

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 13, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman Glaser at 2:00 P. M., Monday, April 13, 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 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

COMMITTEE STAFF PRESENT:

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

Chairman Glaser opened the meeting by stating this meeting is a work session, and referred to Senate Bill No. 381 as the only bill on which amendments were to be heard. He further stated it is the most important bill in the MX package, as it provides the mechanism whereby the state may petition the federal government for impact funds and also provides for the flow of the money back to the state.

SENATE BILL NO. 381

The Chair called upon Mr. Steve Bradhurst, MX Project Director for the state, to lead the committee through, and explain, the proposed amendments. Mr. Bradhurst said for the most part, they

Senate Committee on Natural Resources
April 13, 1981

coincide with recommendations previously submitted to the committee from his office; he also concurs with the Chairman in the importance of this bill. He said two concerns had been expressed by local governments: one, the ways in which the funds would be received by the governor, and, two, how those funds would be dispersed to local governments, involving time lags and the possibility of administrative costs. He continued the local governments would like to have disbursement methods tied down. Mr. Bradhurst said the proposed method is for the funds to go from the governor to the state treasury, to the local jurisdictions, but he does not feel that particular language is strong enough. He then went on to explain the remainder of the language in the amendments. A general discussion ensued.

Mr. Andrew Grose, Director, Research, Legislative Counsel Bureau, presented a review of the MX bills being considered throughout the Legislature (Exhibit C). Chairman Glaser asked Mr. Grose the difference between amelioration and impact mitigation, and Mr. Grose replied the terms are synonomous.

Continuing with Senate Bill No. 381, Chairman Glaser called for further discussion or comments regarding the amendments.

Mr. Al Levy, City Commissioner from the City of Las Vegas, and an officer of the Nevada League of Cities, said he could support the bill with the proposed amendments to it, but without them, he would have some reservations. He would like to see language used stating the Nevada League of Cities could name six persons from whom the governor would make his choices for the mitigation board as city representatives. The League of Counties would nominate for three county representatives.

Chairman Glaser noted, in order to be consistent in this matter, the state School Trustees' Association should make the nominations for the three school board members to the impact board. Senator Neal questioned the need for this procedure. Mr. Levy replied it is felt this would provide the best representation. There was discussion on this matter. Senator Bilbray said the cities and the counties would like to have input on the people who are to be appointed by the governor, removing the possibility of an arbitrary choice or choices. Mr. Levy said the governor is in concurrence with the above-mentioned nomination method. Chairman Glaser asked if the League of Cities represents all the cities, towns and unincorporated towns, and Mr. Levy replied it does.

Senator Bilbray asked if the pass-through discussed in previous meetings, wherein funds are passed directly to a local entity without administrative costs for a pass-through grant, was to be a part of the amendment, as he did not see it.

Senate Committee on Natural Resources
April 13, 1981

Mr. Bradhurst answered such a provision is not contained in the amendments and such an option should be provided. Funds should be able to flow directly to a local entity without administrative costs if that entity so desires; on the other hand, if a local jurisdiction desired to have the state serve as a fiscal agent, it should have that option. Senator Bilbray added "as agreed upon between the entities." He explained what should be added to the bill is whatever the cost of administration is should be negotiated between the entities, or where there are pass-through grants, there will be no charge.

Mr. Levy distributed to the committee members a flow chart for a proposed applications procedure for MX impact mitigation funds with an accompanying chart for distribution of those funds from Washington to eligible Nevada recipients (Exhibit D).

Chairman Glaser then reviewed the requested amendments to Section 2 of the proposed amendments. In the subsection dealing with county representation, language is to be added "to be selected from a list of six members submitted by the Nevada Association of Counties," or an approximation thereof. Regarding city representation, the language is to be added "to be selected from a panel of six to be submitted by the Nevada League of Cities," or an approximation thereof. In reference to school district representation, language is to be added "to be selected from a panel submitted by the Nevada State School Board Association (a panel of four)" or an approximation thereof.

There was discussion on urban and rural breakdown for nominees. The language is to use "entity members" for board distribution instead of individual members, as concerns city, county and school representatives.

Mr. John Hawkins, Nevada State School Board Association, asked if the bill allowed for a combination of school districts which might apply for a grant if it would be to their advantage to do so. Mr. Bradhurst said there was no problem with that procedure, as long as it is a combination of legal entities. Senator Bilbray felt the language should be changed to indicate such allowance in order to avoid problems which might arise in this area in the future. Chairman Glaser referred to Section 4 of the amendments, saying what Mr. Hawkins would like is language reading "payments from the fund must be made to an entity or a combination of entities as other claims against the state are paid." Mr. Erickson, senior research analyst, is to incorporate such language where it is most appropriate, according to committee consensus.

Senate Committee on Natural Resources
April 13, 1981

Senator Bilbray indicated he would like to see the amended bill before it goes to the Floor, even if it is passed out of committee. Chairman Glaser said, if agreeable with the committee, action could be taken but the amendments would be considered at one more meeting.

Senator Bilbray moved Amend and Do Pass with stipulation the committee have an opportunity to review it, Senate Bill No. 381 (Exhibit E).

Senator Faiss seconded the motion.

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

There was a brief discussion regarding the chairmanship of the mitigation board, and the committee agreed to leave the bill stand as amended and passed.

SENATE JOINT RESOLUTION NO. 16

The Chairman called upon Senator Jacobsen to review the amendment, proposed on the Senate Floor in its session today (April 13, 1981). Senator Gibson had felt the committee should review this amendment as it is very extensive, before the resolution went out on the floor.

Senator Jacobsen said he had added two items, geothermal and hazardous wastes. Mr. Bradhurst suggested language indicating costs of additional energy needs will not be subsidized by current residents. Chairman Glaser asked Mr. Bradhurst to submit this language to Mr. Erickson as an additional amendment.

Senator Neal moved to amend the amendments to Senate Joint Resolution No. 16 (Exhibit F).

Senator Jacobsen suggested one other amendment to be made, saying sponsorship of the resolution should be unanimous, with all senators wishing to do so signing the joint resolution. It was noted that procedure would allow such to be done on the Floor; when the resolution goes for reprinting, the desired names may be added.

Mr. Bradhurst said his office is in the process of preparing a document to summarize the reports of the thirty-one MX teams.

Senate Committee on Natural Resources
April 13, 1981

This is a review document to go to press April 24, and he would like to have this resolution included to represent the official position of the Sixty-first Legislature, for Washington.

Senator Neal said this measure could go through as an emergency one.

Mr. Bradhurst's only other comment regarded the fourth "whereas" pertaining to construction workers, and he feels language should be added to include "workers in jobs supporting these workers..." He said he had written language to that effect and the Chairman asked him to hand it to Mr. Erickson for inclusion with the other amendments. He noted this language would also refer to "dependents" of the workers.

Senator Jacobsen asked Mr. Bradhurst if the resolution would bind the Legislature in any way as a commitment to MX. Mr. Bradhurst replied it would not. Chairman Glaser said it should be stated on the Floor, by him, that these MX bills do not constitute an endorsement of MX, but if it should/does come, these bills represent the concerns of the state.

Chairman Glaser asked for a second on the motion before the chair, i. e., to amend the amendments to Senate Joint Resolution No. 16. and refer the resolution back to the Floor for a reprint.

Senator Jacobsen seconded the motion.

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

SENATE BILL NO. 241

Mr. Erickson briefly reviewed the amendments, pointing out the sections which had either been removed or changed.

Senator Neal moved Do Pass as Amended
Senate Bill No. 241 (Exhibit G).

Senator Bilbray seconded the motion.

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

Senate Committee on Natural Resources
April 13, 1981

Mr. Bradhurst commented it was the intent of the state to attach to Senate Bill No. 241 when it gets to the Assembly side, the bill to create the MX office. Chairman Glaser said it would be considered when it returns to the Senate.

The Chair announced Senate Bill No. 178 would be considered at the April 20th meeting.

There being no further business to come before the committee, the meeting was adjourned at 3:15 P. M.

Respectfully submitted by:


Carolyn L. Freeland, Secretary

APPROVED BY:


Senator Norman Glaser, Chairman

DATE: April 20, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Natural Resources , Room 323 .
Day Monday , Date April 13 , Time 1:30 P. M.

WORK SESSION AND CONSOLIDATION OF MX LEGISLATION

Senate Joint Resolution No. 16--Requests United States Air Force to consider fire problems incident to MX missile project and provide money for fire protection. (On Secretary of the Senate's Desk)

Assembly Concurrent Resolution No. 19--Directs state engineer to impose certain conditions upon permits for appropriation of water for uses related to "MX" missile system. (Do Passed)

Assembly Joint Resolution No. 20--Requests Congress to recognize necessity of applying for water rights pursuant to state law for "MX" missile project. (Do Passed)

Senate Bill No. 241--Provides for temporary water permits for construction purposes, grants additional powers to political subdivisions and municipal corporations. (Do Pass as Amended, reprinted and re-referred to committee)

Senate Bill No. 381--Directs governor to contract with Federal Government for money to ameliorate financial effects of "MX" missile project. Amendments.

FOR CONSIDERATION

Senate Bill No. 178--Requires permits for domestic wells within designated basins. Report of the subcommittee presented by Senator James H. Bilbray, Chairman.

April 12, 1981

M E M O R A N D U M

TO: Senate Natural Resources Committee
FROM: Andrew P. Grose, Research Director
SUBJECT: MX Bills in Committee and Elsewhere in the
Legislature

OVERVIEW

There are several types of MX bills in the 1981 legislature. One type seeks to delay, prevent or harass the progress of the MX project. A second type seeks to establish our relationship with the Federal Government as concerns MX aid. The third type makes changes in Nevada law to improve the capability of the state and its local governments to deal with MX. There are also bills that are not directly related to MX but which will have effects related to MX issues.

BILLS TO HARASS

A.B. 118

While a number of ideas have been discussed to obstruct the progress of MX, to date only one bill has been introduced. That is A.B. 118 and it simply would prohibit inclusion in the executive budget of any funds intended to mitigate the MX impacts.

Status: In assembly committee on economic development and natural resources.

RELATIONS WITH THE FEDERAL GOVERNMENT

A.B. 383

This is an attempt to require the Federal Government to provide the state several types of information related to MX.

It is based on an assertion of a certain state interest in the lands and water in question. The extent of the state's interest in the public lands, of course, is the question underlying the Sagebrush Rebellion. The attempt to compel federal agencies to do something by state law would not be legally enforceable.

Status: In assembly committee on economic development and natural resources.

S.B. 175

This bill directs the department of conservation and natural resources to negotiate with the Federal Government for the state to take over capital improvements built for MX when the Federal Government no longer will use them.

The DEIS review group on needed state legislation recommended that local governments also be eligible to take over these improvements and that neither the state nor the locals had to take anything they did not want. Some capital improvements such as roads that don't go anywhere could be great burdens.

Status: Passed the senate on February 19. In the assembly committee on economic development and natural resources.

S.J.R. 12

This resolution requests federal assistance to insure local ability to cope with accidents with radioactive or other hazardous materials. The substance of this resolution has been incorporated into the amendment to S.J.R. 16.

Status: In the senate human resources committee.

S.J.R. 16

This resolution came out of the interim study on fire protection and was originally directed only at fire concerns and MX. In the senate, it was put on the secretary's desk

pending an amendment to broaden the resolution to include most other concerns. As amended, the resolution becomes the overall, omnibus state policy position as regards Nevada's expectations for impact assistance as well as the way the assistance is to be provided. It is the hope of the MX office that S.J.R. 16 can be a part of the state's formal comments on the DEIS.

Status: On the secretary's desk pending amendment.

A.J.R. 8

This resolution commends the Air Force for following state law on water rights.

Status: Signed by the governor on February 27.

A.J.R. 20

This resolution seeks the formal recognition of Congress of the necessity for the Federal Government to apply for water rights under state law. While the Air Force has agreed from the beginning of the MX project to abide by state water law, the Federal Government has never recognized a requirement to do so as concerns federal lands. There is a doctrine of reserved rights which says that federal land withdrawn for a particular purpose, such as a wildlife refuge, would carry with it adequate water rights for the purpose of the withdrawal. This concept was applied in New Mexico concerning wildlife and also in the pupfish case. If Congress responded as requested, it would be a major concession of historic proportions.

Status: In the senate committee on natural resources.

A.C.R. 19

There has been some question over the past year or so about the authority of the state engineer to issue temporary permits or to condition permits. Now, there appears to be consensus that he can do both under existing law. With that in

mind, the resolution directs the use of this discretion and provides guidance.

Status: In the senate committee on natural resources.

CHANGES IN STATE AND LOCAL
AUTHORITY AND CAPABILITIES

A.B. 440

This bill does three things aimed at creating new authority and capability. First, it would create the state MX project office by statute. It currently exists by executive order. Some legal authorities like Russ McDonald doubt the authority for any executive orders but be that as it may, the importance of the function of the MX office seems to justify a statutory creation. This would remove any doubts about its legality as a recipient of state or federal funds and give it the status that goes with an agency created by law.

The second thing this bill does is set up a revolving fund to advance money for MX projects. Assembly bill 440 does not put a figure on the fund. The purpose of such a fund would be to provide money immediately to local governments who have projects for mitigation of MX impacts approved. When the federal money actually arrives, the revolving fund is repaid.

The third provision gives the department of wildlife the authority to accept any MX related federal funds. This provision simply corrects an omission in S.B. 241.

Status: In assembly committee on economic development and natural resources.

S.B. 229

This bill provides for a revolving fund as does A.B. 440 but it specifies a particular amount of \$2 million. In testimony before senate finance, the MX office suggested that the

figure should be \$10 million. The MX DEIS review group on needed state legislation also endorsed the \$10 million figure. In addition, the group suggested that state agencies should also be authorized advanced payments from the revolving fund. Also, the group suggested that the Federal Government should set up the fund and that state money should be used only if there was no federal money provided or if it was inadequate.

Status: In senate finance. One hearing has been held.

S.B. 241

This is the bill produced primarily through the work of Russ McDonald under contract to the state MX office. It was also reviewed and requested by the legislature's special committee on MX.

It has been agreed by the state engineer that the authority provided in section 1 of the bill is not needed and an amendment to delete it has been approved by the natural resources committee.

Section 2 allows for the creation of a branch jail in any township other than the one containing the county seat, whether or not a town has been created. It would be an excessive burden, for example, to have to take someone arrested at Coyote Springs into Las Vegas.

Section 3 is cleanup related to section 2.

Section 4 repeals the provision that says a city is disincorporated if fewer than 150 votes are cast at a general election.

Section 5 prevents the creation of a new incorporated city until July 1, 1983.

Section 6 allows school boards to accept federal money or property for MX.

Section 7 is a list of other local entities and state agencies authorized to accept MX funds or property from the Federal Government. The proposed amendment adds the department of wildlife.

Status: Approved but currently still in the senate natural resources committee.

S.B. 381

This bill has been amended in senate natural resources. It now provides for a special MX account in the state treasury to be administered by the state MX impact mitigation board. The board is to review and prioritize all state and local MX requirements and transmit those to the Federal Government.

GENERAL OVERVIEW

Taken together, these bills are intended to do several things:

1. Provide authority for acceptance of federal money for MX impact mitigation to state agencies and to local governments (S.B. 241).
2. Create a mechanism for determining state and local MX impact requirements and for obtaining the federal aid to mitigate the impacts, such mechanism to also determine priorities in the event federal aid is not adequate to meet all the requirements identified (S.B. 381).
3. Create a fund so that delays in the commencement of projects can be avoided (A.B. 440 and S.B. 329).
4. Create a state MX office by statute (A.B. 440).
5. Allow the state to benefit from MX capital improvements when they become surplus to defense requirement (S.B. 175).

Page 7

Other bills related to MX include the bond banking bills, S.B. 263 and A.B. 189. Assembly bill 189 has passed the assembly and is in senate government affairs.

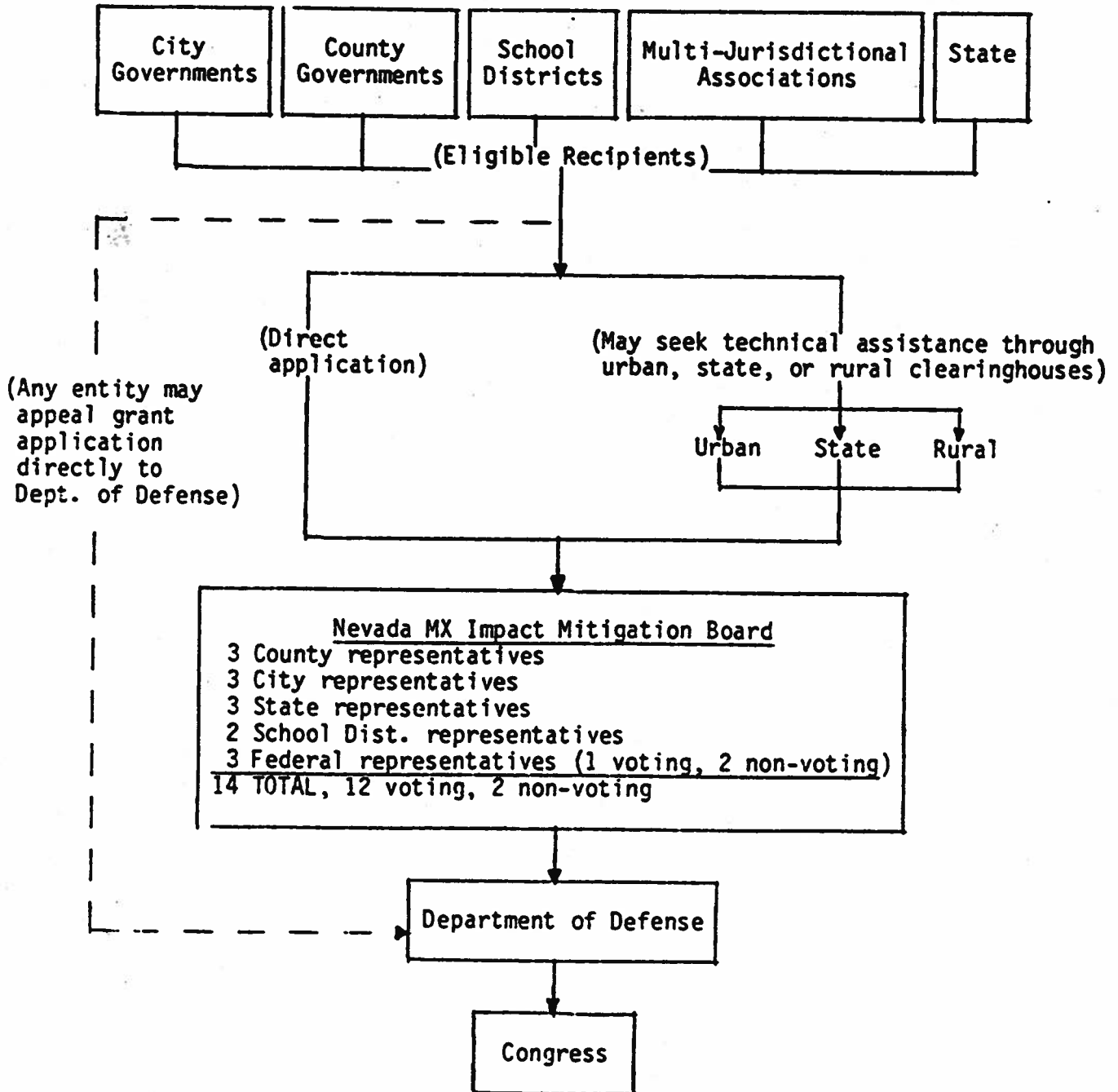
Assembly joint resolution 30 would amend the constitution to allow timely creation of new district judges. It is in the assembly judiciary committee.

Several concerns such as the number and salary levels of water engineers are in the budget process. MX has only sharpened the need for more qualified water engineers.

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PROPOSED PROCEDURE
for
APPLICATION TO WASHINGTON
FOR MX IMPACT ASSISTANCE FUNDS

EXHIBIT D



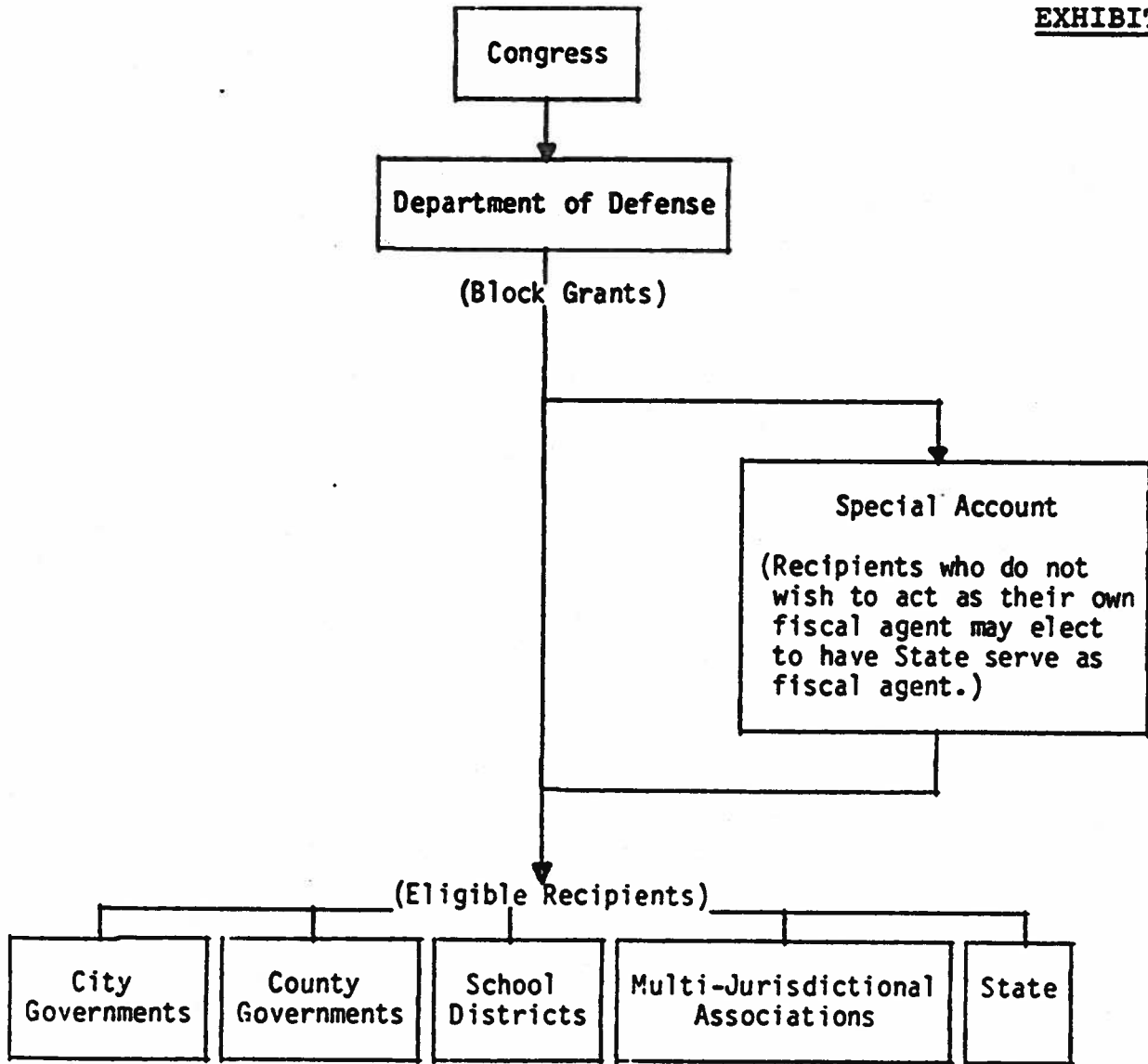
SUMMARY

Each eligible recipient submits grant application to the Nevada Impact Mitigation Board. Recipients may seek technical assistance from urban, rural rural, or state MX planning groups (such as the MX Local Oversight Committee), but do not have to do so. The Impact Mitigation Board then compiles the grant applications into one comprehensive Nevada workplan, which is submitted to the Department of Defense (DoD). DoD reviews the workplan and then submits the workplan to Congress along with DoD's other budget items. Any entity which is not satisfied with the Impact Mitigation Board's decision may elect to appeal their grant application directly to DoD.

PROPOSED FLOW of FUNDS

FROM WASHINGTON to NEVADA ELIGIBLE RECIPIENTS

EXHIBIT D/1



SUMMARY

After approving the grant request, funding authorized by Congress goes through the Dept. of Defense budget directly to Nevada eligible recipients. If a recipient is unable or chooses not to act as its own fiscal agent, the funds are placed in a special account of the State Treasury, and the State acts as fiscal agent for that recipient's funds.

S. B. 381

SENATE BILL NO. 381—SENATORS WILSON,
GIBSON AND GLASER

MARCH 9, 1981

Referred to Committee on Natural Resources

SUMMARY—Directs governor to contract with Federal Government for money to ameliorate financial effects of "MX" missile project. (BDR S-1235)

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 directing the governor to contract with the Federal Government for money to ameliorate the financial effects of the "MX" missile project on state and local government.

1 WHEREAS, The construction and operation of the "MX" missile system
2 in Nevada will have an adverse financial effect upon the state and its local
3 governments because of the increase in demand for public services; now,
4 therefore,

5
6 *The People of the State of Nevada, represented in Senate and Assembly,*
7 *do enact as follows:*

8
9 SECTION 1. The governor shall use his best efforts to enter into an
10 agreement with appropriate federal agencies to provide for an annual pay-
11 ment of money by the Federal Government to ameliorate the adverse
12 financial effects which the construction and operation of the "MX" missile
13 system in Nevada will have upon the state and its local governments. This
14 agreement is to be effective for 4 years and renewable upon expiration.

15 SEC. 2. 1. The terms of the agreement must direct that all payments
16 under its terms be made to the department of taxation.

17 2. The department of taxation shall deposit the money it receives
18 from the Federal Government into the state treasury to the credit of the
19 account to ameliorate the effects of the "MX" missile project which is
20 hereby created in the state general fund.

21 SEC. 3. Any money in the account may be used to offset the expenses
22 incurred by the state resulting from the construction and operation of the
23 "MX" missile system and may be distributed, upon proper legislative
24 authorization, to local governments for similar purposes.

25 SEC. 4. This act shall become effective upon passage and approval.

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. B. 241

SENATE BILL NO. 241—COMMITTEE ON
NATURAL RESOURCES

FEBRUARY 17, 1981

Referred to Committee on Natural Resources

SUMMARY—Provides for temporary water permits for construction purposes, grants additional powers to political subdivisions and municipal corporations. (BDR 48-519)

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 government; providing for temporary permits to appropriate water for construction; granting powers to the State of Nevada, certain of its officers and political subdivisions to accept grants of money and other property and acquire land from the Federal Government to provide facilities necessary for carrying on community life substantially expanded by the deployment of the MX missile project in the State of Nevada; changing the provisions for branch county jails; suspending the population requirement for the incorporation of a city; 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 534.120 is hereby amended to read as follows:
2 534.120 1. [Within an] *The state engineer may, within any area*
3 that has been designated by [the state engineer, as provided for in this
4 chapter] *him* where, in his judgment, the ground water basin is being
5 depleted, [the state engineer in his administrative capacity is herewith
6 empowered to] make such rules, regulations and orders as are deemed
7 essential for the welfare of the area involved.
8 2. In the interest of public welfare, the state engineer [is authorized
9 and directed to] *shall* designate preferred uses of water within the
10 respective areas so designated by him and [from which the ground water
11 is being depleted, and in] *when* acting on applications to appropriate
12 ground water he may designate [such] preferred uses in different cate-
13 gories with respect to the particular areas involved within the following
14 limits: Domestic, municipal, quasi-municipal, industrial, irrigation, mining
15 and stock-watering uses.
16 3. The state engineer may [:] *within an area pursuant to subsec-*
17 *tion 1:*

1 (a) Issue temporary permits to appropriate ground water which can
2 be limited as to time and which may be revoked if and when water can
3 be furnished by an entity such as a water district or a municipality pres-
4 ently engaged in furnishing water to the inhabitants thereof.

5 (b) Deny applications to appropriate ground water for any purpose
6 in areas served by such an entity.

7 (c) Limit depth of domestic wells.

8 (d) Prohibit the drilling of wells for domestic use, as defined in NRS
9 534.010 and 534.180, in areas where water can be furnished by an
10 entity such as a water district or a municipality presently engaged in
11 furnishing water to the inhabitants thereof.

12 4. For good and sufficient reasons the state engineer may exempt
13 the provisions of this section with respect to public housing authorities.

14 5. *If an application to appropriate ground water within any area*
15 *whether or not designated as one where ground water is being depleted,*
16 *includes among the intended beneficial uses construction not related to*
17 *the diversion of the water appropriated, the state engineer shall issue a*
18 *temporary permit for the quantity to be so used, limited to the estimated*
19 *time of completion of the construction, and every such permit is*
20 *automatically revoked without notice upon expiration of the time speci-*
21 *fied in the permit.*

22 6. *Any holder of a temporary permit may file a written application*
23 *for an extension of that permit with the state engineer. Upon good cause*
24 *shown, the state engineer may extend that permit but any extension is*
25 *limited by the provisions of subsection 5 and paragraph (a) of subsec-*
26 *tion 3.*

27 SEC. 2. NRS 211.090 is hereby amended to read as follows:

28 211.090 1. A board of county commissioners or metropolitan police
29 commission may establish a branch county jail in any [town] township
30 in the county [,] *except the township containing the county seat,* if in
31 its judgment the public needs require it, and provide that persons charged
32 with or convicted of a misdemeanor in [such town or other town or
33 townships] *the township* mentioned in the order [shall] *must* be impris-
34 oned in [such] *the* branch county jail instead of in the county jail at
35 the county seat.

36 2. Any judge or justice of the peace before whom [such] *a* convic-
37 tion may be had may order that a prisoner be imprisoned in the county
38 jail of the county wherein such conviction may be had if the public
39 safety or the safety of such prisoner requires it.

40 SEC. 3. NRS 211.110 is hereby amended to read as follows:

41 211.110 The board of county commissioners or the metropolitan
42 police commission may direct the jailer of such branch county jail to
43 work the prisoners on the [public streets of such town or on the] public
44 roads of the county where the branch county jail is located.

45 SEC. 4. NRS 265.020 is hereby repealed.

46 SEC. 5. The operation of NRS 265.010 is suspended until July 1,
47 1983.

48 SEC. 6. In addition to its powers conferred by general law, the board
49 of trustees of a school district may, on behalf of the school district:

1 1. Purchase or otherwise acquire from the Federal Government and
2 its agencies and instrumentalities all or any portion of available land near
3 an MX missile deployment site or sites at intervals during any period
4 when such purchase or other acquisition may be made as provided by
5 the Congress of the United States, including any extension of time.

6 2. Accept the benefit of any Act of Congress providing financial
7 assistance for school districts affected by the deployment of the MX
8 missile project in this state without reference to any regulation of the
9 state board of education concerning the provision of assistance by the
10 Federal Government.

11 SEC. 7. 1. Notwithstanding the provisions of any other law:

- 12 (a) The board of county commissioners of any county;
- 13 (b) The governing body of an incorporated city;
- 14 (c) The governing body of an unincorporated town;
- 15 (d) The board of trustees of a general improvement district;
- 16 (e) The state department of conservation and natural resources;
- 17 (f) The governing body of a county fire protection district;
- 18 (g) The board of directors of a flood control district; and
- 19 (h) The governing head of a conservation district,

20 may exercise the powers specified in subsection 2.

21 2. The powers conferred by this section are:

22 (a) To accept grants from the Federal Government and its agencies
23 and instrumentalities for the purpose of providing county facilities neces-
24 sary for carrying on community life substantially expanded by the deploy-
25 ment of the MX missile project in this state.

26 (b) On behalf of the governmental agency, purchase or otherwise
27 acquire from the Federal Government and its agencies and instrumentalities
28 all or any portion of available land near an MX missile deployment
29 site or sites at intervals during any period when such purchase or other
30 acquisition may be made as provided by the Congress of the United
31 States, including any extension of time granted by the Secretary of the
32 Interior, or otherwise.

33 SEC. 8. 1. This act shall become effective upon passage and
34 approval.

35 2. Sections 6 and 7 of this act expire by limitation on July 1, 1983.