

MEMBERS PRESENT:

Chairman Jeffrey  
Vice Chairman Redelsperger (excused)  
Assemblyman Mello  
Assemblyman Dini  
Assemblyman Kovacs  
Assemblyman Schofield  
Assemblyman Polish  
Assemblyman Rhoads  
Assemblyman Du Bois

OTHERS PRESENT:

Mr. Steve Bradhurst, State MX  
Coordinator  
Mr. Robert Erickson, State Researcher  
Mr. G. P. Etcheverry, League of  
Cities  
Mr. Paul Botari, Nevada Cattleman's  
Association  
Ms. Connie Ashcraft, Local Oversight  
Committee

The meeting was called to order by Chairman Jeffrey at  
2:10 P.M. He called for testimony on AB 640.

AB 640

Provides measures for alleviating  
the effects of the MX missile  
project.

Assemblyman Schofield was the first to testify regarding  
this bill, he explained that AB 640 is one of the many bills dealing  
with the MX missile project. Many of the parts of the other MX  
related bills are included in AB 640. Mr. Schofield asked Mr.  
Robert Erickson, of the Department of Research, for assistance with  
this testimony. He referred to SB 381 which was amended and is com-  
ing back to the committee, as is AB 440. There are parts of AB 640  
in each of these bills and there are also parts of AB 640 that are  
not included in them. He stated that it is his intention to make  
these bills blend as much as possible so as to arrive at the same  
objective, that being, to protect the State in the event the MX  
system does come to this state.

Chairman Jeffrey stated he felt that the points that aren't  
covered in SB 381, should be the ones that be considered in  
committee today.

Mr. Robert Erickson took over the testimony. He stated  
that one provision of AB 640 that is not covered in any other bill  
although it is in the amendments to SB 381, is the creation of the  
State MX Board. This was done in this bill in Section 2, and it is  
his understanding that the amendments to SB 381 also cover formation  
of a State MX Board. A second point that was brought out in AB 640  
is in Section 7 and 8 and all of section 14, setting out the pro-  
visions to allow interest earned on MX accounts to go into MX related  
activities. There is reference to that interest in both Section 7  
and Section 8 and also in Section 14. In Section 7, Subsection 3,  
Section 8 and Subsection 6, and Section 14 it is at the top of the  
page (page 5). Another point that is presented in AB 640 and does not

appear in other bills, is the appropriation of state money to set up an MX account or an MX revolving fund. This is addressed in AB 640 in section 8 and 18. Section 8 is primarily the setting up of a new account. This is all new language. There are two accounts proposed by AB 640, one is the account for alleviating the effects of the MX missile project, similar to a revolving fund. Subsection 4 is important and doesn't appear elsewhere, and states that no more than \$500,000.00 can be advanced to any one entity for any fiscal year. The previous sections talk about advances out of this account. Section 18 in this bill state is hereby appropriated from the State General Fund, ten million dollars to this account. Provisions contained in Section 6 of AB 640 that are not addressed in other bills. They discuss new concepts and talk about in particular, that the board shall consolidate all applications into one application and shall submit that to the Department of Defense, subsection (c) is to conduct negotiations with the Department of Defense, and (d) should administer grants awarded pursuant to the board applications. Under subsection 2 the board may adopt regulations as it deems necessary. The aforementioned concepts are the ones not mentioned in any of the other MX bills. Page 2 regarding section 3 talks about the appointment of an MX missile board. This particular section talks about three members being appointed by the governor from Federal agencies, only one of those will be a voting member, in SB 381 as will be case in AB 640, but in AB 640 it is presumed the governor shall appoint the Federal representatives. There is no direct tie to them being Department of Defense Representatives. Mr. Erickson feels that the way this handled in SB 381 is better than the language in AB 640.

Assemblyman Schofield stated that the points Mr. Erickson stressed are the ones he feels should be included in any MX package that may come out.

Assemblyman Polish wondered if SB 381 was the result of work done by Mr. Russ McDonald.

Mr. Erickson stated that Mr. McDonald was responsible for SB 241. That particular bill was signed by the governor on May 7, 1981 and is currently in effect. There are several sections that are in AB 640 that are currently in law because of the passage of SB 241.

Mr. Jeffrey stated that he would like Assemblyman Schofield to get a memorandum together comparing the various bills and the sections that may be the same in content so then can consolidate them more effectively.

Mr. Steve Bradhurst, Director of the State MX Office was next to testify. He stated the elements of AB 640 are adequately being covered by other bills. SB 381 does a far better job than Section 3, on page 1 in AB 640 in terms of indicating who will serve on the board. The state MX Planning and Mitigation Board on line 9 says the governor shall appoint three members from a list of six candidates, nominated by the Nevada League of Cities and SB 381 provides more detail. The way this reads there could be six candidates from one city, or county. The second page line 1, to line 34 covers more adequately in SB 381. One disturbing section is

section 7, where it says "The board is designated as a state agency for initial receipt of any federal funds." This may be some problem when you have a mitigation board and suddenly you have twelve members designated as a state agent. In SB 381 the governor is designated as the agent to receive funds, he puts that into the treasury, then it goes into a fund to mitigate the impacts and you're ready to roll. Section 8 on the bottom of page 2, line 35 through line 49 deals with the revolving fund, and there is some question of the likelihood of a revolving fund being approved, with respect to the ten million dollars. SB 229 was proposed for two million and it may not get off the ground in the Senate, perhaps this should not be in this particular bill. Line 38 through 48 on the third page is SB 175 and that is in conference committee right now. It is Mr. Bradhurst's feeling this will be resolved very soon. The primary purpose of the conference committee is the fact that the bill did not include local governments and did not allow local governments to step forward and take ownership of capital improvements. Mr. Bradhurst feels strongly there isn't much difference in SB 175, SB 241, SB 381 and SB 229. The only portion that is useful in this bill, AB 640, is on page 4 line 16 through 49, and that provides a little more strength in what we already have and SB 381 does not have that detail at this time, that section does have merit and should be included in SB 381.

On page 5 from Line 6, section 15 is the section that was deleted from SB 241 and that was the section the State Water Engineer indicated that there was no need for this language. He reiterated that Section 14 should be considered as an addition to SB 381 the rest is redundant.

Connie Ashcraft, representing the Local Oversight Committee in Pioche, stated that with the amendments, they are in agreement with SB 381. They would like to see the original language in SB 381 with amendments and put into AB 640. This language would include membership for committee to come from the counties located in or immediately adjacent to the MX Missile Deployment Area. This would be SB 381 page 2, lines 12 and 16, and the other change deleting reference to the MX Missile coordination Office on Page 2, line 44. The problem with SB 381 is that the Federal Legislation now pending in Congress tracks the language and if that language is not in place creating the MC Board with the membership as it was previously constituted in SB 381 the Federal Legislation will probably die. It has support because it is the same as the language used in the State of Utah and in a Federal Project in the State of Georgia. The language and constitution of the board membership is essential. The first reprint of SB 381 changes the membership and changes the language "financially effected" to the words "located in or immediately adjacent to the MX Missile Deployment Area". The language of the federal legislation will be available for work on this bill in any possible amendments thereto.

G. P. Etcheverry of the Nevada League of Cities was next to testify, and stated he has three pages of amendments to AB 640. However, after looking at the amendments to SB 381 he feels as does Mr. Ashcraft does. He would however, like to reserve these comments and give them to the members after the meeting so they might be able to use them in working with SB 381 and AB 640. He stated that ~~the~~ the

subcommittee on SB 381 the intent was to take the section of AB 640 creating the MC Missile Project Office and add that to SB 381 together with other minor changes in SB 381. The amendments that he has and wants the committee to review create a super board and might create a board Federal Projects, which would review all Federal Projects. The intent of the MX Board was to keep MX away from any other Federal Projects.

Mr. Paul Botari, with Nevada Cattlemen's Association stated their particular concern with AB 640 is in the makeup of the membership of the board. Apparently SB 381 would also be involved. There is no representation of the cattlemen or ranching industry although this is the industry most adversely effected by the MX. They feel ranchers should definetly be represented on this board.

There being no further testiony on AB 640 the public hearing on this matter was closed.

Chairman Jeffrey called for testimony on SJR 36.

SJR 36

Urges United States Government to supply imported water to Nevada to compensate for taking land for "MX" missile system.

Assemblyman Mello moved for a DO PASS on SJR 36, the motion was seconded by Assemblyman Schofield, the motion carried unanimously, with Assemblyman Redelsperger and Assemblyman Dini absent from the vote.

Chairman Jeffrey stated that it was the committees feeling to hold any action on AB 640 and SB 381 until the proposed amendments had been properly reviewed.

Chairman Jeffrey called for action on AB 60, Assemblyman Rhoads moved for a DO PASS with a REREFER to Ways and Means Committee, the motion was seconded by Assemblyman Du Bois, the motion carried unanimously with Assemblyman Dini absent from the vote.

Chairman Jeffrey called for action on SB 405, Assemblyman Kovacs moved for a DO PASS, the motion was seconded by Assemblyman Schofield, the motion carried with Assemblyman Polish being the only opposing vote, Assemblyman Dini and Mello absent from the vote, the remainder of the members voted in favor of the bill and passed it out of committee.

Chairman Jeffrey then called for action on SJR 17, Assemblyman Rhoads moved for a DO PASS, the motion was seconded by Assemblyman Redelsperger, the motion carried with Assemblyman Dini absent from the vote.

Chairman Jeffrey then called for action on SB 341, Assemblyman Kovacs moved for a DO PASS, the motion was seconded by Assemblyman Redelsperger, Assemblymen Jeffrey, Redelsperger, and Kovacs voted in favor of the bill with Assemblymen Du Bois, Polish, Rhoads and Schofield opposing the bill, Assemblyman Dini was absent from the vote. The bill will be held in committee.

Chairman Jeffrey then called for action on SJR 18, Assemblyman Rhoads moved for a DO PASS, Assemblyman Kovacs seconded the motion, the motion carried unanimously with Assemblyman Dini being absent from the vote.

Chairman Jeffrey called for action on SB 215. Assemblyman Mello explained that this bill authorizes the Attorney General to bring action regarding State Sovereignty, and he explained that the amendment limits the amount that the Attorney General's office is authorized to spend on litigation with prior inspection from the legislature or the interim finance committee if the legislature is not in session.

Assemblyman Redelsperger made a motion to AMEND and DO PASS SB 215, the motion was seconded by Assemblyman Du Bois, the motion carried unanimously with Assemblyman Dini absent from the vote.

EXHIBIT "A" is the specific analytic comments by Mr. Robert Erickson regarding the bills AB 640 and SB 381 and they are attached hereto.

EXHIBIT "B" is specific comments on AB 640 by G. P. Etcheverry and is attached hereto.

EXHIBIT "C" is a breakdown of State Litigation Costs in reference to SB 215 and is attached hereto.

There being no further business before the committee the meeting was adjourned at 3:45 P.M.

Respectfully submitted,

  
Judy E. Sappenfield  
Secretary

0560

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
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CARSON CITY, NEVADA 89710



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May 12, 1981

M E M O R A N D U M

**TO:** Assemblyman James W. Schofield  
**FROM:** Robert E. Erickson, Senior Research Analyst  
**SUBJECT:** Analysis of A.B. 640 and Comparison with other Bills

Section 1 - Specific bill-drafting language.

Section 2 - "State office for the oversight of the MX missile project" established in the governor's office

Proposed amendments to A.B. 440 cover this topic also.

Section 3 - Creates a "board to lessen the effects of the MX missile project."

Similar to section 2 of S.B. 381, but deficient in the following places:

1. Title of board more cumbersome than "state MX missile board" from S.B. 381.
2. Lines 9-15 on page 1 of A.B. 640 do not specify that county, city or school board appointees are to come from affected areas.
3. The use of the word "candidates" on lines 9 and 11 imply individual persons rather than entities as set forth by S.B. 381.
4. Confusing language on lines 13-15 regarding nominations from Nevada Association of School Boards. As worded, three nominations could be for rural districts and one for an urban district, or vice versa, as opposed to the two and two set forth in S.B. 381.

EXHIBIT "A"

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5. Lines 3-4 on page 2 specify that the governor is to appoint representatives from federal agencies. Not only is this improper, but there is no requirement that they be from the Department of Defense, Air Force, or the like.

In conclusion, section 3 from A.B. 640 should be deleted with section 2 from S.B. 381 being a better approach.

Section 4 - This section requires that any office to be established (refers back to section 2) and all board meetings are to be in the MX deployment area.

It is my opinion, and that of most persons I have talked to, that this section is unnecessary and would also lessen proper governmental coordination by placing the state MX office in Ely, Tonopah or somewhere outside of either Carson City or Las Vegas.

Section 5 - Allows MX board to accept money to cover its expenses and requires that the board utilize resources of other existing entities.

This section duplicates lines 40-45 of page 2 of S.B. 381 and is therefore not necessary.

Section 6 - This section requires the state MX board to review applications for grants, consolidate applications, negotiate with the Department of Defense, administer grants, and adopt necessary regulations.

These general topics are covered on lines 20-23 on page 1, lines 1-6 and 46-50 on page 2, and lines 1-14 on page 3 of S.B. 381.

Section 6 of A.B. 640 should be evaluated because it sets forth several new ideas. These ideas include consolidation of requests into one application, negotiation with the Department of Defense, direct administration of grants received, and the authority to adopt regulations. I am not sure if any of these functions are necessary or desirable.

Section 7 - This section designates the MX board as the state entity to receive federal money, requires deposit of all money with the state treasurer in a "MX federal assistance account," and provides that interest earned from the investment of money in the account be used for MX related activities.

This section partially duplicates lines 10-19 on page 1 of S.B. 381. S.B. 381 provides that the governor is to receive the federal money and place it in a special MX revenue fund in the state treasury. S.B. 381 contains other positive safeguards not included in A.B. 640, except that S.B. 381 does not address the disposition of interest derived from money in the MX fund (account).

Section 8 - This section sets up a nonreverting MX missile "account for alleviating the effects of the MX missile project" to be administered by the state board of examiners. Advances may be made from this account to eligible political subdivisions up to \$500,000 per fiscal year. Another reference is made in this section to interest earned on this account.

Section 9 - This section allows school districts to purchase and acquire land or accept money relating to MX.

This section already exists in state law with approval of S.B. 241 on May 7, 1981.

Section 10 - This section allows the board of wildlife commissioners to accept financial assistance related to MX.

Existing law (S.B. 241) covers this topic adequately.



Section 11 - This section allows various public entities to accept various types of federal grants relating to MX.

Existing law (S.B. 241) covers this topic adequately.

Section 12 and 13 - These sections allow for branch county jails, and related provisions.

Existing law (S.B. 241) covers this topic adequately.

Section 14 - This section relates to interest earned on the two new MX accounts to be created.

Section 15 - This section relates to temporary water permits.

This section was initially included in S.B. 241, but was deleted because the state engineer already has this authority.

Sections 16 and 17 - These sections repeal or temporarily suspend provisions in state law relating to incorporation or disincorporation of certain cities or towns.

Existing state law (S.B. 241) covers these matters adequately.

Section 18 - An appropriation of \$10 million is made from the state general fund to the "account for alleviating the effects of the MX missile project."

This section probably duplicates proposed amendments to A.B. 440 and relates to the \$2 million revolving fund proposed in S.B. 229.

### Conclusions

Most of the elements within A.B. 640 are adequately covered in other proposed bills or existing state law. Specific matters not addressed by either S.B. 241 or S.B. 381 which should be considered include:

1. Creation of a state MX office by section 2 of A.B. 640 or by possible amendments to A.B. 440.

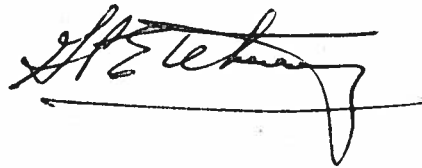
2. Provisions to allow interest earned on MX accounts to go to MX-related activities, as set forth in portions of sections 7 and 8 and all of section 14 of A.B. 640.
3. Appropriation of state money to set up an MX account by sections 8 and 18 of A.B. 640. Also, provisions for advances from this account as set forth in a portion of section 8 of A.B. 640.
4. Provisions contained in section 6 of A.B. 640.

Please let me know if you would like me to assist you at the upcoming hearing on A.B. 640.

REE/jld: 5.1 Analysis

Encl.   A.B. 640  
          S.B. 381 (First Reprint)  
          S.B. 241 (First Reprint)  
          A.B. 440  
          S.B. 229

AB 640  
SPECIFIC COMMENTS



<u>Section</u>	<u>Page</u>	<u>Line</u>	<u>Comment</u>
3	2	3	3.2 (e) Three <u>non-voting</u> members [only one of whom is a voting member,] from federal agencies which are directly involved in the MX missile project.  (Federal agencies have indicated in the proposed federal legislation that they do <u>not</u> want a vote on the Board.)
3	2	after line 6	(new) 3.4 <u>Insert following section 3.4: The Board shall elect one of its members to serve as chairman.</u>
4	2	8	4 Any office established and any meetings held by the board must be within a <u>city or county</u> in the MX missile deployment area <u>as designated</u> by the United States Air Force.
6	2	after line 17	6.1 (b) <u>Screen all grant applications for compliance with federal, state, and Board grant application requirements and for non-duplication of effort.</u>
6	2	18	6.1 (b) becomes 6.1 (c)
6	2	20	6.1 (c) becomes 6.1 (d)
6	2	after line 23	6.1 (e) <u>[Administer] Monitor any grant awarded pursuant to the Board's application [.] to assure compliance with conditions of the grant.</u>
7	2	26	7.1 The Board is designated as the [state agency] <u>recipient for initial receipt of any federal money awarded as a result of application submitted pursuant to section 6 of this act.</u>
7	2	29	7.2 Delete entire section. Replace with: <u>Those recipients which can and choose to provide their own financial administration of the grant may do so. If the recipient so chooses, the Board, as fiscal agent for the federal community impact assistance funds, shall deliver such funds within three working days of receipt of certification from the recipient that such federal funds shall be administered in compliance with conditions of the grant.</u>

<u>Section</u>	<u>Page</u>	<u>Line</u>	<u>Comment</u>
7	2	32	7.3 Delete entire section. Replace with: <u>The Board shall serve as the financial administrator of grants received by recipients who do not choose to provide their own financial administration of grant funds. In such instances, the Board shall deliver the funds on a schedule agreed to between the Board and the recipient. The Board may charge an administrative fee for such service to a recipient, provided that such fee not exceed the actual costs of such administration.</u>
7	2	34	7.4 (a) <u>Any interest earned from investment of MX impact assistance funds by the Board or by a recipient may be used by that entity only for purposes directly relating to MX impact mitigation.</u>  7.4 (b) <u>Any interest earned on funds held by the Board in its role as financial administrator for a recipient pursuant to section 7.4 (a) of this bill shall be accumulated by the Board and delivered to that recipient at the end of the fiscal year.</u>
8	2	35	8.1 <u>An account for alleviating the effects of the MX missile project is hereby created [in] from the state general fund [as a nonreverting account.] and appropriated to the Board in the amount of \$10,000,000.</u>
8	2	38	8.2 <u>This account [must] shall be administered by the [state board of examiners] Board and is to be used for making advances to [political divisions of the state] eligible recipients for expenses incurred in [alleviating] planning for the alleviation of the effects of the MX missile project [which qualify] . when such planning expenses have been approved for reimbursement by the federal government.</u>
8	2	43	8.3 Delete entire section.
8	2	46	8.4 Becomes Section 8.3, and reads as follows: <u>8.3 The [state board of examiners] Board may not advance from this account more than \$500,000 to any [political subdivision] recipient in any fiscal year.</u>

<u>Section</u>	<u>Page</u>	<u>Line</u>	<u>Comment</u>
8	2	48	8.5 <u>8.4</u> Becomes Section 8.4, and reads as follows: Upon reimbursement from the federal government, the [political subdivision] recipient shall deposit the amount of money it received as an advance for expenses into [the state treasury] <u>the appropriate Board account.</u> [for credit to the account for alleviating the effects of the MX missile project.]
8	3	3	8.6 Delete entire section.
Sections 9 through 13			Delete all of Sections 9-13 (Already covered in SB 241, which has been passed by both houses and signed by the Governor.)
Section 14			Not sure if this is necessary, if the funds are to be administered by the Board instead of by the State of Nevada.
18	6	3	18 Delete entire section (amendments proposed in this paper would render Section 18 redundant)  Replace with: <u>The provisions of this bill shall become effec-</u> <u>tive upon final decision by the President of the</u> <u>United States to deploy part or all of the MX</u> <u>Missile System in the State of Nevada.</u>

STATE LITIGATION COSTS1. Attorney General's Special Litigation Account:

1975-76	\$32,090	(Actual Expenditure)
1976-77	\$29,861	(Actual Expenditure)
1977-78	\$34,970	(Actual Expenditure)
1978-79	\$65,752	(Actual Expenditure)
1979-80	\$49,970	(Actual Expenditure)
1980-81	\$35,000	(Appropriation)
1981-82	\$100,000	(Requested and Recommended)
1982-83	\$125,000	(Requested and Recommended)

2. Appropriations for Special Water Litigation on Truckee River, Salmon Falls, and Other Water Systems:

1973 Legislature	-	\$ 100,000
1975 Legislature	-	\$ 500,000
1977 Legislature	-	\$ 300,000
1979 Legislature	-	\$ 300,000
1981 Legislature	-	\$ 200,000
		<u>\$1,400,000</u>

3. Sagebrush Rebellion:

1979 Legislature - \$250,000 Appropriated - \$221,041.  
Allocated to Division of State Lands (\$53,312) and Attorney General (\$167,729) to date.

4. Colorado River Power Allocation Negotiations and Possible Litigation on the Western Area Power Administration's Marketing Plan:

A. 1979 Legislature: \$51,523 from the General Fund for 1979-80 and \$74,510 from the General Fund for 1980-81 and authorized expenditure of \$45,000 over biennium from Colorado River Resources interest earnings; total - \$171,033.

B. August 25, 1980, Interim Finance: \$150,000 allocation from Contingency Fund for legal services to pursue and evaluate Nevada's position in possible litigation regarding the Western Area Power Administration's marketing plan.

1981-1983 Executive Budget recommends \$62,932 in FY 1981-82 and \$65,723 from the General Fund to support the power marketing and contract renegotiation program. (These appropriations support about 1/2 the program, with Colorado River Resources interest earnings and other income providing the other support.) Additionally, S.B. 417, 1981 Legislature, appropriates \$750,000 from the General Fund in support of this program. This bill was approved by the Senate on April 23rd.

5. Attorney General's Office:

	<u>1971-72</u>	<u>Requested 1982-83</u>
General Fund: Appropriation	\$307,439	\$1,376,204
Agency Payments and Other Authorizations	266,941	1,456,758
Highway Fund Appropriation	<u>206,422</u>	<u>291,439</u>
Total	<u>\$780,802</u>	<u>\$3,124,401</u>

The 1982-83 requested budget is four times the size of the amounts appropriated and authorized by the 1971 Legislature (\$780,802 X 4 = \$3,123,208).

"c"

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to SENATE	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. 215	<del>Joint</del>
Date:	Date:		Resolution No.
Initial:	Initial:	BDR. 26-364	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by Committee on Economic Develop-	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	ment and Natural Resources	
Date:	Date:		
Initial:	Initial:		

Amendment N<sup>o</sup> 618



Amend section 1, page 1, by deleting line 11 and inserting:

"2. Except as provided in subsection 3, the attorney general may:"

Amend section 1, page 1, by inserting below line 19:

"3. The attorney general may bring an action pursuant to this section if:

(a) The legislature has appropriated sufficient money for the operation of his office to permit him to bring and maintain the action until its conclusion; or

(b) He has obtained the permission:

(1) From the legislature, if it is in session, expressed by a concurrent resolution; or

(2) If the legislature is not in session, from the interim finance committee."

Amend section 1, page 2, line 1, by deleting "3." and inserting "4."

To: E & E  
LCB File  
Journal ✓  
Engrossment  
Bill

Drafted by DS: ab Date 4-22-81

3570