

Committee in Session at 8:40 A.M. on Tuesday, April 17, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Vice-Chairman Joe Neal
Senator Rick Blakemore
Senator Jim Kosinski
Senator Wilbur Faiss
Senator Clifton Young

ABSENT: None, all present.

GUESTS: Mr. Russell W. McDonald, Washoe County
Mr. Ronald Jack, City of Las Vegas
Mr. Ken Creighton, Research Analyst, Legislative Counsel
Bureau

Chairman Ashworth opened the hearing on A.B. 610.

Mr. Russell W. McDonald, Washoe County, stated the sponsor of A.B. 610 is Washoe County. This bill adds the wording "traffic control signs or devices." He stated when a new school is built the school district is asked to cooperate, but they respond that they do not have the authority, and cannot help with the installation of traffic control devices or signs. Some independent insurance agents make annual contributions for flashing lights for intersections for school children. Chairman Ashworth asked the school districts thoughts about A.B. 610. Mr. McDonald stated the school districts have no objection to A.B. 610, but state they do not have the authority to spend the money. He stated the school system should be able to assist with traffic safety devices from their available funds. Senator Young questioned whether it would improve the bill if on line 3 it stated "shall" expend, instead of "may" expend. Mr. McDonald did not feel it would help to change the wording. Once traffic is generated, intersections have to be controlled along the right-of-way; even build sidewalks to accommodate the small children. He stated that a normal flashing light roughly costs \$6,000. The flashing light indicates a school zone. He feels the school district should pay a fair share by way of contributions. He stated that most of the school money goes into construction, but many times they will refuse to participate in sewers and water also. Senator Faiss questioned if this bill were passed if it would help to keep this problem from becoming acute. Mr. McDonald felt that traffic signs were going to be put up to warn motorists they are entering a school zone whether this bill passed or not. This bill gives the school district the opportunity to contribute for traffic control signs or devices.

Mr. Ronald Jack, City of Las Vegas, stated A.B. 610 is a good bill. He stated the school districts should jointly bear the expense of traffic control devices. He felt this could be done through cooperative agreement. He suggested the schools provide the signs adjacent

to the schools and the city or county would provide those signs outside the immediate area to alert motorists of the school zone.

A.B. 610 (Exhibit "A")

Senator Blakemore moved to Do Pass A.B. 610.

Seconded by Senator Young.

Motion carried.

Yeas - - 6
Nays - - None

Chairman Ashworth presented 4 pages of amendments to S.B. 237 Exhibit "B". He submitted a letter, March 19, 1979 from the Gulf Oil Corporation, Public Affairs Department regarding uranium fees and surety bonds, Exhibit "C". Senator Blakemore stated that if it were not patent ground it is public domain, and then reverts back to the federal government. It would be necessary for the state to accept title to uranium tailings areas. Chairman Ashworth stated he felt this bill should be processed along with the amendments. Four or five companies are coming to Nevada for exploration, and the health department should be given some provisions to license them. Senator Neal stated he was not in favor of passing a bill which would make it less safe to the people of the State of Nevada in dealing with mines or uranium. He further stated, "The state is not equipped for this particular type of operation." Senator Young stated, "Get someone from the Legislative Counsel Bureau to check into this and let us know what we have to have. Most of us feel we should have some state handle on it. Do what is necessary to be done, we are uncertain now." Senator Blakemore stated there was not enough testimony regarding the reverting of the property.

Chairman Ashworth presented S.B. 412 Amendment #582, Exhibit "D", on educational seminars. He stated, after talking with Mr. Merlin Anderson, that this bill may not be needed. He said that Mr. Anderson wanted an exemption for these short-term seminars.

S.B. 412 (Exhibit "E").

Senator Kosinski moved to Indefinitely Postpone S.B. 412.

Seconded by Senator Faiss.

Discussion: Senator Young felt the problem had not been dealt with. Senator Ashworth stated he did not feel the amendment nor the bill does it; but if Mr. Anderson could give us a one-line exemption this would handle it. Senator Kosinski stated that

a one-line exemption would not help the problem. He stated the problem is with a person who comes in, with either a shaky operation or questionable credentials, then what do you do about it? He stated the only way to get around it is to require that they establish regulations and have these people come in, mandate that they submit applications to justify their existence and their credentials. Chairman Ashworth stated it is as broad as it is long, that if you give them the regulatory power they will be doing things they are not supposed to be doing. If you give them the exemption then they can handle any fines.

Motion carried.

Yeas - - 3

Nays - - Senators Ashworth, Neal, Young.

As to S.B. 237, Senator Kosinski requested Mr. Ken Creighton, Research Analyst, Legislative Counsel Bureau, be called in to address the committee as he had been doing some research into the matter. Mr. Creighton stated that there seems to be a basic understanding from the Nuclear Regulatory Commission, and other states dealing with the issue, that the amendment offered by Mr. McCutcheon, Exhibit "B", would be questionable. He said that the crushing process is construed to mean, by most individuals, as actually milling or mining the ore. Senator Kosinski stated that a new issue had been presented to the committee that they would like Mr. Creighton to address.

Chairman Ashworth read the letter submitted by the Gulf Oil Company, Exhibit "C". Senator Kosinski requested Mr. Creighton determine the provisions Nevada has in state law which would allow Nevada to exempt federal jurisdiction over uranium mining. Senator Blakemore also suggested Mr. Edmundson be consulted as well as any data from the Nuclear Regulatory Commission. Chairman Ashworth directed that Mr. Creighton review the proposed amendments to see if they are in conformity with what the law requires.

Mr. Creighton questioned the area of the Resource Energy and Recovery Act to be instituted by the Environmental Protection Agency. He stated they are proposing regulations which would regulate the mining aspect of the uranium mines. Chairman Ashworth stated that Mr. Edmundson had addressed the point stating that it would be handled by the Division of Environmental Protection; he was only interested in the health aspect.

Senator Blakemore took issue with the question raised regarding crushing of the rock. He stated that rock over 10 inches cannot be shipped; that you cannot crush anything, including uranium, unless it is down to 10 inches. The rock is simply being prepared for shipment.

Chairman Ashworth questioned if Mr. Creighton was familiar with Public Law 94-604. Mr. Creighton stated that he would like to look into the law, but believed it was the Uranium Mill Tailings Act. Senator Ashworth directed Mr. Creighton to look into the law and report back to the committee.


Mr. Creighton stated that it was his understanding that a state can make an agreement with the Nuclear Regulatory Commission as to formulation of regulations consistent or better than those of the Commission. Also, the state can regulate some radioactive material on their own. He said that if a state is not an agreement state, the Commission has entire jurisdiction. He stated that Nevada has been an agreement state since 1974 but he was uncertain as to what constitutes an agreement or non-agreement state.

Senator Neal questioned if the regulations on radioactive material pertained to low radiation levels. Mr. Creighton stated that there was a stipulation in the law, but was unfamiliar as to the exact level. Chairman Ashworth asked Mr. Creighton to do some research and define crushing.

There being no further testimony Chairman Ashworth closed the hearing on S.B. 237.

The meeting was adjourned at 9:27 A.M.

Respectfully submitted,


Jean Van Nuys
Committee Secretary

Approved:

Chairman
Keith Ashworth



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 610

ASSEMBLY BILL NO. 610—COMMITTEE ON EDUCATION

MARCH 22, 1979

Referred to Committee on Education

SUMMARY—Allows school districts to spend money for traffic signs.
(BDR 34-1337)FISCAL NOTE: Effect on Local Government: Yes.
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 the public school system; authorizing school districts to spend money for traffic signs or devices; 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 393.155 is hereby amended to read as follows:
- 2 393.155 Notwithstanding the provisions of any other law, [on or
- 3 after July 1, 1967,] any school district in this state may expend
- 4 [moneys] *money* available for school construction to make necessary
- 5 improvements, including but not limited to sidewalks, curbs, gutters,
- 6 street lights, *traffic control signs or devices*, fire hydrants, water and
- 7 sewer lines, street paving and drainage for flood control, which are
- 8 located off the premises of the school district but are necessary or appro-
- 9 priate to the school construction undertaken.

Add to Subsection 8, after line 18, the following:

A specific license shall not be required for any drilling, coring, bulk sampling or crushing operation conducted for the exclusive purpose of determining the physical size, grade or metallurgical properties of a uranium deposit.

Add after Subsection 8:

9. "Special permit" means a permit which shall be required for any crushing operation conducted for determining the physical size, grade or metallurgical properties of a potential uranium deposit. The health division shall, within ³⁰~~60~~ days after receipt of a complete special permit application, act upon the application and notify the applicant of its intent to grant or deny the permit. If no action is taken within the ³⁰~~60~~ day period, the application shall be deemed to be approved.

PROPOSED CHANGES TO S.B. 237

Proposed change: Section 1, line 3. Change the word may to shall.

Proposed rewording: Section 1(a), lines 4 through 9, page 1.

(a) Fees for licensing, monitoring, inspecting or regulating mills or other operations for the concentration, recovery or refining of uranium. Fees will be in an amount estimated to reasonably cover the actual cost of such activity. Payment of the fees is the responsibility of the person applying for a license or licenses to engage in uranium concentration, recovery or refining.

Proposed rewording: Section 1(b), lines 10 through 14, page 1.

(b) Fees for the care and maintenance of radioactive tailings and residues at the inactive uranium concentration, recovery or refining sites. The fees must be based on a unit fee for each contained pound of uranium oxide produced. Payment of the fees is the responsibility of the person licensed to engage in uranium concentration, recovery or refining.

Proposed rewording: Section 1(c), lines 15 through 23, page 1, and
lines 1 through 3, page 2.

(c) A requirement for persons licensed by the state to engage in uranium concentration, recovery or refining to post adequate bond,

surety or other financial arrangement to cover the costs of decontamination, decommissioning and reclamation of the sites used for uranium concentration, recovery or refining to a safe and stable condition because of abandonment or because of unwillingness or inability of the licensee to satisfy the requirements of the state. The state board of health shall determine the amount of the bond, surety or other financial arrangement based upon an estimate of actual expense that may be incurred in decontamination, decommissioning and reclamation of the site. The amount of the bond, surety or other financial arrangement may be reviewed by the board from time to time and may be increased or decreased as the board deems appropriate. The bond, surety or other financial arrangement shall be administered by the state health officer who shall use the bond, surety or other financial arrangement as required to protect the public health, safety and property.

Rewording of definition of "Byproduct material", lines 20 through 23, page 2.

1. "Byproduct material" means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

Page 2, Lines 4 and 5

Delete the following words:

"The money collected pursuant to this section must be deposited in a special revenue fund which is hereby created."

Page 2, Line 6

1. Insert after the word "deposited" the following language:

"in the state treasury for credit to the uranium mills licensing".

2. Delete the following words:

"into the".

Page 2, Line 7

Insert after the word "fund", the following language:

"which is hereby created as a special revenue fund,".

Page 2, Line 10

1. Insert after the word "deposited", the following language:

"in the state treasury for credit to the uranium tailings perpetual care fund which is hereby created as a special revenue fund,".

2. Delete the following words:

"into the fund".

Page 2, Line 13

Insert after "property." the following sentence:

"All interest earned on the deposit or investment of the money of the uranium tailings perpetual care fund must be credited to the fund."

Page 2, Line 14

Make the word "fund" plural at both places on this line.

APR 17 1979

Gulf Oil Corporation

PUBLIC AFFAIRS DEPARTMENT

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March 19, 1979

Vargas, Bartlett
MAR 22 1979
& DixonMr. George L. Vargas
Vargas, Bartlett & Dixon
Attorneys At Law
Post Office Box 281
Reno, Nevada 89504Re: Nevada Senate Bill 237 --
Uranium Fees and Surety Bonds

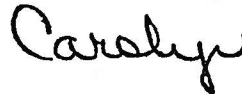
Dear George:

It appears that SB 237 may have been written in response to PL 95-604 to enable the State of Nevada to retain control over matters relating to uranium operations. If this is the case, we should strongly support the bill.

It is important that the bill be worded in such a way as to satisfy all the conditions spelled out in PL 95-604 for the state to retain control of licensing, etc. For example, it would be necessary for the state to accept title to uranium tailings areas. It would also be necessary for the state to appropriate sufficient funding to allow the Board of Health to satisfy the PL 95-604 requirements since this will require additional staffing, etc.

If the states do not pass this kind of bill, then licensing will revert to the Nuclear Regulatory Commission on November 8, 1981, and Gulf would much prefer to deal with the states.

Very truly yours,



Carolyn Ho

CH:bl

Copies to Clients Group
cc: Mr. Fred Laymon

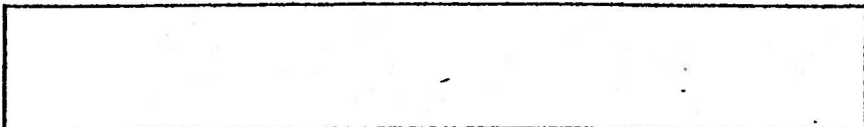
830



1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to	Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>		<u>Joint</u>
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Bill No. <u>412</u>	Resolution No.
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	BDR <u>34-1445</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Committee on Human Resources</u>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		<u>and Facilities</u>
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N^o 582



Amend section 1, page 1, by deleting lines 1 and 2 and inserting:

"Section 1. NRS 394.371 is hereby amended to read as follows:

394.371 The following kinds of education and institutions are exempted from the provisions of the Postsecondary Educational Authorization Act:

1. Institutions exclusively offering instruction at any level from preschool through the twelfth grade.
2. Education sponsored by a bona fide trade, business, professional or fraternal organization, so recognized by the commission solely for the organization's membership, or offered on a no-fee basis.
3. Education solely avocational or recreational in nature, as determined by the commission, and institutions offering such education exclusively.
4. Education offered by eleemosynary institutions, organizations or agencies, so recognized by the commission, if such education is

To: E & E
 LCB File
 Journal
 Engrossment
 Bill

821

Date 4-13-79 Drafted by DS:sl

Amendment No. 582 to Senate Bill No. 412 (BDR 34-1445) Page 2

not advertised or promoted as leading toward educational credentials.

5. Postsecondary educational institutions established, operated and governed by this state or its political subdivisions.
6. Schools licensed under other provisions of Nevada law.
7. Flying schools certificated by the Federal Aviation Administration.
8. Institutions which conduct only educational seminars in this state under conditions prescribed by the commission by regulation, and the seminars which they conduct."

Amend the bill as a whole by deleting sections 2 to 11, inclusive.

Amend the title of the bill to read:

"AN ACT relating to private education; exempting certain institutions which conduct educational seminars and the seminars from the licensing requirements of the Postsecondary Educational Authorization Act; and providing other matters properly relating thereto."

S. B. 412

 SENATE BILL NO. 412—COMMITTEE ON HUMAN
 RESOURCES AND FACILITIES

APRIL 2, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires permit to conduct certain informational seminars. (BDR 34-1445)

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 private education; requiring a permit from the commission on postsecondary institutional authorization to conduct certain types of informational seminars; 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 394 of NRS is hereby amended by adding
 2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
 3 SEC. 2. *"Informational seminar" means a gathering for the purpose*
 4 *of imparting information which is conducted by a person who receives*
 5 *money or any other thing of value as a registration fee, tuition or any*
 6 *other charge, and which is open to any person.*
 7 SEC. 3. *A postsecondary educational institution which is otherwise*
 8 *licensed pursuant to the Postsecondary Educational Authorization Act is*
 9 *exempt from the requirement to obtain a permit pursuant to sections 4*
 10 *and 5 of this act.*
 11 SEC. 4. 1. *Any person may obtain a permit to conduct an informa-*
 12 *tional seminar which meets all of the following criteria:*
 13 (a) *The seminar will require no more than 40 hours of instruction and*
 14 *will last no longer than 1 week.*
 15 (b) *A majority of the instructors and administrative personnel offers*
 16 *educational services on a transient or itinerant basis, or are not normally*
 17 *engaged in providing educational service or instruction.*
 18 (c) *Attendance records and other educational records and credentials*
 19 *are not maintained on the premises of the facility used for instruction.*
 20 (d) *Facilities used for instruction are rented, leased or otherwise*
 21 *acquired only for the period of the seminar.*
 22 (e) *Facilities used for the seminar have been approved by appropriate*
 23 *state and local government agencies for assembly of the public.*