

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 28, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman Glaser at 5:00 P. M., Thursday, May 28, 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 Floyd R. Lamb

COMMITTEE MEMBER ABSENT:

Senator Joe Neal

GUEST LEGISLATORS:

Assemblyman Nicholas Horn
Assemblyman James Schofield

STAFF MEMBERS PRESENT:

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

ASSEMBLY BILL NO. 686

The proposed amendment to this bill was described by Chairman Glaser.

Senator Lamb declared the bill was not fair and would set a precedent that would later be regretted, and added it was a discriminatory piece of legislation.

There was a brief discussion.

Senate Committee on Natural Resources
May 28, 1981

Senator Lamb moved to Indefinitely
Postpone Assembly Bill No. 686 (Exhibit C).

Senator Faiss seconded the motion.

The Chair called for discussion.

There was brief discussion.

The Chair called the question.

The motion failed to carry. (Senators Lamb
and Faiss voted "Yes;" Senator Glaser voted
"No;" Senator Bilbray voted to "Abstain.")

Senator Neal and Senator Jacobsen were absent for the vote.

ASSEMBLY BILL NO. 640

Mr. Erickson distributed to committee members an analysis of
this bill which he had written (Exhibit D). He presented a
brief explanation of the summary.

Mr. James W. Schofield, Assemblyman, District No. 12, ex-
plained the bill. He said the bill is part of a package on
the MX missile project, and establishes the coordinating de-
partment for the MX. If the project should come to the state
the state will be prepared by establishing this mechanism.
He added the bill blends with other MX legislation which has
been passed during this session.

Senator Lamb noted there would be a necessity for funds to
operate this department, and he asked who would be paying for
such costs. Mr. Schofield replied he was going to defer to
Mr. Steve Bradhurst, MX Project Director, for a reply. Senato-
Glaser added that Mr. Bradhurst was to testify on this and other
matters in relation to the proposed legislation.

ASSEMBLY
BILL
NO. 686

Discussion on Assembly Bill No. 640 was temporarily suspended
as Assemblyman Nicholas Horn wished to enter a few comments in
regard to Assembly Bill No. 686. There was a brief conversa-
tion between Senator Lamb and Mr. Horn. The Chair declared a
short recess for conference on this matter. It was decided by
the committee members to let the vote on Assembly Bill No. 686
stand as recorded.

Senate Committee on Natural Resources
May 28, 1981

ASSEMBLY BILL NO. 640--continued

Mr. Steve Bradhurst, MX Project Director, testified in favor of this bill. He referred to funding, as questioned by Senator Lamb. He said the governor issued an executive order about three months ago to establish his office. He said this bill would statutorily create his office, and the funding would come completely from the Department of Defense; such funding will continue to come from the Department of Defense in order to maintain his department.

Chairman Glaser wanted to establish when this bill is questioned on the Senate Floor if it could be said it does not exceed the authorized budget as the governor proposed and both money committees have accepted, and it is all federal funds; the duties and personnel outlined in the bill are the present duties and personnel now in operation.

Mr. Bradhurst confirmed that. He said there are three divisions for which division chiefs must be selected, and that the governor would like to fill these positions. He said in that case, it would be necessary to come before the Interim Finance Committee to obtain permission to receive funds for those positions. If it were necessary to go to a larger organization because the MX would become a reality, authorization would be needed to spend additional federal funds.

The Chair called for any questions.

Senator Bilbray moved Do Pass
Assembly Bill No. 640.

Senator Jacobsen seconded the motion.

The Chair called for any discussion.

Mr. G. P. Etchevery, Nevada League of Cities, said this bill and Senate Bill No. 381 are companion bills, and without the latter bill, there would not be complete MX legislation.

Mr. Joe Denny, Clark County, representing the MX Oversight Committee, wished to go on record as supporting Assembly Bill No. 640.

The Chair called for any further testimony on this bill.

Senate Committee on Natural Resources
May 28, 1981

The motion made to Do Pass Assembly Bill No. 640
(Exhibit E) carried unanimously. (Senator Neal
and Senator Lamb were absent for the vote).

The Chairman announced there would be an informal meeting
of the committee on Friday, May 26, 1981, at 1:30 at the
Carson City Country Club for luncheon and presentations.

There being no further business, the meeting was adjourned
at 4:30 P. M.

Respectfully submitted by:


Carolyn L. Freeland, Secretary

APPROVED:


Senator Norman Glaser, Chairman

DATE:

June 1, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Natural Resources , Room 323

Day Thursday , Date May 28, 1981 , Time 5:00 P. M.

The Senate Committee on Natural Resources meeting for Friday, May 29, 1981, has been cancelled. This meeting takes its place.

A. B. No. 640--Provides measures for alleviating the effects of the MX missile project.

WORK SESSION

A. B. No. 686--Allows use of same tag for hunting deer in general hunt and special hunt with muzzleloaders. Consideration of Amendment No. 1355.

A. B. 686

**ASSEMBLY BILL NO. 686—COMMITTEE ON
WAYS AND MEANS**

MAY 18, 1981

Referred to Committee on Economic Development and
Natural Resources

SUMMARY—Allows use of same tag for hunting deer in general hunt and
special hunt with muzzleloaders. (BDR 45-998)

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.

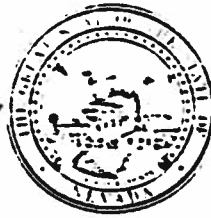
AN ACT relating to deer hunting; allowing use of the same tag in the general hunt
and a special hunt with muzzleloaders of the same year; and providing other
matters properly relating thereto.

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

- 1 SECTION 1. Chapter 502 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *A person who is awarded a tag for hunting deer during the general*
4 *hunt of any year and fails to kill a deer in the general hunt must be*
5 *allowed use of the same or a substitute tag for hunting deer with a muzzle-*
6 *loader during any special hunt of that year for hunting deer with muzzle-*
7 *loaders.*
8 2. *A person who is awarded a tag for hunting deer in a special hunt*
9 *for persons using muzzleloaders and fails to kill a deer in the special hunt*
10 *must be allowed use of the same or a substitute tag for hunting deer dur-*
11 *ing the general hunt of that year.*

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
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May 27, 1981

EXHIBIT D

M E M O R A N D U M

FROM: Robert Erickson, Senior Research Analyst
SUBJECT: A.B. 640 (First Reprint)

- Section 1: Legal language to place this bill in title 18 of NRS.
- Section 2: Defines "department" to mean the department for coordination of the "MX" missile project, and also defines its "director."
- Section 3: Creates the department, outlines its duties with respect to planning and coordination of governmental activities on "MX," and sets up a director and three divisions.
- Section 4: Provides that the governor is to appoint the director using certain criteria and qualifications.
- Section 5: Allows the director to appoint division chiefs with consent of the governor, and also allows the director to make and execute contracts and accept grants.
- Section 6: Permits director to set up an office and employ staff within the limitations of legislative appropriations. Also allows director to adopt necessary regulations and perform other functions required.

Page 2

Section 7: Provides that division chiefs, like the director, are to be in unclassified state service and are not to pursue any other businesses or occupations for profit.

Section 8: Allows the governor to abolish the department by executive order when determined to be no longer needed.

Section 9: Amends NRS 284.173 to allow the department to contract for the services of independent contractors.

In conclusion, A.B. 640 appears to be in good form and is consistent with your original intent when you introduced the bill.

REE/11p:5.2.AB640.1

*Jack Jeffrey
down some*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 640

ASSEMBLY BILL NO. 640—ASSEMBLYMEN SCHOFIELD, VERGIELS, JEFFREY, CHANEY, STEWART, KOVACS AND DINI

MAY 8, 1981

Referred to Committee on Economic Development and Natural Resources

SUMMARY—Provides measures for alleviating the effects of the MX missile project. (BDR 19-1659)

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 the "MX" missile project; creating a department for coordination of the "MX" missile project; providing for a director of that department and prescribing his duties; 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. Title 18 of NRS is hereby amended by adding thereto
2 a new chapter to consist of the provisions set forth as sections 2 to 8,
3 inclusive, of this act.
4 SEC. 2. As used in this chapter, unless the context otherwise requires:
5 1. "Department" means the department for coordination of the
6 "MX" missile project.
7 2. "Director" means the director of the department.
8 SEC. 3. 1. The department for coordination of the "MX" missile
9 project is hereby created.
10 2. The department shall assist in planning and coordinating the activi-
11 ties of government at the federal, state and local levels in efforts to amelio-
12 rate the adverse financial effects which the construction of the "MX"
13 missile system in Nevada will have upon the state and its local govern-
14 ments.
15 3. The department consists of a director and the following divisions:
16 (a) The division of planning.
17 (b) The division of management of contracts and grants.
18 (c) The division of intergovernmental coordination.
19 SEC. 4. 1. The governor shall appoint the director, who serves at the
20 pleasure of the governor in the unclassified service of the state.

1 2. A person who is selected to serve as director must have had at least
2 5 years of responsible experience in public or business administration, or
3 possess broad management skills in areas related to the functions of the
4 department.

5 3. The governor shall select the director on the basis of his training,
6 experience and aptitude for coordinating agencies which perform duties
7 relating to planning, financing, management and coordination between
8 governments. The knowledge and abilities of the director must include
9 some or all of:

10 (a) A comprehensive knowledge of the principles of administration
11 and a working knowledge of matters which will be under his direction;

12 (b) Ability to assess the operations of the department and protect the
13 interests of the public in areas covered by the duties of his department;

14 (c) Ability to organize and present oral and written communications
15 to the governor, legislature and other officials and members of the public.

16 4. The director is entitled to receive a salary determined pursuant to
17 NRS 284.182 and to be reimbursed for travel expenses and expenses of
18 subsistence in amounts provided by law for state officers and employees.

19 5. The director shall devote his full time to the duties of his office
20 and not engage in any other gainful employment or occupation.

21 SEC. 5. The director shall:

22 1. Appoint, with the consent of the governor, a chief for each divi-
23 sion of the department.

24 2. Make and execute contracts and all other instruments necessary
25 or convenient for the exercise of the duties of the department with any
26 governmental agency or any other person.

27 3. Accept grants from and cooperate with any governmental agency
28 or other person to further the purposes of this chapter.

29 SEC. 6. The director may:

30 1. Employ, without regard to the provisions of chapter 284 of NRS,
31 within the limitations of legislative appropriations, legal counsel, investi-
32 gators and other professional and clerical employees to enable the depart-
33 ment to carry out its duties;

34 2. Rent, lease, purchase or contract for property, equipment and sup-
35 plies necessary to carry out the purposes of this chapter.

36 3. Adopt regulations necessary to carry out the duties of the depart-
37 ment.

38 4. Perform other functions necessary to the proper discharge of the
39 duties of the department.

40 SEC. 7. The chief of each division of the department:

41 1. Is in the unclassified service of the state and is entitled to receive
42 a salary determined pursuant to NRS 284.182.

43 2. Shall administer the provisions of law relating to his division
44 under the administrative supervision of the director.

45 3. Shall devote his entire time and attention to the business of his
46 division and not pursue any other business or occupation or hold any
47 other office of profit.

48 SEC. 8. The governor may, by executive order, abolish the depart-
49 ment for coordination of the "MX" missile project whenever he deter-
50 mines it is no longer needed.

1 **SEC. 9. NRS 284.173 is hereby amended to read as follows:**

2 **284.173 1. Elective officers and heads of departments, boards, com-**
3 **missions or institutions may contract for the services of persons as inde-**
4 **pendent contractors.**

5 **2. An independent contractor is a natural person, firm or corporation**
6 **who agrees to perform services for a fixed price according to his or its**
7 **own methods and without subjection to the supervision or control of the**
8 **other contracting party, except as to the results of the work, and not as to**
9 **the means by which the services are accomplished.**

10 **3. For the purposes of this section:**

11 **(a) Travel, subsistence and other personal expenses may be paid to**
12 **an independent contractor, if provided for in the contract, in such**
13 **amounts as provided for in the contract. Those expenses must not be**
14 **paid under the provisions of NRS 281.160.**

15 **(b) There must be no:**

16 **(1) Withholding of income taxes by the state;**

17 **(2) Industrial insurance coverage provided by the state;**

18 **(3) Participation in group insurance plans which may be available**
19 **to employees of the state;**

20 **(4) Participation or contributions by either the independent con-**
21 **tractor or the state to the public employees' retirement system;**

22 **(5) Accumulation of vacation leave or sick leave; or**

23 **(6) Unemployment compensation coverage provided by the state if**
24 **the requirements of NRS 612.085 for independent contractors are met.**

25 **4. An independent contractor is not in the classified or unclassified**
26 **service of the state, and has none of the rights or privileges available to**
27 **officers or employees of the State of Nevada.**

28 **5. Each contract for the services of an independent contractor must**
29 **be in writing. The form of the contract must be first approved by the**
30 **attorney general, and, except as provided in subsection 7, an executed**
31 **copy of each contract must be filed with the fiscal analysis division of the**
32 **legislative counsel bureau and the clerk of the state board of examiners.**

33 **6. Except as provided in subsection 7, and excepting contracts**
34 **entered into by the University of Nevada, each proposed contract with**
35 **an independent contractor must be submitted to the state board of exam-**
36 **iners. The contracts do not become effective without the prior approval**
37 **of the state board of examiners. The state board of examiners shall adopt**
38 **regulations to carry out the provisions of this section.**

39 **7. Copies of the following types of contracts need not be filed or**
40 **approved as provided in subsections 5 and 6:**

41 **(a) Contracts executed by the department of transportation for any**
42 **work of construction or reconstruction of highways.**

43 **(b) Contracts executed by the state public works board or any other**
44 **state department or agency for any work of construction or major repairs**
45 **of state buildings.**

46 **(c) Contracts executed by the housing division of the department of**
47 **commerce.**

48 **(d) Contracts executed with business entities for any work of mainte-**
49 **nance or repair of office machines and equipment.**

- 1 (e) *Contracts executed by the department for coordination of the*
2 *"MX" missile project.*
3 SEC. 10. This act shall become effective upon passage and approval.

