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MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 2, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman Glaser at 1:30 p.m., Monday, March 2, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Norman D. Glaser, Chairman
Senator Wilbur Faiss, Vice Chairman
Senator James H. Bilbray
Senator Lawrence E. Jacobsen
Senator Joe Neal

COMMITTEE MEMBER ABSENT:

Senator Floyd R. Lamb

STAFF MEMBERS PRESENT:

Robert E. Erickson, Senior Research Analyst
Carolyn L. Freeland, Committee Secretary

Chairman Glaser presented a summary of business to be covered at this meeting.

SENATE BILL NO. 176--Provides for legislative or gubernatorial approval of acquisitions or uses of certain lands by federal government.

Mr. Will Crockett, Legal Division of the Legislative Counsel Bureau, stated the bill concerns acquisitions and uses of land in Nevada by the federal government. Existing law provides in NRS 328 for automatic approval of acquisitions of land for migratory bird reservations and for use by the United States Forest Service and the federal Departments of Defense and Energy.

In each of these automatic approvals, different types of jurisdiction are reserved. Mr. Crockett explained the various

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kinds of jurisdiction, saying he believes they are concurrent jurisdictions.

Senate Bill No. 176 would require the federal government to apply to the Nevada Tax Commission for approval of any acquisition of land, any cession of state jurisdiction respecting federal land, and for any use of land or water or any closure of a public road in the state, if that use interferes with state sovereignty. Approval would be granted by the state legislature in the case of acquisitions of land and cessions of jurisdiction by the governor for uses of land or water or the closure of roads. The attorney general could sue to enforce the provisions of this bill.

In Mr. Crockett's opinion, the portion of the bill relating to cession of exclusive or concurrent jurisdiction has no constitutional or legal problems: The portion of the bill requiring state approval of federal acquisitions of land does not comport with existing law. The portion of the bill requiring approval of uses of land and water and closures of public roads which interfere with state sovereignty also does not comport with existing law. He noted there is a growing concern in this state that federal uses of land held for purposes other than needful buildings, and especially uses of public lands, interfere with state sovereignty in areas of land-use planning, water law and control of public roads. This bill would permit the state to assert authority over these areas of land use. The parts of the bill which do not comport with existing law directly interfere with the activities of the federal government. They do allow for legal action to establish the limits of state sovereignty regarding public lands. This allows the state to contest land use, land acquisition and similar issues without contesting the ultimate issue of title to the land.

Mr. Crockett explained the new language in the bill, section by section, and answered questions from the committee. Chairman Glaser wanted a clearer interpretation of "provides for legislative or gubernatorial approval." Mr. Crockett replied the legislature enters the picture only when the federal government wants to acquire land, the governor when it is a question of the use of land.

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Mr. Larry Struve, representing the Attorney General's Office, and Mr. Harry Swainston, Deputy Attorney General for Public Lands and Water Litigation, presented their remarks. Mr. Struve gave an overview of how Senate Bill No. 176 in its present form might impact the Attorney General's office, and said certain amendments would be presented for consideration.

Mr. Struve pointed out the bill would have a significant effect on the workload of the Attorney General's office. He also said the bill authorizes the Attorney General to become involved in private litigation brought by private parties against either the United States or its instrumentalities as long as it involves an impact on state sovereignty or jurisdiction. He cited various sections of the bill where his department does not concur with the language set forth.

Mr. Swainston stated he could verbally present an overview of suggested amendments, or put them in writing for submission to the committee.

Chairman Glaser answered that due to the large number of people wishing to testify, and in view of the fact Senate Bill No. 176 will undoubtedly be amended, Mr. Swainston's suggestions could be presented in written form for discussion and consideration.

Senator Neal asked for clarification as to the difference regarding state sovereignty between Assembly Bill No. 413 of the 60th Session, and Senate Bill No. 176. Mr. Struve explained the bills relate basically to two different matters. One has to do with public lands and the other has to do with acquired lands, resulting in different jurisdiction in litigation in regard to state sovereignty.

Mr. William A. Reinken, City Supervisor for Carson City, stated there should be some type of amendment to allow the counties to exercise a procedure for closure in the provision dealing with closure of county roads. He said the counties often are responsible for the maintenance of these roads.

Mr. David Horton, legal counsel for the Committee to Restore the Constitution, said his organization supports all efforts to restore the United States Constitution to the original form in which it was drafted and he feels the objectives of this bill

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adheres to that ideal. Mr. Horton noted there is a procedure for preventing closure of roads, and he agrees with Mr. Reinken's statement that the more locally matters can be administered, the better.

Mr. Horton presented amendments he would like incorporated in the legislation.

Mr. Peter Morros, Assistant Director of the Department of Conservation and Natural Resources, said the administration and regulation of the state's water resources are presently vested by statute to the state engineer and he feels there is a conflict in the language of Senate Bill No. 176 and existing law. He feels the language should be changed to avoid conflict.

Chairman Glaser noted there is real concern in that area which will be addressed with an amendment.

Mr. George Tackett, Administration Manager for Public Affairs for Nevada Bell Telephone Company, said he was not testifying in support of, or opposition to, the bill but was present only to offer a technical amendment. (Exhibit C.) He read from a prepared statement (Exhibit D), asking for the consideration of the committee on this matter.

Mr. Robert E. Stewart, Chief of Public Affairs for the Bureau of Land Management, United States Department of the Interior, said he was present not to speak for or against the bill but to bring a federal land manager's perspective to the discussion. He said, generally speaking, the Bureau is the relinquishing agency in land exchanges. He said it does not, in any case, seek exclusive jurisdiction, adding the Bureau is a multiple land use agency. He stated the Bureau is not the owner of the land under its direction, but the land manager for people of the United States using public lands. He explained a full registry of all lands and interest in Nevada, as required by Senate Bill No. 176, would entail a substantial financial outlay, in addition to imposing an almost impossible time frame in which to accomplish this task. He felt the process, as outlined in Section 8, would make it virtually impossible for the Bureau to complete any land exchange process. It would impact a private land owner negatively in any effort to dispose or sell his land.

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Mr. Stewart referred to page 4, line 36, regarding water. The water referred to would be that provided for wildlife, and if that water is to go to private interests, there would be none left for wildlife. He also expressed misgivings about cross-county exchanges and the matter of payments, referred to on page 5, lines 17 through 19. He said the land manager would be hesitant to commit Congress to long-range payment of funds and to long-range action.

Mr. Frank Ferrarelli, Forest Supervisor of the Toiyabe National Forest, distributed a prepared statement (Exhibit E.) He mentioned concerns which his department has concerning the land exchange program, land acquisition, the Santini-Burton Bill, and the definition of a public road and its closure. He stated the national forest land is owned by the public, and only managed in its behalf. It has always been, and still is, the intention that jurisdiction remain within the particular state.

Mr. Jac Shaw, Administrator for the Division of State Lands, said the bill is very important in keeping the public aware of land use changes by the federal land managers. He feels the bill has some positive purpose in it for the people of the state. Chairman Glaser asked him if the impact upon his department would be great. Mr. Shaw replied it would create a monetary impact but he did not feel it would be of great significance. He said the time impact is not great, either. He added this bill and Assembly Bill No. 413 of the 60th Session are not at all duplicative.

Mr. Shaw responded to a question from Senator Neal, which referred to duplications between sections 8 and 12. Mr. Shaw said he does not feel that Section 8 should be removed, as it is a tool to keep the public apprised of what is occurring in land use changes.

Senator Neal asked if this bill would add another year to land exchanges. Mr. Shaw said some federal changes have required a great deal more time than that. He felt it would be to the benefit of the people of the state if the federal government was required to obtain the consent of the state for land use changes, through a process which would make the changes public.

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Mr. George Finn, representing the League to Save Lake Tahoe from the League to Save Lake Tahoe, presented extensive testimony. He urged the committee not to pass this bill and to study more carefully how the present NRS 328 can be implemented. He also urged legislative enactment to satisfy the acquisition of private properties, instead of satisfaction through litigation.

Mr. Robert Warren, representing the Nevada Mining Association, supported Senate Bill No. 176, which puts the federal government in the position of requesting land use changes rather than arbitrarily proceeding with them.

There being no other testimony on this bill, the hearing was concluded.

SENATE BILL NO. 215--Authorizes attorney general to bring action if federal government's use of public lands impairs state sovereignty.

Mr. Larry Struve discussed the various sections of this bill in detail. He noted the differences and similarities between Senate Bill No. 215 and Senate Bill No. 176. He said, basically, Senate Bill No. 215 is a statute which would generally set a state policy authorizing the attorney general to oppose any actions taken on public lands which would impede or infringe on state sovereignty. Senate Bill No. 176 is concerned primarily with acquisitions of private lands or state lands which have been under state sovereignty and jurisdiction. Language in Senate Bill No. 215 refers to actions on public lands which are in the unappropriated category.

Senator Neal noted it appears the attorney general has such authority at the present time and asked why this statute is necessary.

Mr. Struve said there is, in fact, in Chapter 228 of the Nevada Revised Statutes a provision for the attorney general to take any action deemed necessary to protect the interests of the State of Nevada. However, since there has been so much attention to public lands over the past few years, particularly with respect to federal activities which may impede state sovereignty, the legal theories and case authority hopefully will turn back those actions impeding certain traditional state functions.

Senator Neal asked if the same end could be achieved by passage of a Senate concurrent resolution. Mr. Struve said it could.

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The committee discussed this issue. Chairman Glaser asked if both Senate Bill No. 176 and Senate Bill No. 215 were needed. It appeared there was some duplication of language. Mr. Struve said that, although the objectives are the same, the bills do not contain the same process. He recommended the committee consult with legislative counsel to ascertain the intent in these bills. He recommended amending Senate Bill No. 215 rather than inserting the subject matter of Senate Bill No. 215 in Senate Bill No. 176. He emphasized Senate Bill No. 176 concerns federal acquisitions of land. Senate Bill No. 215 concerns federal activities which are presently occurring on public lands.

Mr. Morros, from the Department of Conservation and Natural Resources, said his department supports the concept of Senate Bill No. 215. However, he suggested deleting "or on his own initiative" in Section 2, line 12. His department does not like a law that specifies the attorney general may initiate litigation on his own, and feels there should be agency input on any action initiated by the attorney general.

Mr. Shaw said he supports Senate Bill No. 215 as good legislative policy. He felt it was a good indication of how the state could stop the federal government from damaging lands in Nevada.

Chairman Glaser asked Mr. Morros to clarify his stand. It is understood the attorney general should not be able to unilaterally initiate court action, that it should go through a chain of command. Mr. Morros referred to Senator Neals' suggestion that perhaps this matter should be in the form of a resolution.

There was general discussion on the power of a resolution.

Chairman Glaser concluded the hearing on this bill by saying the committee would consider changes in language as recommended.

Chairman Glaser requested Mr. Shaw and Mr. Swainston to place on the chalkboard the differences between Assembly Bill No. 413, Senate Bill No. 176 and Senate Bill No. 215 in order to eliminate confusion in the minds of the committee members. The following notes were made on the board:

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Assembly Bill No. 13--Divestiture of public lands by:
legislation or litigation

Senate Bill No. 176--Consent by state for federal agency
to acquire, dispose or change land
use.

Senate Bill No. 215--Authorizes attorney general to sue
when state sovereignty damaged by
federal action on public lands.

Senator Jacobsen noted some indication of the origin of the
bills would eliminate a great deal of confusion.

There was general discussion on land acquisition, land use,
jurisdiction, sovereignty and related problems.

Mr. Finn said he endorsed Senate Bill No. 215 but would like
some changes made in subsection 2, line 12. Chairman Glaser
said the committee would take the changes under advisement,
and concluded the hearing on Senate Bill No. 215.

SENATE BILL NO. 238--Provides for payments to local governments
in lieu of taxes if state obtains title to or management of
public lands.

In accordance with a committee request that a county representa-
tion stand be recorded, Mr. Bryce Wilson, from the Nevada
Association of Counties, said his association supports the bill.

It was noted that Mr. Erickson supplied the committee with
charts previously requested regarding the in lieu of taxes
payments to counties in Nevada. (Exhibit F.)

Chairman Glaser asked for consideration on Senate Bill No. 238.

Senator Bilbray moved that Senate Bill No. 238 be
approved. (Exhibit G.)

Senator Neal seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

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Chairman Glaser referred to Bill Draft Requests awaiting action for committee introduction:

- ① BDR 22-368--Corrects errors made in amendment of Tahoe Regional Planning Compact.

Senator Neal moved for committee introduction of BDR 32-368.

Senator Bilbray seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

- * BDR 48-896--Directs submission of bond issue to finance certain projects for development of water resources.

Senator Neal moved for committee introduction of BDR 48-896.

Senator Faiss seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

Chairman Glaser presented a brief review of bills previously heard, and called for action on them by the committee.

There was brief discussion on items listed for final action and the following action was taken:

Senator Neal moved Do Pass on Senate Joint Resolution No. 16. (Exhibit H.)

Senator Bilbray seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

Senator Neal moved Do Pass on Senate Joint Resolution No. 17.

Senator Faiss seconded the motion.

*(S.B. 351)

9.

° (S.B. 347)

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The chairman noted extensive amendments were being prepared for this resolution.

Senator Neal withdrew his motion to Do Pass Senate Joint Resolution No. 17.

Senator Faiss withdrew his second of that motion.

The motion was withdrawn.

Senator Neal moved Do Pass on Senate Joint Resolution No. 18. (Exhibit I)

Senator Jacobsen seconded the motion.

The motion carried. (Senator Bilbray abstained; Senator Lamb was absent for the vote.)

SENATE CONCURRENT RESOLUTION NO. 17--Continues existence of select committee on public lands.

There was committee discussion regarding membership on the select committee. Senator Bilbray felt appointees to the select committee should be drawn from the Senate Committee on Natural Resources and should also be someone who is committed to returning to that committee next session for continuity purposes. Mr. Erickson noted that the amendment requested at a previous hearing has been prepared.

Senator Bilbray suggested an amendment stating that members of the select committee, on the Senate side, will come from the Senate Committee on Natural Resources or will be those who will serve on that committee at the next session of the Legislature. The person accepting such appointment must agree to return to the designated committee. Chairman Glaser noted such should be the case in the Assembly, and the committee concurred with him. Mr. Erickson said such an amendment could be inserted into the second resolve, which addresses the appointments to be made by the leadership of both Houses.

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Senator Neal moved to Amend and Do Pass Senate Concurrent Resolution No. 17. (Exhibit J)

Senator Jacobsen seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

In regards to Senate Bill No. 164, it was advised that extensive amendments are being prepared, there will be another meeting of the sub-committee, and there will be a reprint of the bill. Mr. Erickson recommended another hearing because the bill will be in new form.

Senate Bill No. 178 was also held for amendments. Mr. Erickson discussed Mr. Welden's report (Exhibit K) regarding possible changes to the bill. The major agreement is to change the word "permit" to "registration". Senator Jacobsen and Senator Bilbray recommended using Item II of Exhibit K. It was agreed by the committee this would be the best approach.

Senator Neal moved Amend and Do Pass Assembly Joint Resolution No. 6. (Exhibit L)

Senator Bilbray seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

Senator Bilbray moved Amend and Do Pass Senate Bill No. 14. (Exhibit M)

Senator Neal seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

Senator Bilbray moved Amend and Do Pass Senate Joint Resolution No. 19. (Exhibit N)

Senator Faiss seconded the motion.

The motion carried. (Senator Lamb was absent for the vote.)

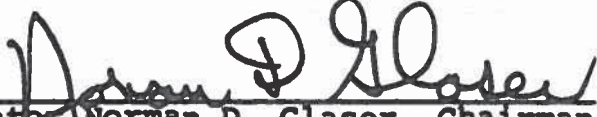
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There being no further business, the meeting adjourned at
4:55 p.m.

Respectfully submitted by:


Carolyn L. Freeland, Secretary

APPROVED:


Senator Norman D. Glaser, Chairman

DATE: March 16, 1981

COMMITTEE MEETINGS

Committee on Natural Resources, Room 323.
 Day Monday, Date March 2, Time 1:30 P. M.

EXHIBIT A

S. B. No. 176--Provides for legislative or gubernatorial approval of acquisitions or uses of certain lands by Federal Government.

S. B. No. 215--Authorizes attorney general to bring action if Federal Government's use of public lands impairs state sovereignty.

CONSIDERATION FOR COMMITTEE INTRODUCTION:

BDR 22-368--Corrects errors made in amendment of Tahoe Regional Planning Compact.

EDR 48-896--Directs submission of bond issue to finance certain projects for development of water resources.

S. B. No. 238--Provides for payments to local governments in lieu of taxes if state obtains title to or management of public lands. (Testimony to be heard only from county representative).

FINAL ACTION:

SJR No. 16--Requests United States Air Force to consider fire problems incident to MX missile project and provide money for fire protection.

SJR No. 17--Proposes constitutional amendment to regulate management and disposal of state lands.

SJR No. 18--Urges Congress to enact legislation transferring public lands to states.

SCR No. 17--Continues existence of select committee on public lands.

S. B. No. 164--Relates to the development of geothermal resources; provides for administration and utilization.

S. B. No. 178--Requires permits for domestic wells within designated basins.

S. B. No. 14--Revises certain provisions relating to irrigation districts. Amendment.

S. J. R. No. 19--Urges Congress of United States to use Nevada Test Site for development of renewable sources of energy. Amendment.

A. J. R. No. 6--Urges Congress of United States to ratify California-Nevada Interstate Compact. Amendment.

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON Natural Resources

DATE: March 2, 1981

EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
FRANK FERRARELLI	TOiyABE NAT'L FOREST, RENO, NV.	784-5331
GEORGE TACKETT	NEVADA BELL RENO NV	789-2496
R. M. ...	SELF - HUNGRY FOR ...	---
David Horton	Committee to Restore the Const.	883-1966
Wm A. Reinke	Supervisor Carson City.	883-2725
Absy Johnson	Citizen Alert Reno, NV	786-4220
HARRIS J. ...	ATTORNEY GENERAL	885-4170
Jim Stone	Attorney General CC	885-4170
S. Morrow	Appeal	
Diane Campbell	Nev. Miners + Prospectors Assn	273-2173
Luigi E. Campbell	Salt Lake Lock No.	
Robert E Stewart	BLM NV State Office, Reno	784-5311
Joe P. Shaw	State Lands	4363
Billie Wilson	Nev. Assoc. Counties	5700
Roland D. Westergaard	Dept. Cons. & Nat. Res	885-4360
Pete Kelley	Nev. St. Press Assn	882-1943
	USDA F. - + Reno NV.	704-5331
Tracy ...	USDA F.S. - Reno NV	704-5331
John ...	LGE	
Peter ...	DCNR	
	Box 15 ...	
Bob Warren	New Mining Assn	

Amendment No. 1

insert: On page 2 of the printed bill line 1 after "road"

"or easement or right of way of a public utility,"

Amendment No. 2

On page 2 line 4 after "roads" insert:

"or easements or rights of way of public utilities,"

Amendment No. 3

On page 2 line 9 after "roads" insert:

"or easements or rights of way of public utilities,"

SB176

MR. CHAIRMAN AND COMMITTEE MEMBERS

EXHIBIT D

FOR THE RECORD MY NAME IS GEORGE TACKETT, ADMINISTRATION MANAGER -
PUBLIC AFFAIRS FOR NEVADA BELL

I AM NOT TESTIFYING IN SUPPORT OR OPPOSITION TO SB176, BUT
ONLY TO OFFER A TECHNICAL AMENDMENT.

THE INTENT OF THIS AMENDMENT IS TO INCLUDE EASEMENTS OR RIGHTS
OF WAY OF PUBLIC UTILITIES, IN A SIMILAR MANNER AS WATER AND
PUBLIC ROADS.

I FEEL THIS AMENDMENT IS NEEDED TO INSURE RECOGNITION OF THE
EXISTING OR FUTURE REQUIREMENTS FOR PUBLIC UTILITY EASEMENTS
OR RIGHTS OF WAY.

I ASK YOUR CONSIDERATION ON THIS MATTER.

THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO EXPRESS MY VIEWS.

To: Nevada Senate Committee on Natural Resources

March 2, 1981

Mr. Chairman and Committee Members:

I am Frank Ferrarelli, Forest Supervisor of the Toiyabe National Forest. This testimony contains the concerns of both myself and Regional Forester Jeff Sirmon of the Intermountain Region of the Forest Service.

I appreciate the opportunity to meet with you this afternoon and present our concerns relating to Senate Bill No. 176.

Senate Bill No. 176, as introduced, would repeal certain portions or otherwise modify NRS 328 as it is known now and would require the United States Government to obtain the consent of the governor or the State Legislature prior to acquisition of land, whether by fee or easement, within the state of Nevada. This bill would also terminate the existing consent by the state for acquisitions within the National Forest boundaries.

We understand "acquire" to include any means by which the United States would obtain lands or interest therein whether by purchase, donation, or exchange. This would also include the acquisition of rights-of-way easements needed to provide access to public lands for all public and commercial use. While the Bill does not prohibit acquisition by the United States, it will create hardships and inconveniences to the people in Nevada who wish to sell or exchange their land or interest therein to the United States, especially as it concerns lands within the Lake Tahoe Basin as recently passed by the

Santini-Burton Acquisitions Act.

Public agencies have been criticized for the length of time it takes to consummate a land transaction. Senate Bill No. 176, if enacted, could lengthen this process considerably, perhaps one year or more. Land transactions with mining and timber companies, estates (such as the recent Redfield acquisition), the state of Nevada itself, and private entities would be unreasonably delayed. At present, we have good working relationships with the state and local government which we feel preclude the need for legislation such as Senate Bill No. 176. Some examples of our working relationship that have taken place within the past few months include an A-95 state review procedure, a 208 agreement, a coordinated resource review agreement for planning including the governor's office, a memorandum of understanding with Nevada State Historic Preservation office, and road maintenance agreements with several counties. The state and counties are now notified by letter and the A-95 process of each proposed purchase or exchange, and their recommendations are solicited. In addition, all proposed land exchanges are advertised in newspapers with circulation in the area where the exchange is proposed. The exchange notice is published once a week for four consecutive weeks. When objections are received from the state, local government, or others, we have honored the objections or worked with the concerned parties to alleviate their concerns. The majority of our purchase transactions are on a willing buyer - willing seller basis, except where rights-of-way cannot be settled without condemnation.

Over the years, we have become reliant upon an ongoing right-of-way acquisition program to provide access to the National Forest for resource management activities, including recreation access for the public. Our annual timber production is also partially dependent upon right-of-way easements. In addition, the development of mineral and energy resources in the National Forest is affected to this same degree. If each right-of-way case was to be reviewed and approved by each House of the State Legislature, after two public hearings, lengthy delays could be expected and the cost of resource management to the taxpayer would increase. We have all, including the state of Nevada, seen rights-of-way easements become more costly and difficult to obtain. In many parts of the West, including Nevada, private land along the fringes of the National Forests have denied access resulting in exclusion of the general public and defacto extension of private land.

It is our belief that the public deserves access to the public land and that this right be exercised by the most efficient and least costly means possible.

We are now meeting the intent of Senate Bill No. 176 with the process the United States is presently following in notifying the state and local governments regarding proposed land acquisitions. The additional requirement of Senate Bill No. 176 would add an unreasonable length of time to consummate the transaction. At a time when the people are demanding less government, we should avoid setting up additional layers of bureaucracy.

The requirement for the governor's approval prior to closure of public roads

needs further clarification. We would assume that this approval does not include seasonal closure due to weather, road damage, fire danger, or other emergencies needed to protect the resources or the public. This would be impossible to adhere to and still meet the emergency calling for the closure. Therefore, I would request that additional wording would be added to exclude temporary, emergency, and seasonal closures from the Bill.

We would also feel it is necessary to further define "public roads." Is this meant to include state and county identified public roads, or routes used by the public from time to time? We feel "public roads" should be only those that were identified by the state or county in cooperation with the federal management agency upon which lands the roads cross. This would eliminate any possible doubt of which roads needed to be cleared with the state prior to closing. There are many routes that exist on private and public lands that are used by the public that are causing irreparable resource damage, such as loss of soil, vegetation damage, wildlife habitat destruction, and disturbance of domestic livestock. These routes should be able to be closed when it becomes apparent to the management agency that a problem exists, rather than require an additional delay and continued resource damage while it is reviewed for approval by several state and county agencies.

* -ps

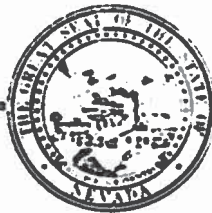
I would like to thank you for this opportunity to appear before you and would be happy to answer any questions you may have for me.

We would also like to clarify that we have never and have no present intention of acquiring National Forest land with exclusive federal jurisdiction. This would be contrary to the long-standing statutory purpose of the Forest Service. (See 16 USC § 480, Act of June 4, 1897 § 1, 30 Stat. 36; Act of March 1, 1911, § 36 Stat. 963.)

The Secretary of Agriculture has been vigorously pursuing a policy of relinquishing of legislative jurisdiction wherever possible. The authority of the Secretary of Agriculture for this was by means of the Act of Congress of October 10, 1978, 92 Stat. 1064, 7 USC § 7767.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

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Arthur J. Palmer, *Director, Secretary*

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DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

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JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

February 25, 1981

EXHIBIT F

M E M O R A N D U M

TO: Chairman and Members of the Senate Committee on
Natural Resources

FROM: Robert E. Erickson, Senior Research Analyst

SUBJECT: Payments in Lieu of Taxes to Nevada Counties

In October 1976, Congress passed the Payments in Lieu of Taxes Act. Basically, the Act directs federal payments to be made to units of government having nontaxable federal lands within their borders to compensate them for the burden resulting from the tax immunity of these lands. In Nevada, these units of government are the counties. These payments are determined from a complex formula established by law based on population and certain federally administered acreage, including public lands administered by BLM.

According to the law, the counties can use the money for any governmental purpose. The payments are to be made annually, based on congressional appropriations. The first payment was made in October 1977, for Fiscal Year 1977.

The attached chart provides the in lieu of taxes payments for fiscal years 1977, 1978, 1979 and 1980.

REE/jld
Encl.

IN LIEU OF TAXES PAYMENTS TO COUNTIES IN NEVADA

<u>County</u>	<u>PAYMENTS</u>			
	<u>FY 1977</u>	<u>FY 1978</u>	<u>FY 1979</u>	<u>FY 1980</u>
Carson City	\$ 5,129	\$ 38,435	\$ 66,681	\$ 37,455
Churchill	369,027	396,000	379,749	409,760
Clark	542,139	1,000,000	1,462,577	984,107
Douglas	167,557	176,599	168,944	179,441
Elko	450,000	450,000	394,543	443,250
Esmeralda	37,400	38,550	34,808	36,100
Eureka	53,600	54,800	49,055	44,768
Humboldt	308,000	308,000	270,043	323,080
Lander	149,600	161,400	145,017	168,977
Lincoln	132,350	141,200	125,246	164,150
Lyon	351,355	373,297	349,747	363,738
Mineral	285,299	280,698	256,840	269,866
Nye	282,000	282,312	247,521	303,687
Pershing	136,600	139,150	128,007	143,712
Storey	8,868	9,980	11,128	9,301
Washoe	853,042	999,909	1,102,906	982,206
White Pine	350,000	350,000	299,853	336,870
<u>TOTAL</u>	<u>\$4,481,966</u>	<u>\$5,200,330</u>	<u>\$5,492,665</u>	<u>\$5,200,468</u>

Research Division
REE/jld: 2/25/81

EXHIBIT F/1

S. B. 238

SENATE BILL NO. 238—COMMITTEE ON
NATURAL RESOURCES

FEBRUARY 17, 1981

Referred to Committee on Natural Resources

SUMMARY—Provides for payments to local governments in lieu of taxes if state obtains title to or management of public lands. (BDR 26-83)

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; providing for payments to local governments in lieu of taxes if the state obtains title to or management of the public lands; creating a trust fund; making an appropriation contingent on the transfer of those lands; 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 a new section which shall read as follows:
3 1. *There is hereby created in the state treasury the public land trust*
4 *fund. All money appropriated for the purpose of making payments to*
5 *local governments in lieu of taxes on public lands must be deposited by*
6 *the state land registrar in the state treasury for credit to the public land*
7 *trust fund. If the state obtains title to, trusteeship over or management of*
8 *more than one-fifth of the public lands in Nevada, upon approval of the*
9 *interim finance committee the state land registrar shall pay out of that*
10 *trust fund in each fiscal year to each local government in Nevada an*
11 *amount equal to the payment the local government received in lieu of*
12 *taxes on federal lands pursuant to 31 U.S.C. §§ 1601 et seq., in the most*
13 *recent fiscal year, less the payment in lieu of taxes which the local gov-*
14 *ernment is entitled to receive from the Federal Government in the next*
15 *fiscal year after the state obtains those lands.*
16 2. *If the local governments receive reduced payments in lieu of taxes*
17 *from the Federal Government during a portion of a fiscal year because*
18 *of the state's obtaining those lands, the payments provided for in subsec-*
19 *tion 1 must be prorated for that portion of the fiscal year in which the*
20 *payments from the Federal Government are reduced.*
21 3. *Payments from the trust fund must be made as other claims*
22 *against the state are paid.*
23 SEC. 2. NRS 361.055 is hereby amended to read as follows:
24 361.055 1. All lands and other property owned by the state are
25 exempt from taxation, except real property acquired by the State of

1 Nevada and assigned to the department of wildlife which is or was sub-
2 ject to taxation under the provisions of this chapter at the time of
3 acquisition and except as provided in subsection 4.

4 2. In lieu of payment of taxes on each parcel of real property
5 acquired by it which is subject to assessment and taxation pursuant to
6 subsection 1, the department of wildlife shall make annual payment to the
7 county tax receiver of the county wherein each such parcel of real prop-
8 erty is located of an amount equal to the total taxes levied and assessed
9 against each such parcel of real property in the year in which title to it
10 was acquired by the State of Nevada.

11 3. Such payments in lieu of taxes must be collected and accounted
12 for in the same manner as taxes levied and assessed against real property
13 pursuant to this chapter are collected and accounted for.

14 4. [After July 1, 1978, all] All real estate owned by the State of
15 Nevada located in each county, *except public lands obtained after June*
16 *30, 1981*, must be listed in a separate tax list and assessment roll book of
17 that county at its full cash value. If the total value of such real estate
18 owned by the state in a county is greater than 17 percent of the total
19 value of all other real estate listed in the county's tax list and assessment
20 roll books, that portion of the value of the real estate owned by the state
21 which is in excess of such 17 percent may be taxed by the county as other
22 property is taxed.

23 5. Money received pursuant to this section must be apportioned each
24 year to the counties, school districts and cities wherein each such parcel
25 of real property is located in the proportion that the tax rate of each
26 such political subdivision bears to the total combined tax rate in effect
27 for such year.

28 SEC. 3. 1. If the state obtains the unreserved, unappropriated public
29 lands in Nevada pursuant to an act of Congress which provides for the
30 cession and conveyance or other transfer of those lands to this state,
31 whether the federal act is effective before, on or after the date of passage
32 and approval of this act, there is hereby appropriated from the state gen-
33 eral fund to a special fund for payments in lieu of taxes on public lands
34 pursuant to section 1 of this act the sum of \$9,108,100.

35 2. The state treasurer shall invest the money in the special fund as
36 other state money is invested until after the state obtains the public lands
37 pursuant to the aforementioned federal act and the interim finance com-
38 mittee approves payments to local governments in lieu of taxes on public
39 lands pursuant to section 1 of this act, at which time he shall transfer the
40 money in the special fund to the public land trust fund.

41 3. The state treasurer shall report the amount of the uncommitted
42 balance of this appropriation as of December 31, 1990, to the senate
43 committee on finance and the assembly committee on ways and means in
44 January, 1991. After June 30, 1991, that uncommitted balance must not
45 be committed and reverts to the state general fund.

46 SEC. 4. 1. Sections 1 and 2 of this act shall become effective on the
47 date the state obtains the public lands pursuant to the federal act
48 described in subsection 1 of section 3 of this act.

49 2. This section and section 3 of this act shall become effective on
50 July 1, 1981.

S. J. R. 16

SENATE JOINT RESOLUTION NO. 16—SENATOR JACOBSEN

FEBRUARY 2, 1981

Referred to Committee on Natural Resources

SUMMARY—Requests United States Air Force to consider fire problems incident to MX missile project and provide money for fire protection. (BDR 171)

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.

SENATE JOINT RESOLUTION—Requesting the United States Air Force to consider the need for fire protection and emergency medical care incident to the MX missile project and provide money for fire protection.

- 1 WHEREAS, The installation of the proposed MX missile project will
- 2 produce a tremendous increase in demand for public services in the State
- 3 of Nevada; and
- 4 WHEREAS, The communities which will grow rapidly as a result of the
- 5 installation will be unable to furnish adequate fire protection or emer-
- 6 gency medical care as a result of the project; now, therefore, be it
- 7 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
- 8 That the Nevada legislature hereby requests the United States Air Force
- 9 to consider in its studies and planning the need for fire protection and
- 10 emergency medical care which is attributable to the installation of the
- 11 MX missile project; and be it further
- 12 *Resolved,* That the Nevada legislature requests the United States Air
- 13 Force to provide for this increased need for services in affected communi-
- 14 ties before rapid growth begins to take place; and be it further
- 15 *Resolved,* That the United States Air Force provide money to these
- 16 communities for long-term maintenance of facilities and equipment for
- 17 fire protection; and be it further
- 18 *Resolved,* That a copy of this resolution be immediately transmitted by
- 19 the legislative counsel to the Secretary of the Air Force; and be it further
- 20 *Resolved,* That this resolution shall become effective upon passage and
- 21 approval.

S. J. R. 18

SENATE JOINT RESOLUTION NO. 18—COMMITTEE
ON NATURAL RESOURCES

FEBRUARY 3, 1981

Referred to Committee on Natural Resources

SUMMARY—Urges Congress to enact legislation transferring public lands to states. (BDR 591)

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.

SENATE JOINT RESOLUTION—Urging Congress and the President of the United States to enact and approve legislation transferring the unreserved, unappropriated public lands to the states in which the lands are located.

- 1 WHEREAS, The Federal Government possesses 61.6 million acres or
2 87 percent of the land in the State of Nevada; and
3 WHEREAS, A single federal agency, the Bureau of Land Management,
4 administers 49.1 million acres of public domain, comprising 69 percent
5 of the land in Nevada; and
6 WHEREAS, Of all the lands possessed by the Federal Government, over
7 93 percent is located in just 12 western states, including 64 percent of
8 the land in Utah, 63 percent in Idaho, 52 percent in Oregon, 48 percent
9 in Wyoming, 45 percent in California and 43 percent in Arizona, and
10 the Federal Government will ultimately retain approximately two-thirds
11 of the land in Alaska; and
12 WHEREAS, Since the enactment of the Northwest Ordinance in 1787
13 the public domain has been impressed with a trust requiring the Federal
14 Government to pursue an orderly program of disposal of the public
15 domain in each new state so that the new states will be on an equal
16 footing with the original states in the Union; and
17 WHEREAS, The Federal Government, based on initial interpretations
18 of the Constitution of the United States and the Northwest Ordinance,
19 and longstanding practice thereafter, did dispose of virtually all of the
20 public domain as far west as the 100th meridian; and
21 WHEREAS, A blue ribbon committee appointed by President Hoover
22 to review the conservation and administration of the public domain
23 recommended to Congress in 1931 that "Congress should pass an act
24 granting to the respective public land states all the unreserved, unappro-
25 priated public domain within their respective boundaries"; and
26 WHEREAS, In the last 116 years only 2.1 percent of the land in Nevada

1 has passed from federal control to private ownership under the general
2 land laws; and

3 WHEREAS, The Federal Government's infrequent disposals of land in
4 Nevada have virtually ceased, and the amount of federally controlled
5 land in this state has, in fact, increased from 86.21 percent in June 1964,
6 to 87.09 percent in September 1978, an increase of .88 percent (as if
7 86.21 percent were not enough); and

8 WHEREAS, The Federal Government's failure to dispose of the public
9 domain is a breach of the trust under which it obtained those lands and
10 impairs Nevada's expectancy with respect to land disposals; and

11 WHEREAS, The Federal Government's land policy of retaining the
12 public domain presently impairs the State of Nevada's ability to function
13 in a sovereign capacity and denies Nevada an equal footing with the
14 other states in the Union; and

15 WHEREAS, The Federal Government's land policy has similarly
16 impaired the expectations and sovereignty of the other western states
17 and has denied them an equal footing with the other states in the Union;
18 now, therefore, be it

19 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
20 That this legislature strongly urges Congress and the President of the
21 United States to provide for the transfer of the unreserved, unappro-
22 priated public domain to the states in which those lands are located, by
23 enacting and approving legislation similar to S. 1680 of the 96th Con-
24 gress, introduced by Senator Hatch of Utah, or H.R. 7837 of the 96th
25 Congress, introduced by Congressman Santini of Nevada; and be it
26 further

27 *Resolved,* That the legislative counsel shall forthwith transmit copies
28 of this resolution to the President of the United States, the Vice President
29 as President of the Senate, the Speaker of the House of Representatives
30 and each member of the congressional delegations from the states of
31 Nevada and Alaska, Arizona, California, Colorado, Idaho, Montana,
32 New Mexico, Oregon, Utah, Washington and Wyoming; and be it
33 further

34 *Resolved,* That this resolution shall become effective upon passage
35 and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. C. R. 17

SENATE CONCURRENT RESOLUTION NO. 17—
COMMITTEE ON NATURAL RESOURCES

FEBRUARY 3, 1981

Referred to Committee on Natural Resources

SUMMARY—Continues existence of select committee on public lands. (BDR 86)

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

SENATE CONCURRENT RESOLUTION—Continuing the existence of the Nevada select committee on public lands.

- 1 WHEREAS, The 58th session of the Nevada legislature directed the
 2 legislative commission to study means of deriving additional state bene-
 3 fits from the public lands, and the 59th session of the Nevada legislature
 4 directed the creation and the 60th session continued the existence of a
 5 select committee on public lands which has been charged with:
- 6 1. Studying Nevada's unique situation with respect to public lands;
 - 7 2. Considering alternatives for the management of public lands
 8 which include increasing the amounts of those lands in nonfederal owner-
 9 ship and management of those lands by the state;
 - 10 3. Proposing state and federal legislation on public lands; and
 - 11 4. Forming a regional coalition on public lands; and
- 12 WHEREAS, The select committee has accomplished some of its assigned
 13 tasks and continues to work on others, such as modifying federal policy
 14 respecting the public lands, which take time and will require continued
 15 attention during the next several years; and
- 16 WHEREAS, The select committee has been instrumental in the forma-
 17 tion of a western coalition on public lands but is still looked to for
 18 leadership of the movement away from federal control of the public
 19 lands; now, therefore, be it
- 20 *Resolved by the Senate of the State of Nevada, the Assembly con-*
 21 *curring,* That the Nevada select committee on public lands be continued
 22 through the 61st session of the Nevada legislature and for the interim
 23 period until the beginning of the 62nd session; and be it further
- 24 *Resolved,* That the select committee be composed of three members of
 25 the senate appointed by the majority leader of the senate and four mem-
 26 bers of the assembly appointed by the speaker of the assembly, chosen to
 27 provide for continuity of membership on the committee, and that if any

- 1 vacancy should occur on the committee, the new member have experience
2 and knowledge about public lands or be a member of an appropriate
3 standing committee of the senate or assembly; and be it further
4 **Resolved, That the select committee shall:**
5 1. Actively support the efforts of the western coalition on public
6 lands;
7 2. Advance knowledge and understanding in local, regional and
8 national forums of Nevada's unique situation with respect to public
9 lands;
10 3. Support Congressional legislation that will enhance state and local
11 roles in the management of public lands and will increase the disposal
12 of public lands; and be it further
13 **Resolved, That the select committee is an official agency of the legis-**
14 **lative counsel bureau whose members are entitled to receive out of the**
15 **legislative fund for each day's attendance at meetings or official business**
16 **of the select committee after adjournment of the 61st legislative session,**
17 **if approved by the legislative commission, \$80 per day and the per diem**
18 **expense allowance and travel expenses provided by law; and be it further**
19 **Resolved, That the select committee shall submit its report to the**
20 **legislative commission for transmission to the 62nd session of the legis-**
21 **lature.**

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627

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March 1, 1981

EXHIBIT K

MEMORANDUM

TO: Robert Erickson, Staff, Senate Committee on Natural Resources

FROM: Fred Welden, Senior Research Analyst

SUBJECT: Permitting or Registration of Domestic Water Wells (S.B. 178)

You asked me to explain any sections in A.B. 16 which have a relationship to S.B. 178. You also requested outlines of possible courses of action for amending S.B. 178 as discussed by the committee.

Relevant Provisions in A.B. 16

Section 7 of A.B. 16 clarifies the existing requirement that well drillers furnish to the state engineer a copy of the log and the record of work for every well drilled in the state. Although this information could possibly be considered to constitute a registry of all wells, the state engineer is not directed to prepare a register or perform any other functions that are usually associated with a registration program.

Outline of Possible Amendments

The committee discussed two basic approaches to possible amendment of S.B. 178. An outline of these two approaches is as follows:

- I. Add two points to the existing bill.
 - A. State that the application for a permit must be approved unless water is available from an entity engaged in furnishing water.
 - B. Specify that permits may be required only for the use of water from wells drilled after the effective date of the bill.

- II. Eliminate the "permit" program, and replace it with the following provisions:
- A. Direct the state engineer to maintain a register of all wells drilled in designated ground water basins.
 - B. Direct the state engineer to send a notification of registration to each owner of a well for which the state engineer receives a well log and record of work after the effective date of the bill. Direct him to include with the notification of registration a statement that if water becomes available from an entity engaged in furnishing water, the state engineer may require that the owner discontinue use of water from and plug the well.
 - C. Give the state engineer the authority to require owners of wells drilled in designated ground water basins after the effective date of this bill to plug and discontinue use of water from the wells if water can be furnished by an entity engaged in furnishing water.

Comments

Approach I has the distinct advantage of assuring that the well owner knows before he drills the well that he may be required to discontinue use of the well if water becomes available from an entity which furnishes water. Under approach II, the owner probably would not know about the possible requirement until after he drills the well. Under these circumstances where he has invested his money without knowing of the possible later requirement, it might be difficult to enforce the provisions of the bill without significant debate and animosity.

FW:jlc

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. J. R. 6

ASSEMBLY JOINT RESOLUTION NO. 6—COMMITTEE ON
ECONOMIC DEVELOPMENT AND NATURAL RESOURCES

JANUARY 22, 1981

Referred to Committee on Economic Development
and Natural Resources

SUMMARY—Urges Congress of United States to ratify California-
Nevada Interstate Compact. (BDR 106)

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.

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States
to ratify the California-Nevada Interstate Compact.

- 1 WHEREAS, After many years of negotiation, the states of California and
2 Nevada reached final agreement in 1971 on the California-Nevada Inter-
3 state Compact; and
4 WHEREAS, In developing the Compact the Joint California-Nevada
5 Interstate Compact Commission met 62 times between 1956 and 1968,
6 and separately the Nevada Compact Commission held 137 meetings and
7 the California Compact Commission held 75 meetings between 1955 and
8 1972; and
9 WHEREAS, Several special committees were formed to consider special
10 problems, including the Joint Truckee River Committee, which met 22
11 times, the Joint Carson River Committee, which met 31 times, the Joint
12 Walker River Committee, which met 26 times, the Joint Lake Tahoe
13 Committee, which met 16 times, and the Joint Engineering-Legal Com-
14 mittee, which met 10 times; and
15 WHEREAS, Other special committees included those on drafting, defini-
16 tions and water rights, and committees to consider comments received
17 from federal agencies and to explain the compact to interested persons;
18 and
19 WHEREAS, The Nevada Compact Commission expended \$387,000
20 from the state general fund between 1956 and 1972 and the California
21 Compact Commission was appropriated \$857,000 between 1956 and
22 1969 and spent additional funds to employ consultants; and
23 WHEREAS, Under section 10 of Article I of the Constitution of the
24 United States, and as provided in article 22 of the compact, ratification

1 by the Congress of the United States is required before the compact may
2 become effective; and

3 WHEREAS, Valuable natural resources would be conserved and impor-
4 tant agricultural interests would be benefited by congressional ratification;
5 now, therefore, be it

6 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
7 That the Nevada legislature urges the Congress of the United States to
8 ratify the California-Nevada Interstate Compact; and be it further

9 *Resolved,* That copies of this resolution be immediately transmitted by
10 the legislative counsel to the Vice President of the United States as pre-
11 siding officer of the Senate, to the Speaker of the House of Representa-
12 tives, and to all members of the Nevada congressional delegation; and be
13 it further

14 *Resolved,* That this resolution shall become effective upon passage and
15 approval.

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

S. B. 14

SENATE BILL NO. 14—SENATOR GETTO

JANUARY 20, 1981

Referred to Committee on Natural Resources

SUMMARY—Revises certain provisions relating to irrigation districts. (BDR 48-350)

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 irrigation districts; revising certain provisions; 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 539.080 is hereby amended to read as follows:
- 2 539.080 1. [The members] *A member* of the board of directors
- 3 [shall each] *is entitled to* receive not more than [\$35] \$50 per day and
- 4 actual traveling expenses for each day spent attending meetings of the
- 5 board or while engaged in official business under the order of the board.
- 6 2. The board shall fix the compensation to be paid to the other
- 7 officers named in this chapter; but the board shall, upon the petition of
- 8 a majority of the electors within the district, submit to the electors at
- 9 any general election of the district a schedule of salaries and fees to be
- 10 paid the directors and officers thereof. [Such petition shall] *The petition*
- 11 *must* be presented to the board 20 days [prior to such] *before the* gener-
- 12 *al* election. [and a] *The* schedule of salaries and fees [submitted upon
- 13 a two-thirds vote therefor shall] *must* be put into effect upon the first
- 14 of the month [next ensuing.] *after the election if it was approved by a*
- 15 *two-thirds vote.*
- 16 SEC. 2. NRS 539.125 is hereby amended to read as follows:
- 17 539.125 [Not less than 15 days nor more than 20 days before any
- 18 election under this chapter subsequent to the organization of the dis-
- 19 trict, the secretary shall cause notice specifying the polling places and
- 20 time of holding the election to be posted in three public places in each
- 21 election precinct and in the office of the board of directors.] *The secre-*
- 22 *tary shall publish a notice specifying the time and place of an election.*
- 23 *The notice must be published in a newspaper not less than 15 days nor*
- 24 *more than 22 days before the election.*
- 25 SEC. 3. NRS 539.145 is hereby amended to read as follows:

1 539.145 1. [Prior to the time for posting the notice designated in]
2 *Before publishing a notice pursuant to NRS 539.125, the board of*
3 *directors shall appoint three qualified electors to act as inspectors of*
4 *election in each election precinct, and shall also appoint two clerks*
5 *of election for each precinct.*

6 2. If the board of directors fails to appoint a board of election or
7 the members appointed do not attend the opening of the polls on the
8 morning of election, the electors of the precinct present at that hour
9 may appoint the board or supply the place of absent members thereof.

10 3. The board of directors shall, in its order appointing the board
11 of election, designate the hour and the place in each precinct where the
12 election [shall] *will be held.*

13 SEC. 4. NRS 539.480 is hereby amended to read as follows:

14 539.480 1. For the purpose of organization, or for any of the pur-
15 poses of this chapter, the board of directors may, at any time with the
16 approval of the irrigation district bond commission, incur an indebted-
17 ness not exceeding in the aggregate the sum of [~~\$50,000,~~] *\$250,000,*
18 nor in any event exceeding \$1 per acre, and may cause warrants of the
19 district to issue therefor, bearing interest at not to exceed 9 percent
20 per annum. The directors [shall have the power to] *may* levy an assess-
21 ment of not to exceed \$1 per acre on all lands in the district for the
22 payment of such expenses.

23 2. Thereafter the directors [shall have the power to] *may* levy an
24 *annual* assessment, [~~annually,~~] in the absence of assessments therefor
25 under any of the other provisions of this chapter, of not to exceed
26 [~~\$1.50~~] *\$2* per acre on all lands in the district for the payment of the
27 ordinary and current expenses of the district, including the salaries of
28 officers and other incidental expenses. [Such assessments shall] *The*
29 *assessment must* be collected as provided in this chapter for the col-
30 lection of other assessments.

31 SEC. 5. NRS 539.515 is hereby amended to read as follows:

32 539.515 1. Subject to the limitations contained in subsection 2,
33 the board of directors [is empowered to expend moneys] *may expend*
34 *money* from the general fund and *the* operation and maintenance fund
35 for the development, operation and maintenance of recreational grounds.

36 2. In any irrigation district having a reservoir or reservoirs for the
37 storage of water with a capacity of:

38 (a) Less than 250,000 acre-feet, the expenditures authorized by
39 subsection 1 [shall] *may* not exceed the sum of \$1,000 in any 1 year.

40 (b) 250,000 acre-feet or more, the expenditures authorized by sub-
41 section 1 [shall] *may* not exceed the sum of [~~\$5,000~~] *\$25,000* in any
42 1 year.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. J. R. 19

SENATE JOINT RESOLUTION NO. 19—SENATORS WAGNER,
RAGGIO, FORD, GIBSON, WILSON, BLAKEMORE, KOSIN-
SKI AND JACOBSEN

FEBRUARY 5, 1981

Referred to Committee on Natural Resources

SUMMARY—Urges Congress of United States to use Nevada Test Site
for development of renewable sources of energy. (BDR 550)

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.

SENATE JOINT RESOLUTION—Urging the Congress of the United States to
use the Nevada Test Site for the development of solar and other renewable
sources of energy.

- 1 WHEREAS, The United States must promote the development of domes-
2 tic sources of energy to decrease our dependence on foreign sources of
3 energy; and
4 WHEREAS, Solar and other renewable sources of energy promise to
5 provide for much of the nation's demand for energy with relative safety;
6 and
7 WHEREAS, Without a strong program to research and test the best
8 ways to use these resources, their promise will remain unfulfilled; and
9 WHEREAS, The amount of sunlight which Nevada, particularly southern
10 Nevada, receives annually makes it an especially suitable area for the
11 placement of solar laboratories, demonstration projects and test equip-
12 ment; and
13 WHEREAS, The Nevada Test Site is a large expanse of land within this
14 area and less than 10 percent of this acreage is used by the Department
15 of Defense for testing the effects of nuclear weapons; now, therefore,
16 be it
17 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
18 That the Nevada legislature hereby urges the Congress of the United
19 States to devote the Nevada Test Site for future uses to include research
20 and development of solar and other forms of renewable energy; and be it
21 further
22 *Resolved,* That Congress give particular consideration to the develop-
23 ment of the satellite power system which uses solar energy, presently

1 under evaluation by the Department of Energy, at this site; and be it
2 further

3 *Resolved*, That Congress is urged to locate the receiving station for the
4 satellite power system at the Nevada Test Site; and be it further

5 *Resolved*, That a copy of this resolution be immediately transmitted
6 by the legislative counsel to the President of the United States, to the
7 Vice President of the United States as the presiding officer of the Senate,
8 to the Speaker of the House of Representatives, to all members of the
9 Nevada congressional delegation and to the Department of Energy; and
10 be it further

11 *Resolved*, That this resolution shall become effective upon passage and
12 approval.