H E A R I N G

M I N U T E S -- 57th Session

Assembly

ENVIRONMENT & PUBLIC RESOURCES AND FISH AND GAME COMMITTEE-Room 214

April 18, 1973

Members Present:	Chairman Bremner	Broadbent
	Vice-Chairman Crawford	Jacobsen
	Ford	Lowman
	Banner	Smalley
Members Absent:	Gojack	

Guests Present:	Joe Midmore	Builders Association of N. Nevada
	Ray Knisley	Ombudsman
	Elmo DeRicco	Department of Conservation
	Larry G. Bettis	Attorney General
	Ernie Gregory	State Health
	Roger Trounday	Department of Health/Welfare & Rehab.
	Dick Serdox	State Helath Division
	Ross Prince	Assemblyman
	Daniel Demers	Assemblyman

Chairman Bremner called the meeting to order at 7:20 a.m. The bills that are going to be discussed are S.B. 489, S.B. ~~682~~ 462, A.B. 866.

S.B. 489 *

This bill changes and clarifies administrative responsibilities for control of air pollution.

Mr. Ernie Gregory, from the Division of Health, said that this bill itself are amendments to Chapter 445 of NRS. He went through the changes in the bill and discussed them. There were other amendments to make this bill conform with the Water Pollution Control bill (A.B. 472

They went through the amendments that were set for the bill. A few other amendments were suggested about the make-up of the commission and evaluation effects of sources, and all of the amendments that the F.P.A requires. Mr. Gregory spoke about the emergency procedures for air pollution problems because of a health hazard.

Joe Midmore, of the Builders Association of Northern Nevada, said that the changes in this bill scares him because it is so complex. He felt this bill needed more modifying, but did not know if it was possible in any regard and did not have any suggestions. He also felt this bill was far too broad.

Elmo DeRicco , from the Department of Conservation, said that they face the problem throughout the environmental programs and they are going to have to be guided with some good judgment. Just going to have to evaluate on the basis of equity and the basis of need in this situation.

* see Exhibit I & II

S.B. 462

This bill permits recordation of maps drawn by locators of claims and extends time for recordation.

Assemblyman Prince testified in regard to this bill. He said that this bill helps the little prospector, and this is the main reason for this bill. If a prospector finds his deposit is of commerical value, then he can get a survayor to come out, and all this while, it will make sure his property will protected.

VOTING

S.B. 489

Mrs. Ford moved for an "amend and do pass" and Mr. Jacobsen seconded. All concurred.

S.B. 462

Mr. Lowman moved for a "do pass" and Mr. Crawford seconded. All concurred.

Meeting adjourned at 8:55 a.m.

Respectfully Submitted,

Geanie Armstrong
Assembly Attache

Exhibit I

ENVIRONMENTAL PROTECTION PERMIT LEGISLATION

Mr. MUSKIE. Mr. President, during the opening weeks of the new Congress, Members in both Houses, and particularly in this body, have observed over and over again that the legislative branch is losing its power and its place in the system of checks and balances to the executive branch. In many areas these complaints and concerns are justified; the President has ignored legislative and appropriations decisions of the Congress at will, arrogating to himself and to his office decisions which are explicitly reserved to the Congress.

But I am also concerned, Mr. President, that the Congress itself is contributing to its own decline as a responsive and effective institution. Increasingly we have found it convenient to delegate to the executive or to the courts decisions for which we are responsible. Increasingly we have legislated procedures and called them policy. And increasingly we have avoided the task we were elected to perform—making tough decisions in areas of public policy which cry out for our attention.

One of the areas of public policy which demands attention we have not given is the development and protection of the Nation's limited land resources. It is true that the Senate has considered and passed legislation to require the States to develop land use policies; but, once again, this legislation would have delegated almost unlimited discretion to the executive and to the States to decide what was good land use and what was bad land use. Once again, the Congress would have passed the buck—with no instructions on what to do with it.

The task of creating policies to regulate land use decisions cannot be left solely to the States or to the executive. The buck stops here—in the Congress. Only here can the Federal interest in the public health and welfare be balanced against private decisions regarding property use. Only here can land use regulatory policies be set that take into account all the conflicting interests and make the appropriate tradeoffs from a national perspective.

There is no question of the need for such a policy and for regulation of land development decisions based on such a policy. In fact, such a regulatory mechanism is required in both the Clean Air Act and the Water Pollution Control Act. Implementation plans and programs under both acts must include, where necessary, land use controls. Uncertain land use policies regarding the development of land resources and the need for effective regulatory procedures also lie at the root of our difficulties in solving the energy crisis, in dealing with transportation problems, and in preserving biologically productive land areas.

Just as Congress has recognized that the problems of air and water pollution respect no State boundaries and demand national solutions, so, too, we are now realizing the national scope of our energy and transportation crises. It is time, however, that we also recognized the national scope of other problems which result directly from our lack of a national policy to regulate our use of limited land resources:

The quality of rural life is increasingly threatened as local citizens are crowded off the land and out of their houses by wealthy vacationers seeking recreational property and rural homes.

Highway construction and urban renewal programs devised without respect for people's lives and communities have robbed city dwellers of open space, recreational opportunities, pleasant surroundings, and often their homes.

Commercial and industrial site selection decisions have transformed and often permanently degraded large areas of land, simply because inadequate consideration was given to the effects of the attendant transportation, energy, housing, and waste treatment needs of the people who would come with the development.

Unplanned development and land use has destroyed flood plains, valuable wetlands, timberlands, and farmlands.

These are national problems; and until we set basic regulatory policy on a national level, these problems will continue to plague us. It is not enough for Congress to say that land use planning is good public policy—though land use planning is essential; and it is not enough to require the States to develop land use plans of their own—though they must act expeditiously to develop such plans. Those kinds of decisions are not really decisions at all; they merely are new applications of the same old, bad habits in failing to cope with yet another pressing issue. Pronouncements of rhetoric have never constituted effective, substantive policy. Nowhere is this truth plainer than in our experiences under the National Environmental Policy Act; although that law has provided some valuable procedural protections, it offers no relief from bad decisions which are a product of good procedure—because it contains no enforceable standards and guidelines against which to measure those decisions.

We should not make the same mistakes in developing national land use regulatory legislation that we have made in other areas; we cannot afford to. We must not sit still and allow the States or the Federal bureaucracy to create fragmented, disoriented, and often contradictory regulatory policies and programs which will permit private, selfish decisions to exacerbate critical national problems and override the public interest.

The bill which I introduce today, the Environmental Protection Permit Act, would require the establishment of regulatory mechanisms at the State level to review private land development decisions, and it would establish in law specific criteria against which to assess those State programs and to permit or deny them to take effect.

Under the provisions of this bill, which would become title VI of the Water Pollution Control Act, the Environmental Protection Agency would be prohibited from making grants for the construction of waste treatment facilities under the Water Pollution Control Act, delegating control of water pollution permit programs to States, or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any State which does not have an approved

program for granting environmental protection permits. This enforcement provision is, of course, subject to refinement, but it recognizes the fact that effective air and water pollution control requires the effective regulation of our limited land resources.

The specific land use policy criteria set forth in this bill are clear statements of the elements of good land use. They are the product of lessons the Subcommittee on Air and Water Pollution has learned from hearings in Machiasport, Maine, and Lake Tahoe, from the development and implementation of the Clean Air Act and the Water Pollution Control Act, and from years of hearings on the economic and social roots of environmental pollution. They are by no means complete in setting forth all the necessary guidelines, but they are a set of criteria from which we can refine an effective set of final guidelines.

The provisions of this bill also reflect beginning efforts which have been made to regulate land use in several States, particularly the State of Maine. In establishing the land use regulation commission in 1969, Maine assumed a position of national leadership in resource analysis and mapping, comprehensive planning, establishment of land use standards and land use districts, and enforcement. The Maine Land Use Regulation Commission establishes standards for and restraints upon the use of land in the unorganized townships of the State, 49 percent of Maine's total land area and more than 10 million acres.

Coupled with the site selection permit program administered by the State's environmental improvement commission, the LURC has given the people of Maine an opportunity to protect their public property rights against private waste.

Nothing is more central to the development of a national growth policy and to the preservation of a livable environment than effective land use planning and regulation. As Dr. George Wald has said:

> There is nothing more valuable in the Cosmos than an acre of land on earth.

Unless we in Congress understand and act on our responsibility to make the hard, tough policy decisions which we were elected to make, we and our children will be witnesses to the defenseless waste of that land.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill together with the bill itself be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Federal Water Pollution Control Act is amended by adding at the end thereof a new title to read as follows:

"TITLE VI—ENVIRONMENTAL PROTECTION PERMITS

"SEC. 601(a) The Administrator shall not, at any time after June 30, 1975, (1) make any grant in a state in accordance with the provisions of Title II of this Act, (2) approve any state permit program in accordance with the provisions of Section 402 of this Act or (3) grant any extension of time for achievement of air quality standards in accordance with the provisions of section 110(e) and 110(f) of the Clean Air Act (42 U.S.C. 1857 et. seq.), unless at the time of the grant application for a project in such state or at the time of submission by such state of a permit program or a request for extension of time for compliance with air quality standards, that state has in effect an environmental protection permit program approved by the Administrator in accordance with the provisions of this title.

"(b) Any approval of a state permit program in accordance with section 402 of this Act and any extension of the effective date for compliance with air quality standards granted in accordance with subsection (e) or (f) of section 110 of the Clean Air Act for a state shall be suspended where such state does not have, before July 1, 1975, an environmental protection permit program approved by the Administrator in accordance with the provisions of this title, and such suspension shall remain in effect until that state has an approved environmental protection permit program.

"SEC. 602(a)(1) Upon application of a state, the Administrator shall approve a state environmental protection permit program as adequate when he determines that (A) such state has an adequate process for issuing permits, (B) there is an adequate mechanism to oversee and enforce compliance with permit requirements to assure that no proposed development or expansion of capacity of any industrial, commercial or residential facility and no other development or activity which would in any way affect existing utilization of land will occur without an environmental protection permit issued by the state in accordance with the provisions of this title, and (C) in issuing permits, the state will follow the environmental protection criteria specified in subsection (c).

"(2) Approvals of state environmental protection permit programs granted by the Administrator shall be valid for a period not to exceed four years from the date on which approval is granted.

"(3) Application for reapproval, or changes in or amendments to the state environmental protection permit program shall be reviewed and approved by the Administrator in the same manner as initial applications for approval of the state environmental protection permit program.

"(4) Whenever the Administrator determines, after a public hearing, that (A) a state is not administering a program approved under this title in accordance with requirements of this title, or (B) a state has issued any environmental protection permit in violation of the criteria specified in subsection (c) of this section, he shall so notify the state and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the state, and made public, in writing, the reasons for such withdrawal.

"(b) For the purposes of this title, an adequate process for issuing permits shall include (1) a program for developing policies and procedures to implement the environmental protection permit program which shall include:

"(A) adequate opportunity for public hearings during development and revision of the environmental protection permit program in each major population center of the State and at such other places in the State as are necessary to assure that all persons living within the State have adequate opportunity to attend a public hearing on the environmental protection permit program at a place within a reasonable distance from their homes;

"(B) adequate opportunity, on a continuing basis, for participation by the public and the appropriate officials or representatives of local government in development, revision and implementation of the environmental protection permit program;

"(C) processes to review and revise as necessary, on at least a bi-annual basis, guidelines, rules and regulations to implement the environmental protection permit program published by the State or by political subdivisions of the State in cases where the States' responsibilities have been delegated in accordance with the provisions of section 603 of this title;

"(D) a mechanism for coordinating all State programs and all Federal grant-in-aid or loan guarantee programs under which the State or its political subdivisions, or private persons within the State, are receiving assistance to assure that such programs are conducted in a manner consistent with the guidelines, rules and regulations published by the State or its political subdivisions and intended to implement the environmental protection permit program;

"(E) adequate provision to coordinate planning activities of a State with the activities relating to environmental protection permit programs of surrounding States; and

"(F) assurance that the taxation policies of the State and its political subdivisions are consistent with and supportive of the goals of the State environmental protection permit program, and

"(2) Procedures for issuance of individual environmental protection permits which provide that:

"(A) there shall be a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

"(B) there shall be an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of representation by counsel, challenge a decision to issue or to refuse to issue a permit;

"(C) all information presented to the State or a local government with regard to any application for issuance of a permit shall be available for public inspection at a place designated by the unit of government to which the application for an environmental protection permit is made; and

"(D) decisions relating to applications for environmental protection permits shall be announced publicly at a time and place specified at least 30 days in advance of the announcement.

"(c) The Administrator shall not approve a State environmental protection permit program which does not assure compliance with the following environmental protection criteria:

"(A) public or private development will be permitted only if in the process of development, and in the completed project, the development will not result in violation of emission or effluent limitations, standards or other requirements of the Clean Air Act and this Act;

"(B) industrial, residential or commercial development will not occur on agricultural land of high productivity, as determined on a regional basis by the Secretary of Agriculture, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents that would not otherwise be available;

"(C) industrial, residential or commercial development will not occur where it would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation, unless such systems are planned for expansion and have adeqaute financing to support operation and expansion as necessary to meet the demands of the new development without violation of the emission or effluent limita-

tions, standards or other requirements of the Clean Air Act or this Act at any place where such expansion of such systems or any activities relating thereto may occur;

"(D) redevelopment and improvement of existing communities and other developed areas is favored over industrial, commercial, or residential development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, and that development contrary to these principles shall be allowed only where specifically approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

"(E) no industrial or commercial development shall occur only where there exist adequate housing opportunities, on a non-discriminatory basis and within a reasonable distance or any such development, for all persons who are or may be employed in the operation of such development;

"(F) no development shall occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by such lands;

"(G) there shall be no further commercial, residential or industrial development of the flood plains of the navigable waterways in the state;

"(H) those responsible for making less permeable or impermeable any portion of the landscape will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snow-melt;

"(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

"(J) utilities, in locating utility lines, shall make maximum possible multiple use of utility rights-of-way; and

"(K) any major residential development will include open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

"(d) A State may exempt from the requirements of an environmental protection permit program any single family residential building constructed by a person on land owned by such person and intended to be his principal residence on a year-round basis, where such person has not, within the previous five-year period, constructed another such residential building which was or would have been eligible for exemption in accordance with the provisions of this subsection.

"SEC. 603. The Administrator may approve as adequate in accordance with the provisions of this title, a State environmental protection permit program which delegates the permit granting responsibility assigned under this title to one or more political subdivisions of a State where such State continues general responsibility for establishing policies for the environmental protection permit program and the Administrator determines that the other responsibilities of the State under this title will be adequately performed.

"SEC. 604(a). The Administrator is authorized to make grants to any unit of local government within a State which, as a result of actions taken to implement the State environmental protection permit program, has suffered a loss of property tax revenues (both real and personal). Grants made under this section may be made for the tax year in which the loss of tax revenue first occurs and for each of the following two years: *Provided, however*, That the grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceeding the date of enactment of this title and the actual property tax revenue received by the local government for the tax year in which the tax loss first occurs and for each of the two tax years following the year in which the tax loss first occurs.

"(b) Grants under this section may be made only where there has been no reduction in the tax rates and the tax assessment valuation factors employed by the local government in determining its tax valuation and tax rates. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, then, for the purposes of determining the amount of a grant under this section for the year or years in which such reduction in the tax rates or the tax valuation factors is in effect, the Administrator shall use the tax rate and tax assessment valuation factors of the local government in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by such local government had such reduction of tax rate or tax assessment valuation factors not occurred.

"SEC. 605. (a) The Administrator is authorized to make grants, upon such terms and conditions as he deems appropriate, for the development and revision of a statewide environmental protection permit program.

"(b) Such grants may be in an amount up to 75 per centum of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the statewide environmental protection permit program: *Provided, however*, That grants under this section may be made to political subdivisions of a State only in those instances where a State has delegated to a political subdivision part or all of its permit granting functions in accordance with the provisions of section 603 of this title.

"SEC. 606. Each department, agency and instrumentality of the executive legislative and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, shall comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any activity of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so, except that no such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this title granted during the preceding calendar year, together with his reason for granting each such exemption.

"SEC. 607. Nothing in this title shall be construed to require or authorize that any State environmental protection permit program include provisions to supersede or otherwise avoid the authority of any political subdivision of a State to refuse to permit any development within the area of its jurisdiction.

"SEC. 608. (a) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, for grants in accordance with the provisions of section 604 of this title, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(c) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for implementation of the provisions of this Act, other than section 604 or 605, $25,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

"(c) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for implementation of the provisions of this Act, other than section 604 or 605, $25,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

"(d) Sums appropriated in accordance with the provisions of this title shall remain available until expended.

"(e) The Administrator, after public hearings, shall promulgate such regulations as he deems necessary to implement the provisions of this title."

SECTION-BY-SECTION ANALYSIS: ENVIRONMENTAL PROTECTION PERMIT LEGISLATION

This legislation would become Title VI of the Federal Water Pollution Control Act.

Section 601 states that after June 30, 1975, EPA is prohibited from making waste treatment grants or approving state permit programs under the Federal Water Pollution Control Act or granting extensions of deadlines for meeting air quality standards under the Clean Air Act in any state which does not have an approved program for granting environmental protection permits. Further, existing EPA approvals of state permit programs or extensions of air quality standards are suspended in states that do not have approved permit programs by July 1, 1975.

Section 602(a) requires that approval of a state environmental protection permit program be conditioned on the state having (A) an adequate process for issuing permits, (B) procedures to oversee and enforce compliance with permit requirements to assure that no development occurs without environmental protection permit being issued by the state and (C) procedures to assure compliance with the site selection criteria specified in subsection (c). Approvals of state environmental protection permit programs are valid for up to four years, and applications for reapproval, or changes in or amendments to the state environmental protection permit program must be approved by EPA in the same manner as the original permit program.

EPA can revoke a permit when it determines that (A) a state is not administering a program in accordance with the law or (B) a state has issued any environmental protection permit violating criteria specified in subsection (c) and if, after notification of the violation by EPA, the state does not take corrective action within 90 days. EPA cannot withdraw approval of any state program without first notifying the state, and making public, in writing, the reasons for the withdrawal.

Section 602(b) states that an adequate process for issuing permits must include (1) a program for developing policies and procedures to implement the environmental protection permit program which include:

(A) adequate opportunity for public hearings during development and revision of the permit program in each major population center of the state and at such other places as necessary to assure that all persons in the state have adequate opportunity to attend a public hearing on the environmental protection program at a place within a reasonable distance from their homes;

(B) adequate opportunity, on a continuing basis, for participation by the public and local government officials in development, revision and implementation of the permit program;

(C) processes to review and revise as necessary, on at least a bi-annual basis, state and local guidelines, rules and regulations to implement the environmental protection permit program.

(D) a mechanism to coordinate all state programs and all Federal grant-in-aid or loan guarantee programs under which the state or its political subdivisions, or private persons within the state, are receiving assistance, to assure that such programs are conducted in a manner consistent with the requirements of the environmental protection permit program;

(E) coordination of planning activities with the environmental protection permit programs of surrounding states; and

(F) assurance that state and local taxation policies are consistent with and supportive of the goals of the environmental protection permit program; and

(2) Procedures for issuance of individual environmental protection permits which provide

(A) a public hearing, with adequate notice, or an opportunity for such a hearing, regarding the issuance of each environmental protection permit;

(B) an administrative appeals procedure where any person who participated in the public hearing relating to the issuance of the permit can, without the necessity of representation by counsel, challenge a decision to refuse to issue or to issue a permit;

(C) public availability of all information presented to the state or a local government with regard to any application for issuance of a permit; and

(D) public notice, at least 30 days in advance, of the time of announcement of decisions relating to applications for environmental protection permits.

Section 602(c) requires that no state environmental protection permit programs be approved which does not assure compliance with the following environmental protection criteria:

(A) public or private development will not be permitted which can cause violation of the Clean Air Act or the Federal Water Pollution Control Act;

(B) development will not occur on high productivity agricultural land, unless specifically approved by the Governor as necessary to provide adequate housing for year-round residents;

(C) no development will occur that would exceed the capacity of existing systems for power and water supply, waste water collection and treatment, solid waste disposal and resource recovery, or transportation unless such systems are planned for expansion and have adequate financing to support operation and expansion as necessary to meet the demands of the new development without violation of the Clean Air Act or the Federal Water Pollution Control Act at any place where such expansion of such systems or any activities relating thereto may occur;

(D) redevelopment and improvement of existing communities and other developed areas is favored over development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, with development contrary to these principles allowed only where approved by the Governor as necessary to provide significant and permanent jobs, year-round housing, and educational opportunities for low and middle-income families;

(E) industrial or commercial development will occur only where there is available adequate housing, on a non-discriminatory basis and within a reasonable distance of the development, for all persons who are or may be employed in the operation of the development;

(F) no development will occur on water-saturated lands such as marshlands, swamps, bogs, estuaries, salt marshes, and other wetlands without replacement of the ecological values provided by those lands;

(G) there will be no further commercial, residential or industrial development of the flood plains of navigable waterways;

(H) persons making any portion of the landscape less permeable or impermeable will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snowmelt;

(I) to the extent possible, upland watersheds will be maintained for maximum natural water retention;

(J) utilities, in locating utility lines, will maximize multiple use of utility rights-of-way; and

(K) any major residential development includes open space areas sufficient to provide recreational opportunities for all residents of the proposed development.

Section 602(d) allows states to exempt from the requirements of an environmental protection permit program any single family home constructed by a person on his own land and intended to be his principal residence on a year-round basis, if that person has not, within the previous five years, constructed another similar home.

Section 603 permits delegation of state permit granting responsibilities to local government in the state, where the state continues general responsibility for establishing policies for the environmental protection permit program and the other responsibilities of the state will be adequately performed.

Section 604 authorizes EPA to make grants to any local government which, as a result of actions taken to implement the permit program, has suffered a loss of real or personal property tax revenues. Grants may be made for the tax year in which the loss of revenue first occurs and for each of the following two years, but, that the grant for any tax year cannot exceed the difference between (1) the annual average of all property tax revenues received by the local government in the three years immediately proceeding enactment of this title, and (2) the actual property tax revenue received for the tax year in which the tax loss first occurs and for each of the two succeeding tax years. Grants can be made only where there has been no reduction in tax rates or tax assessment valuation factors. Where there has been such a reduction in the tax rate or the tax assessment valuation factors, EPA must use the tax rate and tax assessment valuation factors in effect at the time of the loss of tax revenues in determining the property tax revenues which would have been received by the local government.

Section 605 authorizes EPA to make grants for the development and revision of statewide environmental protection permit programs.

The grants may cover up to 75% of the cost of establishing and developing and up to one-half of the cost of maintaining and revising the state-wide environmental protection permit program. Grants can be made to political subdivisions only in those instances where a state has delegated to them part or all of its permit issuing functions.

Section 606 requires that Federal agencies (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in development of or a change in the use of any land, must comply with State and local requirements respecting environmental protection, including requirements that permits be obtained, to the same extent that any person is subject to such requirements. The President may exempt any Federal activity only if he determines it to be in the paramount interest of the United States to do so. However, no exemption can be granted due to lack of funds unless the funds have been specifically requested in the budget and the Congress has failed to appropriate them. Exemptions shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President must report to Congress each January all exemptions granted during the preceding calendar year, together with his reason for granting each of the exemptions.

Section 607 provides that nothing in this title is to be construed to require or authorize that any state environmental protection permit program override the authority of any political subdivision of a state to prohibit any development within the area of its jurisdiction.

Section 608(a). For tax loss reimbursement grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(b) For state program grants there are authorized to be appropriated $100,000,000 for fiscal year 1974, $100,000,000 for fiscal year 1975, and $100,000,000 for fiscal year 1976.

(c) For EPA administration there are authorized to be appropriated $25,000,000 for fiscal year 1974, $25,000,000 for fiscal year 1975, and $25,000,000 for fiscal year 1976.

(d) Authorizes appropriated sums to remain available until spent.

(e) Give EPA authority to publish regulations necessary to implement the law.

By Mr. CRANSTON (for himself and Mr. JAVITS):

S. 794. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COLLECTIVE BARGAINING RIGHTS FOR EMPLOYEES OF NONPROFIT HOSPITALS

Mr. CRANSTON. Mr. President, I introduce today a bill which I believe is vitally needed to remedy the denial of collective bargaining rights to employees of nonprofit hospitals which are guaranteed to other American workers under the National Labor Relations Act. I am honored to be joined in introducing this measure by my colleague from New York (Mr. JAVITS).

The bill I am offering is short and simple. It removes the present exclusion of employees on nonprofit private hospitals from the coverage of the National Labor Relations Act. But while it is short and simple in appearance, its impact upon the livelihood of many of the workers in nonprofit private hospitals is great. Enactment of this bill will assure these workers the protection of an orderly procedure to participate effectively in their labor-management relations, for two and a half decades.

Testimony presented last Congress before the Senate Labor Subcommittee of the Committee on Labor and Public Welfare on legislation (H.R. 11357) to obtain this protection for employees of nonprofit hospitals presented strong arguments for this measure.

It dramatized the plight of thousands of men and women working for nonprofit hospitals without the protection and without the benefit of group representation in labor negotiations with their employers while the right of employees of proprietary hospitals are protected by the National Labor Relations Act.

I have always supported the rights of workers to bargain collectively through

Exhibit II

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CHAPTER 262

PLANNING COMMISSIONS — STATE AND COUNTY

PLANNING AID TO LOCAL GOVERNMENTS

Senate Bill No. 93. By Senators Schieffelin, Bermingham, Decker, H. Fowler, MacManus, Strickland, Vollack, Anderson, Noble, and Stockton; also Representatives Arnold, Bain, Black, Dittemore, Fentress, Hinman, R. Jackson, Lamm, Miller, Moore, Newman, Schmidt, Benavidez, Bryant, Byerly, Carroll, DeMoulin, Friedman, Fuhr, Gallagher, Gustafson, Hart, Horst, Johnson, Kirscht, Koster, Lamb, Lindley, McCormick, Mullen, Pepper, Quinlan, Sack, Safran, Shore, Sooter, Stonebraker, and Strang.

AN ACT

CONCERNING THE ESTABLISHMENT OF A PROGRAM OF PLANNING AID TO LOCAL GOVERNMENTS, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Chapter 106, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 5

PLANNING AID TO LOCAL GOVERNMENTS

106-5-1. Short title. This article shall be known and may be cited as the "Colorado Planning Aid Fund Act".

106-5-2. Legislative declaration. The general assembly finds and declares that the rapid growth and development of the state has resulted in demands for land use planning not only statewide but also in cities, towns, counties, and regions throughout the state; that certain of these units of local government may not be financially able adequately to plan for the demands of such growth; and that in order to provide for necessary planning assistance to such units of local government, it is the intention of the general assembly to establish a state-local government planning aid fund.

106-5-3. Planning fund — qualification. (1) There is hereby created in the office of the state treasurer the state-local government planning aid fund. There shall be credited to said fund such moneys as may, from time to time, be appropriated by the general assembly for purposes of this article.

(2) (a) Moneys in the state-local government planning aid fund shall be available to municipalities, counties, and regional planning agencies which:

(b) Are located in areas designated by the Colorado land use commission as areas of critical planning need;

(c) Have been designated by the Colorado land use commission as in need of planning funds; and

(d) Have submitted and agreed to a specific work program, including an estimated total cost, for the use of planning funds which has been approved by the Colorado land use commission.

(3) In no event shall any municipality, county, or regional planning agency receive from said planning fund, nor shall the Colorado land use commission or the state become liable for, any moneys in an amount in excess of two-thirds of the estimated total costs of any specific work program approved by the Colorado land use commission.

(4) (a) The Colorado land use commission may designate as an area of critical planning need any area in the state which is experiencing the lack of land use plans to provide adequately for its planning needs and in which the Colorado land use commission finds:

(b) Problems related to inadequate land use planning, such as overtaxed utilities, traffic congestion, water pollution, poor accessibility, or natural or man-made hazardous circumstances; or

(c) Land development forces which may have a significant impact on the area, require extensive public investment, or represent an adverse effect upon a natural resource.

106-5-4. Reimbursement. (1) Any municipality, county, or regional planning agency which has received approval from the Colorado land use commission under section 106-5-3 and has also received the approval of the governor, shall receive planning aid funds not to exceed two-thirds of the estimated total actual costs which will be incurred in carrying out an approved work program.

(2) The state-local planning aid fund shall be administered by the Colorado land use commission, which shall authorize payments to municipalities, counties, and regional planning agencies on the basis of vouchers approved by the Colorado land use commission.

(3) The Colorado land use commission shall review the progress of all work programs on a monthly basis according to procedures prescribed by the commission. Payments shall be made on the basis of the work completed as prescribed by the commission, either by full payment for the first two-thirds of the estimated total actual costs that are incurred, or by two-thirds payment of all estimated total actual costs that are incurred. Any right to payments hereunder shall, in any event whatsoever, be subject to the limitations of section 106-5-3 (3).

(4) The state-local government planning aid fund may receive and utilize gifts and grants from private or federal or other governmental sources in addition to moneys appropriated by the general assembly.

Section 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the Colorado land use commission, for the fiscal year beginning July 1, 1971, the sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary,

for planning aid to counties, municipalities, and regional planning agencies as provided in this act. None of the moneys appropriated in this section shall be reduced by any amounts received from federal, local, or private sources.

Section 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 6, 1971

ENVIRONMENT & PUBLIC RESOURCES & FISH AND GAME COMMITTEE

ACTION ON BILLS

BILL	SUMMARY	DISPOSITION
A.B. 52	Limits sale of detergents containing phosphates.	No Action
A.B. 98	Prohibits personal garbage hauling in unincorporated county franchise areas.	Indef. Postponed
A.B. 121	Requires permit to operate a public water supply; requires approval of health authority before construcitng or altering a public water supply.	Indef. Postponed
A.B. 131	Requires certain beverage containers to have a refund value and prohibits sale of certain metal beverage containers.	Pass as Amended
A.B. 139	Designates desert Bighorn Sheep as official state animal.	Pass as Amended
A.B. 141	Restricts removal of flora.	Pass as Amended
A.B. 177	Enacts Environmental Quality Act.	Indef. Postponed
A.B. 197	Reorganizes structure of state and county fish and game administration.	Covered by A.B. 951
A.B. 268	Regulates operation of snowmobiles.	Pass as Amended
A.B. 419	Provides for instructional courses in firearm safety at request of county residents.	Indef. Postponed
A.B. 449	Designates state land use planning agency and requires development of statewide land use planning process and land use program.	No Action
A.B. 460	Requires license or permit to hunt or trap all wildlife.	Pass as Amended
A.B. 461	Makes certain changes in fish and game licenses, tags, and fees.	Do Pass
A.B. 462	Reduces length of state residency required to obtain fish and game licenses or permits.	Indef. Postponed
A.B. 463	Adjusts fees of hunting and fishing licenses, tags, and permits.	Pass as Amended
A.B. 464	Increases petty cash fund in the Nevada department of fish and game.	Do Pass

BILLS	SUMMARY	DISPOSITION
A.B. 848	Removes requirement that certain money received by Nevada department of fish and game be deposited in interest-bearing accounts; and prescribing accounting procedures.	Do Pass
A.B. 849	Adopts Litter Control Act contigent on voter approval at next general election.	Do Pass
A.B. 850	Establishes system of local water pollution control hearing boards.	Indef. Postponed
A.B. 851	Removes disposal procedure for certain old hunting and fishing records.	Do Pass
A.B. 866	Creates a steering committee for development of the Spring Mountain Recreational region.	No Action Yet
A.B. 868	Extensively revises mining laws.	No Action
A.B. 878	Reconstitutes and provides for election of state board of fish and game commissioners and abolishes state fish and game advisory board.	Covered by A.B. 951
A.B. 896	Enacts enabling provisions for complying with Federal Animal Damage Control Act.	Pass as Amended
A.B. 902	Enacts Nevada Environmental Policy Act.	Indef. Postponed
A.B. 903	Allows Nevada department of fish and game to issue sportsmen certificates.	Pass as Amended
A.C.R.17	Authorizes an immediate legislative feasibility study of public ske operation in Lee Canyon.	Pass as Amended
A.J.R. 9	Memorializes the Congress of the United States to enact legislation enabling Nevada Park system to acquire jurisdiction over Red Rock Recreation Lands.	Do Pass
A.J.R.49	Memorializes Secretary of Interior to promulgate certain regulations.	Do Pass
S.B. 395	Requires variances for certain types of logging operations.	Do Pass
S.B. 428	Extends authority of state engineer over domestic wells in certain areas or basins.	Do Pass
S.B. 434	Expands state engineer's authority over exported water or energy generated from such water.	Pass as Amended

BILLS	SUMMARY	DISPOSITION
S.B. 516	Makes preservation of natural resources a criterion for master planning, zoning and zoning administration.	Do Pass
S.B. 548	Broadens power public service commission to protect natural resources of the state.	Pass as Amended
S.B. 567	Permits survey along river for potential flood control project to be paid for from flood control revolving fund.	Do Pass
S.B. 571	Creates state environmental commission and imposes duties relating to utility construction permits.	Do Pass
S.B. 584	Amends County Economic Development Revenue Bond Law to provide for sale of projects.	Do Pass
S.B. 586	Permits destruction of dogs harassing deer and other wildlife.	Do Pass
S.J.R.26	Memorializes Congress to adopt legislation encouraging recycling.	Do Pass
S.J.R.27	Urges California to construct an all-weather trans-Sierra highway near Minarets Summit	No Action Yet
S.B. 489	Changes and clarifies administrative responsibilities for control of air pollution.	AMEND AND DO ~~No Action Yet~~ PASS

Do Pass

SB. 462

BILLS	SUMMARY	DISPOSITION
A.B. 465	Establishes fees and permits for taxdermists.	Pass as Amended
A.B. 466	Permits Nevada fish and game department to protect property threatened by any wildlife species.	Do Pass
A.B. 472	Enacts Nevada Water Pollution Control Law.	Pass as Amended
A.B. 477	Provides commission with authority to promulgate engine and exhaust emmission standards for motor vehicle pollution control.	Pass as Amended
A.B. 515	Provides for licensing of powerboat operators.	Indef. Postponed
A.B. 516	Provides additional regulation and different compensation method for fish and game license agents.	Do Pass
A.B. 557	Adds to requirements for control of erosion in timbering operations.	Pass as Amended
A.B. 628	Provides for state commission of environmental protection to evaluate pollution control devices for used motor vehicles and to require installations in counties with population of 100,000 or more.	Covered by A.B. 477
A.B. 629	Sets forth guidelines for slash and debris desposal in furtherance of fire prevention and suppression.	Indef. Postponed
A.B. 678	Restructures state and county fish and game administration.	Covered by A.B. 951
A.B. 680	Provides for dust-control measures in mining and related industries.	Do Pass
A.B. 721	Clarifies terms of office and appointment of members of state fish and game advisory board and state board of fish and game commissioners.	No Action
A.B. 739	Gives full recognition to out-of-state titling of motorboats.	Do Pass
A.B. 749	Authorizes the issuance of special fishing permits to children in public and charitable institutions.	Pass as Amended
A.B. 767	Enacts Archeological Resources Law.	Pass as Amended