal statute for the payment of a state tax. If no credit is
21 allowed, no tax is payable under this subsection.] an annual tax of \$250.
22 If a slot machine is replaced by another, the replacement is not con-
23 sidered a different slot machine for the purpose of imposing this tax.

24 2. The commission shall:

25 (a) Collect the tax annually on or before June 20, as a condition
26 precedent to the issuance of a state gaming license to operate any
27 slot machine [.] for the ensuing fiscal year beginning July 1, from a
28 licensee whose operation is continuing.

29 (b) Collect the tax in advance from a licensee who begins operation
30 or puts additional slot machines into play during the fiscal year, pro-
31 rated monthly after July 31.

32 (c) Include the proceeds of the tax in its reports of state gaming taxes
33 collected.

34 3. The commission shall pay over the tax as collected to the state
35 treasurer to be deposited to the credit of the state distributive school
36 fund, [and] the capital construction fund for higher education [.] and
37 the special capital construction fund for higher education, hereby created
38 in the state treasury, in the amounts and to be expended only for the
39 purposes specified in [subsections 4 and 5.] this section.

40 4. [Except as provided in subsection 6, during] During each fiscal
41 year the state treasurer shall deposit the [first \$5 million of the] tax paid
42 over to him by the commission as follows:

43 (a) The first \$5 million of the tax in the capital construction fund for
44 higher education [.] ;

45 (b) Twenty percent of the tax in the special capital construction fund
46 for higher education; and

47 (c) The remainder of the tax in the state distributive school fund.

48 5. When specific projects are authorized by the legislature, money in
49 the [fund] capital construction fund for higher education and the special
50 capital construction fund for higher education must be transferred by the

EXHIBIT D

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1 state controller and the state treasurer to the state public works board for
2 the purpose of constructing capital improvement projects for the Univer-
3 sity of Nevada System, including but not limited to capital improvement
4 projects for the community college division. As used in this subsection,
5 "construction" includes but is not limited to planning, design, site acquisi-
6 tion and development, construction, reconstruction, furnishing, equipping,
7 replacing, repairing, rehabilitating, expanding and remodeling. Any
8 money remaining in [the higher education capital construction] either
9 construction fund at the end of a fiscal year does not revert to the general
10 fund in the state treasury but remains in [the capital construction fund
11 for higher education] those funds for authorized expenditure.

12 [5. Except as provided in subsection 6, during each fiscal year the
13 state treasurer shall deposit all money in excess of the first \$5 million of
14 the tax paid over to him by the commission]

15 6. The money deposited in the state distributive school fund [to]
16 under this section must be apportioned as provided in NRS 387.030
17 among the several school districts of the state at the times and in the man-
18 ner provided by law.

19 [6. If the amount of any credit which is allowed against the tax
20 imposed on slot machines by 26 U.S.C. § 4461 or any other federal statu-
21 te for the payment of a state tax is increased after July 1, 1977, the
22 amount of tax collected by the commission under this section which rep-
23 resents that increase must be paid over to the state treasurer for deposit
24 to the credit of the special capital construction fund for higher education,
25 which is hereby created in the state treasury, and expended only for the
26 purposes specified in subsection 7.]

27 7. The board of regents of the University of Nevada may use any
28 money in the capital construction fund for higher education and the spe-
29 cial capital construction fund for higher education for the payment of
30 interest and amortization of principal on bonds and other securities issued
31 before or after July 1, 1979, to defray in whole or in part the costs of any
32 capital project authorized by the legislature.

33 SEC. 4. NRS 463.386 is hereby amended to read as follows:

34 463.386 1. [In the event] If the securities of a corporate licensee
35 are or become publicly held or publicly traded, the gaming operations
36 of [such] the corporation may be transferred to a wholly owned sub-
37 sidiary corporation, if [such] the subsidiary corporation applies for and
38 obtains a license.

39 2. If the commission approves the issuance of a license to [such]
40 the wholly owned subsidiary corporation, all prepaid state gaming taxes
41 and fees which are credited to the account of the parent corporation shall
42 be transferred and credited to the account of the subsidiary.

43 3. If a corporate gaming licensee is merged with another corporation,
44 at least 80 percent of which is owned by shareholders of the former cor-
45 porate licensee, and which is thereafter licensed at the same location
46 within 30 days following the merger, then for the purposes of NRS 463.-
47 370, 463.373, 463.375, 463.380, [and] 463.383 [.] and 463.385, and
48 for those purposes only, the gaming license of the merged corporate licen-
49 see shall be deemed to have been transferred to the surviving corporation

1 and the previously licensed operation shall be deemed to be a continuing
2 operation under the license of the surviving corporation.

3 4. If a corporate gaming licensee is dissolved, and the parent corpora-
4 tion of the dissolved corporation or a subsidiary corporation of [such]
5 the parent [corporations,] corporation, 80 percent of which is owned by
6 [such] the parent corporation, is licensed at the same location within 30
7 days following the dissolution, then for the purposes of NRS 463.370,
8 463.373, 463.375, 463.380, [and] 463.383 [.] and 463.385, and for
9 those purposes only, the gaming license of the dissolved corporate licensee
10 shall be deemed to have been transferred to [such] the parent corpora-
11 tion or subsidiary corporation of [such] the parent corporation and the
12 previously licensed operation shall be deemed to be a continuing opera-
13 tion under [such] that other corporate license.

14 SEC. 5. 1. The board of regents, on the behalf and in the name of
15 the University of Nevada, shall, consistent with the provisions of the
16 University Securities Law:

17 (a) Finance the multipurpose pavilion project on the campus of the
18 University of Nevada, Las Vegas, and defray in whole or in part the cost
19 of that project by the issuance of bonds and other securities of the univer-
20 sity in a total principal amount not to exceed \$30,000,000 whose principal
21 and interest are to be paid from the capital construction fund for higher
22 education and the special capital construction fund for higher education.

23 (b) Finance the multipurpose pavilion project on the campus of the
24 University of Nevada, Reno, and defray in whole or in part the cost of
25 that project by the issuance of bonds and other securities of the university
26 in a total principal amount not to exceed \$26,000,000 whose principal
27 and interest are to be paid from the capital construction fund for higher
28 education and the special capital construction fund for higher education.

29 2. The board of regents shall pursue both projects concurrently.

30 3. If bonds or other securities are issued pursuant to subsection 1,
31 the faith of the state is hereby pledged that:

32 (a) If section 3 of this amendatory act has become effective, the tax
33 imposed thereby will not be repealed or diminished so as to impair the
34 payment of principal or interest upon those securities.

35 (b) If section 2 of this amendatory act remains effective, the tax
36 imposed thereby will not be permitted to decrease below the amount per
37 slot machine which is collected on the effective date of this section, and
38 if necessary the legislature will amend NRS 463.385 to impose that tax
39 without reference to any credit allowed by federal law,

40 SEC. 6. Except as otherwise provided in sections 7 to 15, inclusive,
41 of this act, terms used or referred to in sections 7 to 15, inclusive, of
42 this act are as defined in the University Securities Law; but the terms
43 defined in sections 7 to 10, inclusive, of this act, unless the context
44 otherwise requires, have the meaning ascribed to them in those sections.

45 SEC. 7. "Net pledged revenues" means all the "pledged revenues,"
46 as defined in sections 8 and 9 of this act, without any deduction of any
47 operation and maintenance expenses except as provided in such defini-
48 tion of "pledged revenues."

49 SEC. 8. "Pledged revenues" means in connection with securities

1 issued pursuant to this act to finance in part the project designated in
2 section 10 of this act:

3 1. The gross revenues derived from or otherwise pertaining to the
4 operation of any one, all, or other combination of facilities of the types
5 of income-producing facilities designated in NRS 396.828 and situate
6 on the campuses of the universities known as the University of Nevada,
7 Reno, and the University of Nevada, Las Vegas, which revenues the
8 board, by the resolution authorizing the securities issued pursuant to
9 this act, determines to pledge for the payment of the securities, after
10 the deduction of the operation and maintenance expenses of those
11 facilities pertaining to such pledged revenues;

12 2. The gross revenues derived from the imposition and collection
13 of the student fees payable by the students attending those two uni-
14 versities and designated by the new section added to chapter 396 of
15 NRS by section 1 of chapter 264, Statutes of Nevada 1979, subject to
16 the limitation provided in subsection 5 of NRS 396.840 as amended by
17 chapter 264; and

18 3. Commencing with the fiscal year beginning on July 1, 1979, the
19 moneys credited to the capital construction fund for higher education
20 by sections 2 and 3 of this act.

21 SEC. 9. 1. "Pledged revenues" includes, in connection with students
22 attending the two universities or the community colleges, as the case may
23 be, any student fees authorized by law after the effective date of this
24 section, all grants, conditional or unconditional, from the Federal Gov-
25 ernment for the payment of any securities requirements, if any, and net
26 revenues, if any, to be derived from the operation of income-producing
27 facilities of the university or the board or from other available sources,
28 and to which fees, grants and revenues, the pledge and lien provided for
29 the payment of the securities authorized in this act and any other securi-
30 ties payable therefrom are extended after the effective date of this section.

31 2. "Pledged revenues" indicates a source of revenues and does not
32 necessarily indicate all or any portion or other part of such revenues in
33 the absence of further qualification.

34 SEC. 10. "Project" means the construction, other acquisition and
35 improvement (or any combination thereof) of the business and hotel
36 administration building, phase I, University of Nevada, Las Vegas,
37 equipment and furnishings therefor, and other appurtenances relating
38 thereto.

39 SEC. 11. 1. The board, on behalf and in the name of the university,
40 is authorized by sections 6 to 15, inclusive, of this act, as supplemented
41 by the provisions of the University Securities Law:

42 (a) To finance the project by an expenditure of not to exceed \$11,-
43 786,000; and to defray in part the cost of the project by the issuance of
44 bonds and other securities of the university in a total principal amount
45 not exceeding \$2,000,000;

46 (b) To issue such bonds and other securities in connection with the
47 project in one series or more at any time or from time to time but not
48 after 5 years from the effective date of this section, as the board may
49 determine, and consisting of special obligations of the university payable
50 from the net pledged revenues authorized by this act and pertaining to

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1 the project and possibly subsequently other net pledged revenues, secured
2 by a pledge thereof and a lien thereon, subject to existing contractual
3 limitations, and subject to the limitations in paragraph (a);

4 (c) To employ legal, fiscal and other expert services and to defray the
5 costs thereof with any money available therefor, including without limi-
6 tation, proceeds of securities authorized by sections 6 to 15, inclusive,
7 of this act; and

8 (d) To exercise the incidental powers provided in the University
9 Securities Law in connection with the powers authorized by sections 6
10 to 15, inclusive, of this act except as therein otherwise expressly provided.

11 2. This act does not prevent the board from funding, refunding or
12 reissuing any securities of the university or the board at any time as pro-
13 vided in the University Securities Law.

14 SEC. 12. 1. All phases of the planning, design, construction and
15 equipment of the project as defined in section 10 of this act and referred
16 to in sections 6 to 15, inclusive, of this act are subject to supervision by
17 the state public works board in accordance with the provisions of chapter
18 341 of NRS.

19 2. The state public works board shall insure that competent archi-
20 tects, engineers and other qualified persons are employed to prepare the
21 plans and specifications required to acquire the respective facilities result-
22 ing from the project and, if necessary, to assist in the preparation of
23 contract documents necessary to the acquisition of such facilities.

24 3. All work authorized by this act must be approved by the state pub-
25 lic works board, and each contract document pertaining to each sub-
26 project must be approved by the attorney general.

27 4. The state public works board shall advertise, in a newspaper or
28 newspapers of general circulation in the State of Nevada, for sealed bids
29 for the project. Approved plans and specifications for the project must
30 be on file at places and times stated in such advertisements for the inspec-
31 tion of all persons desiring to bid thereon and for other interested persons.
32 The state public works board may accept bids either on the whole or on
33 part or parts of such acquisition, and may let separate contracts for dif-
34 ferent and separate portions of the project, or a combination contract for
35 structural, mechanical and electrical construction if savings will result
36 thereby, to the lowest bidder thereon, but any and all bids may be
37 rejected for any good reason.

38 SEC. 13. The powers conferred by sections 6 to 15, inclusive, of this
39 act are in addition to and supplemental to, and the limitations imposed
40 by those sections do not affect the powers conferred by any other law,
41 general or special; and securities may be issued under this act without
42 regard to the procedure required by any other such law except as other-
43 wise provided in those sections or in the University Securities Law.
44 Insofar as the provisions of sections 6 to 15, inclusive, of this act are
45 inconsistent with the provisions of any other law, general or special, the
46 provisions of those sections control.

47 SEC. 14. Sections 6 to 15, inclusive, of this act being necessary to
48 secure and preserve the public health, safety, convenience and welfare
49 shall be liberally construed to effect its purposes.

EXHIBIT D

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 534

ASSEMBLY BILL NO. 534—COMMITTEE ON
WAYS AND MEANS

MARCH 12, 1979

Referred to Committee on Ways and Means

SUMMARY—Lowers age of eligibility and revises benefits for surviving spouses of deceased supreme court justices and district judges. (BDR 1-973)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to surviving spouses of supreme court justices and district court judges; lowering the age at which the survivors' benefits are payable; increasing the amount of the benefits; and providing other matters properly relating thereto.

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

SECTION 1. NRS 2.070 is hereby amended to read as follows:

2.070 1. If a justice of the supreme court at the time of his [or her] death had retired and was then receiving a pension under the provisions of NRS 2.060, or if at the time of his [or her] death the justice had not retired but had performed sufficient service for retirement under the provisions of NRS 2.060, the surviving spouse, [providing such] if the spouse has attained the age of [65] 60 years, is entitled, until his [or her] death or remarriage, to receive [the sum of \$400] payments of \$500 per month.

2. To [be entitled to receive the benefits herein provided for,] obtain such benefits, the surviving spouse must make application to the board, commission or authority entrusted with the administration of the judges' pensions and furnish such information as may be required pursuant to reasonable [rules and] regulations [to be] adopted for the purpose of carrying out the intent of this section.

3. It is the intent of this section that no special fund be created for the purpose of paying [the benefits herein required to be made, and any] such benefits, and all payments made under the provisions of this section are specifically directed to be made out of and charged to any fund now or hereafter created for the purpose of paying pension benefits to justices of the supreme court.

Sec. 2. NRS 3.095 is hereby amended to read as follows:

2 — 2 —

1 3.095 1. If a district judge at the time of his [or her] death had
2 retired and was then receiving a pension under the provisions of NRS
3 3.090, or if at the time of his [or her] death the judge had not retired
4 but had performed sufficient service for retirement under the provisions
5 of NRS 3.090, the surviving spouse, [providing such] if the spouse has
6 attained the age of [65] 60 years, is entitled, until his [or her] death or
7 remarriage, to receive [the sum of \$400] payments of \$500 per month.
8 2. To [be entitled to receive the benefits herein provided for,] obtain
9 such benefits, the surviving spouse must make application to the board,
10 commission or authority entrusted with the administration of the judges'
11 pensions and furnish such information as may be required pursuant to
12 reasonable [rules and] regulations [to be] adopted for the purpose of
13 carrying out the intent of this section.
14 3. It is the intent of this section that no special fund be created for
15 the purpose of paying [the benefits herein required to be made, and any]
16 such benefits, and all payments made under the provisions of this section
17 are specifically directed to be made out of and charged to any fund now
18 or hereafter created for the purpose of paying pension benefits to district
19 judges.

ATTACHMENT E

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ATTACHMENT F

A. B. 824

ASSEMBLY BILL NO. 824—ASSEMBLYMEN MELLO, VERGIELS,
BREMNER, MANN, WAGNER, BARENGO, GLOVER, WEBB,
HICKEY, RHOADS AND CAVNAR

MAY 3, 1979

Referred to Committee on Ways and Means

SUMMARY—Consolidates parole officers for juvenile offenders into youth parole bureau in youth services division of department of human resources. (BDR 16-1368)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to juvenile offenders; creating the youth parole bureau in the youth services division of the department of human resources; consolidating parole officers into that bureau; making certain other reorganizations within the department and in its advisory boards; 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 210.010 is hereby amended to read as follows:

2 210.010 As used in NRS 210.010 to 210.290, inclusive:

3 1. "Administrator" means the administrator of the youth services
4 [agency] *division* in the department of human resources.

5 2. "Director" means the director of the department of human
6 resources.

7 3. "School" means the Nevada youth training center, [heretofore]
8 established and maintained for the care of minors adjudged delinquent
9 and committed thereto.

10 4. "Superintendent" means the superintendent of the school.

11 5. "*Youth parole bureau*" means the youth parole bureau of the
12 youth services division in the department of human resources.

13 SEC. 2. NRS 210.240 is hereby amended to read as follows:

14 210.240 1. When an inmate is eligible for parole according to reg-
15 ulations established for that purpose [.] and parole will be to [the] his
16 advantage, [of the inmate,] the superintendent may grant parole [under
17 such conditions as he deems best.

18 2. Each person paroled shall be placed in a reputable home and
19 enrolled in an educational or work program. The school may pay the
20 expenses incurred in providing such a home.

WAYS & MEANS CAPITAL IMPROVEMENT PROJECTS SUBCOMMITTEE

Page	Project Number	Project Title	Ways & Means Committee		Revised Governor's Recommendation	
			General Fund	Other	General Fund	Other
801	79-1	Misc. Improvements, NNCC, NWCC	\$ 427,300	\$	\$ 427,300	\$
801	79-2	Lakes Crossing	519,000		519,000	
801	79-3	NMHI Repair Steam Manholes	109,000		109,000	
801	79-4	NYTC Improve Sewage System	215,000		215,000	
801	79-5	Rehabilitate Electrical System	27,500		27,500	
802	79-6	Site Improvements, WNCC	294,000		301,000	
802	79-7	Medium Security Prison	25,599,000		25,599,000	
802	79-8	Activity Bldg. - NWCC	1,767,000		1,767,000	
802	79-9	Emergency Power System - NNCC, NSP	292,000		292,000	
803	79-10	Miscellaneous Maintenance Projects	107,600		107,600	
803	79-11	Improvements, Nat'l Guard Armories	79,122	615,576	79,122	615,576
803	79-12	Psychiatric Unit - NNCC	1,302,000		1,352,000	
803	79-13	NMHI Rehabilitate Fire Alarm Systems	144,800		144,800	
803	79-14	Expand Educational Bldg. - NNCC	-0-		692,000	
804	79-15	Vocational Bldg. - NWCC	-0-		705,000	
804	79-16	Sierra Development Ctr. - Ind. Living	403,500		403,500	
804	79-17	LVMHC - Adolescent Facility	2,324,000	635,000	2,324,000	635,000
805	79-18	Fourth Vocational Bldg. - NNCC	-0-		696,000	
805	79-19	Campus Improvements, UNR	2,388,369	1,000,000 H	2,778,000	1,000,000 H

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WAYS & MEANS CAPITAL IMPROVEMENT PROJECTS SUBCOMMITTEE

Page	Project Number	Project Title	Ways & Means Committee		Revised Governor's Recommendation	
			General Fund	Other	General Fund	Other
805	79-20	Addition to D.M.V. Building	\$ 5,299,000	\$	\$ 5,299,000	\$
805	79-21	Campus Improvements, NNCC		60,000 H 150,000 C		60,000 H 150,000 C
806	79-22	Rehabilitate State Office Building	483,000		483,000	
806	79-23	NYTC Miscellaneous Improvements	474,000		549,000	
806	79-24	Business & Hotel Adm. Bldg., UNLV		6,550,000 H 3,236,000 C 2,000,000 B		6,550,000 H 3,236,000 C 2,000,000 B
806	79-25	Mackay School of Mines, UNR	1,054,300	3,737,700 H-77 1,890,000 H	5,642,000	1,890,000 H
807	79-27	Rural Clinics Facility	-0-		688,600	
807	79-28	Non-ambulatory Residential Bldg., DDC	425,000		425,000	
807	79-29	Fallon Center, WNCC	851,000		851,000	
807	79-30	Addition to Purchasing Warehouse	734,000	200,000	934,000	
808	79-31	Fine Arts Complex, Phase III	5,000,000		10,910,000	
808	79-32	Computer Facility Improvements	272,700		257,000	
808	79-33	Campus Improvements, CCCC		244,000 C		244,000 C
808	79-34	Historical Society Bldg., Reno	520,000	57,000	520,000	57,000
808	79-35	Campus Improvements, UNLV	648,860		1,350,000	
809	79-36	Fish & Game Dept. Radio/Boat Shop	211,000		211,000	
809	79-37	Handicapped Provisions, Kinhead Bldg.	42,600		42,600	

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WAYS & MEANS CAPITAL IMPROVEMENT PROJECTS SUBCOMMITTEE

Page	Project Number	Project Title	Ways & Means Committee		Revised Governor's Recommendation	
			General Fund	Other	General Fund	Other
809	79-38	NMHI Rehab. Heating, Vent. & A/C	\$ 381,500	\$	\$ 381,500	\$
	79-38A	Adolescent Residential Facility, NMHI	1,169,000	(Use Bldg. IX NMHI)	1,169,000	
809	79-39	Medical Dental Bldg. - NWCC	138,000		138,000	
809	79-40	Southern Nevada Children's Home Improve.	129,000		154,000	
810	79-41	State Museum, Warehouse Well	40,000		509,700	
810	79-42	Humanities Addition, Bus. College, UNR	1,800,000	1,000,000 H	2,100,000	1,000,000 H
810	79-43	Southern Nevada Museum	2,744,000		2,744,000	
810	79-49	Henderson Center, CCCC	-0-		2,297,000	
		DRI Roof	15,750		-0-	
	79-55	Learning Resource Center, CCCC		1,586,000 C 2,200,000 B		-0-
		Special Children's Clinic	800,000	-0-	-0-	
		Lighting, Track & Practice Fields, UNLV		419,000 H-77	-0-	
Total			<u>\$ 59,231,901</u>	<u>\$ 25,580,276</u>	<u>\$ 76,194,222</u>	<u>\$ 17,437,576</u>

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