

56TH NEVADA ASSEMBLY SESSION

PRESENT: Homer, Ronzone, Lowman, Olsen, Dini, Bryan, Getto and Swackhamer

ABSENT: Fry

OTHERS: George Zappetini, State Forester of the Division of Forestry in Carson City and Bob Long, Staff Forester in Forestry Management of the Division of Forestry in Carson City

Chairman Homer called the meeting to order at 8:15 A.M. for the primary purpose of discussing A.B. 405 which "Requires reforestation after any timber harvest."

Mr. Zappettini from the Division of Forestry said the Division is not opposed to this bill. The Senate Bill, 168, which is very similar, is, however, much more strict and requires more than the Assembly Bill. He commented that he would be in favor of either A.B. 405 or S.B. 168.

Mr. Lowman asked him where our forest lands are. Mr. Zappetini replied that this bill only applies to about 250,000 acres in the Sierra Range. 13,000 acres of this are State owned. About 20,000 acres are Federally owned. The remaining land is privately owned which comprises about 75% of the forest land.

Bob Long, also from the Division of Forestry in forest management, added that S.B. 100 is now being considered in the Senate. It gives the Division of Forestry ten years on private property to recover areas which have been stripped. At the end of that ten years, the owner would buy back the property at the cost of the reforestation plus 4%.

Mr. Lowman commented that it seemed to him that reforestation is part of the answer to the whole pollution problem.

Mr. Zappetini added that the Division works with the desert as well as the timberland. Mr. Getto asked him to what extent is work toward reforestation done in the desert. Mr. Zappetini said this was done by hand planting and has been in existence since 1967.

Mr. Dini moved "do pass" A.B. 405. Mr. Getto seconded. Motion was carried.

Mr. Lowman made a motion for a resolution to memorialize Congress to implement and come up with a program for reforestation in America. Mr. Getto seconded. Motion carried.

Chairman Homer brought up A.B. 345 which "requires state agencies and political subdivisions performing land development work to comply with applicable laws, regulations, and ordinances." Mr. Poggione was present to explain this at the meeting yesterday, March 24. Mr. Dini moved "do pass". Mr. Getto seconded. Motion carried.

Discussion then turned to A.B. 766 which "Extensively amends provisions governing mining claims, mill sites and tunnel rights." Mr. Dini said he couldn't agree with the \$20 fee. Mr. Swackhamer said he could go for \$10 and that it would all go for the map. He went on to say that this bill was not really good but it could keep things from getting any worse. Mr. Homer inquired whether it would stop the senseless gouging of the land and if it would, he would favor the bill passing. Mr. Dini asked Mr. Swackhamer what he thought of the idea of a photograph. Mr. Swackhamer said he thought it was a good idea but should not be put in the statutes. Mr. Lowman moved "do pass". Mr. Dini seconded. Motion carried with Mr. Swackhamer adding that he will not support the bill on the floor.

March 25, 1971

Chairman Homer again brought up A.B. 542 which "Defines "development work" on patented mines." Mr. Getto moved "do pass". Mr. Swackhamer seconded. Motion carried.

It was decided to hold A.B. 392 "enacting new air pollution control law" would be held until the Senate Bill comes to the committee. (S.B. 275)

It was decided that a subcommittee should be formed to consider A.B. 482 which "enacts new water pollution control law". Members selected for this committee are: Ronzone, Getto, Bryan, and Lowman.

It was decided to have a hearing on A.B. 543 which "Requires Public Service Commission of Nevada to prepare environment impact reports and public utilities and motor vehicle carriers to comply with environmental laws." and on A.B. 626 which "enacts Archeological Resources Law". This hearing is scheduled for Tuesday, March 30, at 8:00 A.M.

It was also decided to have a hearing on S.B. 287 which "enacts Utility Environmental Protection Act". This hearing is scheduled for Wednesday, March 31, at 8:00 A.M.

S.B. 20 "Enacts Environmental Quality Act of 1971" has already been passed by the Senate and came before the Assembly committee. Mr. Swackhamer said he could not see the reason for cluttering up the statutes with this type of thing. Mr. Lowman felt this should be included in the air pollution bill. Mr. Swackhamer moved indefinite postponement of this bill. Mr. Dini seconded. Motion carried.

S.B. 118 "requires registration of manufacturing products, production materials, and waste products where certain wastes discharged; provides for surveillance fees upon discharges". This bill has also passed the Senate and now comes to the Assembly committee. Chairman Homer commented that the League of Women Voters wants this cut on the floor immediately. Mr. Swackhamer commented that this is already in the water pollution act. It was decided to look at S.B. 118 in conjunction with A.B. 482 in the subcommittee meeting.

A.B. 266 "prohibits water siltation without permit." Chairman Homer commented that this would definitely interfere with irrigation practices. Mr. Dini moved to indefinitely postpone this bill. Mr. Ronzone seconded. Motion carried. Mr. Ronzone added that this is going to be included in the water bill to some extent.

A.B. 267 "prohibits thermal pollution of waters." Chairman Homer commented that this was aimed primarily at the Tracy Steam Plant. Mr. Ronzone added that this also would be included in the water bill. It was decided to include this in the subcommittee meeting on A.B. 482.

S.J.R. 9 "memorializes the State of California to provide its proportionate share of the funding for the Tahoe Regional Planning Agency. Mr. Lowman moved to indefinitely postpone S.J.R. 9. Mr. Dini seconded. Motion carried.

Meeting was adjourned at 8:50 A.M.

Environment and Public Resources

Sub-Committee Meeting - March 24, 1971

Present: Lowman, Dini and Swackhamer

S.B. 275 - amendments

Not in agreement with Senate amendments for the following:

- 1) Delete Section 2 and replace with Section 1, but leave in "~~as chairman of the board.~~" Starting on Page 2, line 37, it would read: "~~Membership of the board shall fairly reflect the population distribution and the interest of the state. The board shall include at least one registered engineer and one individual experienced and knowledgeable in the business of manufacturing or processing.~~"
- 2) Add on Page 4, lines 9-10: "preliminary plans and specifications." Also, change: "to process permits."
- 3) To put back in on line 20, Page 4: "in cooperation with the Department of Motor Vehicles require installation".
- 4) (Because of the addition, 22 becomes 19; 17 becomes 18, and 18 becomes 19.)
- 5) Put in something to the effect: "If the hearing is to be made a part of record, it must be done upon the application of the applicant and his willingness to bear the cost to make it a part of the record." Referred to Page 8, Section 25, lines 19 and 20, etc.
- 6) Page 9, Section 28, add: "the board in cooperation with the Department of Motor Vehicles".

Testimony

Section 19, Page 6, lines 33 and 38, need the same wording as on Page 4, line 9-10 and is also needed on Page 7, line 5, as follows: "primliminary plans and specifications".

Swackhamer had question about Page 6, line 50, Section 19.

Amendments to Assembly / Senate

Bill / Joint Resolution No. 275 (BDR40-13)

369

Proposed by Committee on Ecology

Amendment No 3527



Amend sec. 2, page 1, line 10, by deleting "all" and inserting "reasonably

Amend sec. 4, page 2, by deleting line 2 and inserting:

"atmosphere except water vapor and water droplets."

Amend sec. 7, page 2, by deleting lines 11 through 14 and inserting:

"Sec. 7. "Control officer" means the chief of the bureau of environmental health or person designated by or pursuant to a county or city ordinance or



regional agreement".

Amend sec. 11, page 2, by deleting lines 35 through 37 and inserting:

"in environmental matters. Membership of the board shall."

Amend sec. 11, page 2, by deleting lines 49 and 50 and inserting:

"6. Each of the members shall be entitled to".

Amend sec. 11, page 3, line 3, by inserting after "board by":

"the department of health, welfare and rehabilitation and may be provided by"

Amend sec. 11, page 3, by deleting lines 9 through 19 and inserting:

"ment of agriculture."

Amend sec. 13, page 3, by deleting lines 31 through 40 and inserting:

"3. Establish air quality standards."

4. Institute proceedings to prevent continued violation of any order issued by the board and to enforce the provisions of sections 2 to 40, inclusive, of this act."

5. Require access to records relating to emissions which cause or".

Amend sec. 13, page 3, line 42, by deleting "9." and inserting "6."

Amend sec. 13, page 3, line 44, by deleting "10." and inserting "7."

Amend sec. 13, page 3, line 46, by deleting "11." and inserting "8."

Amend sec. 13, page 3, line 48, by deleting "12." and inserting "9."

Amend sec. 13, page 4, line 1, by deleting "13." and inserting "10."

Amend sec. 13, page 4, line 5, by deleting "14." and inserting "11."

Amend sec. 13, page 4, line 9, by deleting "15." and inserting "12."

Amend sec. 13, page 4, line 10, by deleting "such".

Amendment No. 3527 to Senate Bill No. 275 (BDR 40-1357) Page 3

Amend sec. 13, page 4, line 11, by deleting "16." and inserting "13."

Amend sec. 13, page 4, line 15, by deleting "17." and inserting "14."

Amend sec. 13, page 4, line 18, by deleting "18." and inserting "15."

3 { Amend sec. 13, page 4, by deleting line 20.

Amend sec. 13, page 4, line 21, by deleting "20." and inserting "16."

Amend sec. 13, page 4, line 23, by deleting "21." and inserting "17."

Amend sec. 13, page 4, by deleting line 25 and inserting:

4 { "18. Delegate all powers, except subsections 1, 3, 14, 15 and ¹⁸17".

Amend sec. 14, page 4, by deleting lines 31 and 32 and inserting:

"provisions of chapter 233B of NRS. In addition, no rule or regulation shall be adopted by the board".

Amend sec. 17, page 5, by deleting lines 25 through 28 and inserting:

"this act. The governing body of any county, city or health district authorized to operate an air pollution control program under sections 2 to 40, inclusive, of this act may appoint an air pollution control hearing board. Hearing board proceedings are governed by chapter 233B of NRS as it relates to contested cases, except as otherwise provided in this section, and may be reviewed as provided in section 38 of this act."

Amend sec. 17, page 5, by inserting between lines 39 and 40:

"5. The air pollution control hearing board appointed by a county, city or health district shall consist of five members who are not employees of the state or any political subdivision of the state. One member of the hearing board shall be an attorney admitted to practice law in Nevada and one member

(more)

Amendment No. 3527 to Senate Bill No. 275 (BDR 40-1357) Page 4

shall be a professional engineer registered in Nevada. Two shall be appointed for a term of 1 year, two shall be appointed for a term of 2 years and one shall be appointed for a term of 3 years. Each succeeding term shall be for a period of 3 years."

5 { Amend sec. 25, page 8, by deleting lines 19 and 20 and inserting:

"as provided in section 38 of this act."

Amend sec. 28, page 9, by deleting lines 1 through 20 and inserting:

"Sec. 28. The board may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible smoke emissions from internal combustion engines, stationary or otherwise, on the ground or in the air, including but not limited to aircraft, motor vehicles, snowmobiles and railroad locomotives. Such regulations shall be consistent with any federal regulation for such emissions and shall be uniform throughout the state."

Amend sec. 29, page 9, by deleting lines 21 through 29 and inserting:

"Sec. 29. 1. The district board of health, county board of health or board of county commissioners in each county which has a population of 100 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, shall establish an air pollution control program within 2 years after the effective date of this act, and administer such program within its jurisdiction unless superseded."

Amend sec. 29, page 9, by deleting lines 36 through 44 and inserting

(more)

"3. The district board of health, county board of health or board of commissioners is designated as the air pollution control agency of the county for the purposes of this act, and the federal act insofar as it pertains to local programs, and such agency is authorized to take all action necessary to secure for the county the benefits of the federal act.

4. Powers and responsibilities provided for in sections 13, 16 to 23, inclusive, 34 to 36, inclusive, and 40, of this act shall be binding upon and shall inure to the benefit of local air pollution control authorities within their jurisdiction.

5. The local air pollution control board shall carry out all provisions of section 14 of this act with the exception that notices of public hearing shall be given in any newspaper, qualified pursuant to the provisions of chapter 233 of NRS, as amended from time to time, once a week for 3 weeks which notice shall specify with particularity the reasons for the proposed rules or regulations and provide other informative details. Such rules or regulations may be more restrictive than those adopted by the board.

6. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties or through agreement with the state, or may establish its own air pollution control program. If such county establishes such program, it shall be subject to the approval of the board."

Amend sec. 33, page 10, line 33, by inserting after "hearing." :

"Nothing in sections 2 to 40, inclusive, of this act is to be construed

(more)

Amendment No. 3527 to Senate Bill No. 275 (BDR 40-1357) Page 6

as invalidating any rule, regulation, enforcement action, variance, permit
cease and desist order, compliance schedule, or any other legal action
taken by any existing air pollution control authority pursuant to existing
NRS 445.400 to 445.595, inclusive, on or before the effective date of this
act unless it is specifically repealed, superseded or disapproved, pursuant
to section 14 of this act."

Amend sec. 35, page 11, by deleting line 18 and inserting:

"operator or reveal any confidential information; or

(c) In complying with federal statutes, rules and regulations."

Amend sec. 38, page 11, by deleting line 50 and inserting:

"Sec. 38. 1. Judicial review".

Amend sec. 38, page 12, by deleting lines 2 through 6 and inserting:

"shall involve a trial de novo.

2. Any such trial shall take precedence over any other matter before the
court."

Amend sec. 40, page 12, line 18, by deleting "\$10,000." and inserting
"\$5,000."

Amend sec. 40, page 12, by deleting line 23 and inserting:

"thereto. In imposing a fine, the board shall take into consideration all
circumstances of the violation."

Amend sec. 40, page 12, by deleting lines 34 and 35, and inserting:

"is entitled to review as provided in section 38 of this act."