

Committee in Session at 8:37 am on Thursday, April 26, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth  
Vice-Chairman Joe Neal  
Senator Clifton Young  
Senator Rick Blakemore

ABSENT: Senator Wilbur Faiss  
Senator Jim Kosinski

GUESTS: Mr. Russell McDonald, Nevada Association of County Commissioners  
Mr. Ron Jack, City of Las Vegas  
Senator Clifford McCorkle, Washoe County Senatorial District No. 1  
Mr. Gary Voss, Owner and Operator, Child Care/Pre-School Facilities in Las Vegas  
Mr. Paul Cohen, Administrative Assistant, Health Division  
Mr. Jack Homeyer, Chief, Vital Statistics, Health Division  
Ms. Wanda Turpin, Deputy Registrar, Clark County Health District  
Ms. Joyce Woodhouse, Nevada State Education Association  
Mr. Bob Cox, Representing Six School Districts including Washoe and Lyon Counties  
Mr. Robert Petroni, Clark County School District  
Mr. Carl Shaff, Nevada State School Boards  
Mr. William X. Smith, State Dairy Commission

Chairman Ashworth opened the hearing on A.B. 634.

Mr. Russell McDonald, Nevada Association of County Commissioners, stated that A.B. 634 is endorsed by the Association as well as individual cities. Mr. McDonald stated that the present law was enacted to help "speed up" the administrative processes. The present law addresses a "full-time hearings officer" and the counties and cities are having difficulty in responding to that fiscally on a full-time basis. A.B. 634, he stated, will amend the law to provide for a "part-time hearings officer." He said that the present law is inoperative because there are not sufficient funds to provide for full-time employment of a hearings officer. He stated that the second section of the bill also addresses expediting administrative processes. Under the present law, action by the boards of adjustment requires unanimous decision of the board; the endorsement by the County Commissioners is to change the law to make action possible with a majority vote. He said that, in most cases, the board of adjustment is a recommendary body; therefore, they do not believe any rights are violated.

Senator Young questioned the genesis of the unanimous decision. Mr. McDonald stated that it was based on uniformity with national procedure when the law was first instituted, which has since been

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changed. Senator Young questioned the frequency of change of the decisions of boards of adjustment. Mr. McDonald stated that, from his experience, it did not happen frequently.

Mr. Ron Jack, City of Las Vegas, spoke in support of A.B. 634 and also endorsed the provision as to part-time hearing examiner instead a full-time hearing examiner. Mr. Jack also addressed Senator Young's question as to overruling the decision of the boards of adjustment and stated that, in his experience, it is very infrequent.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 634.

The hearing was opened on S.J.R. 22.

Senator Clifford McCorkle, Washoe County Senatorial District No. 1, spoke in support of S.J.R. 22 as prime introducer of the bill. He stated there has been a change in social structure of families and there is now an increase in single-parent families; consequently, a burden has been placed on these families as to providing care for their pre-school age children. He stated that the bill is to attempt to solve the problem by utilizing private enterprise with less need for government services to subsidize existing programs. He stated he wished to encourage more day-care and, if possible, at lower rates. He stated that present day-care is rated at approximately \$.70 per hour. He stated that he was attempting to accomplish a reduction in the increase of that rate and explore alternatives by which this rate may possibly be lowered. He said the resolution only is addressed to tax effects; he invited the committee to consider expanding the resolution to include asking Congress to adjust the Department of Health, Education and Welfare's regulations of day-care. He stated his belief that there may be excessive regulations which could be modified at a savings to the parents. He stressed only the exploration of this matter in the form of the resolution as it appears to be a controversial subject.

Senator Young questioned if Senator McCorkle favors federal subsidy of child care centers. Senator McCorkle stated that he did not. Senator Young questioned if a tax reduction was not, in effect, a federal subsidy. Senator McCorkle stated that the indirect subsidy encourages private enterprise to solve the problem; the direct subsidy discourages private enterprise to solve the problem. Senator Young questioned the difference.

Chairman Ashworth questioned if an amendment had been prepared to address the suggested change to the resolution. Senator McCorkle stated that he had not prepared an amendment as he wished to listen to testimony from members of the industry which would allow committee to determine if they wished to expand the language.

Senator McCorkle stated that there are three possible changes which could be utilized in the area of taxation. He stated that he was

offering these suggestions as alternatives so the committee would have an understanding should the federal government choose to address the issue. Senator McCorkle addressed the details involving these tax benefits. Chairman Ashworth stated that this was not addressed in the resolution and stated that perhaps it should be. Chairman Ashworth questioned if there would be any effect should this resolution be passed. Senator Young questioned if Senate Finance Committee, of which Senator McCorkle is a member, voted to cut appropriations for day-care. Senator McCorkle stated that the money that was cut was federal money. Chairman Ashworth questioned if he made the motion to cut the federal money; Senator McCorkle stated that he did. Senator McCorkle stated that the resolution was an effort to encourage the creation of additional day-care centers that do not receive direct federal subsidies, which may not be able to provide relatively low cost care without the tax shelter.

Senator Neal questioned if Senator McCorkle had ever viewed day-care centers that received federal funding. Senator McCorkle stated that he had. Senator Neal stated that he must then be aware that they serve some purpose. He questioned if Senator McCorkle was aware that there is a tax credit available for those persons working who must send their children to day-care. Senator McCorkle stated that he was not. He stated that he wished to expand the type of credits that are available now by this resolution. Senator Neal stated that he was uncertain Senator McCorkle understood the problem as he voted to cut federal funding. Senator McCorkle stated that he could debate the subject.

Senator Faiss arrived for the meeting (8:56 am).

Senator Young questioned how it could be ensured that the day-care centers would be low cost. Senator McCorkle stated that he was uncertain of the mechanics; he is speaking in concepts.

Mr. Gary Voss, owner and operator of four child care pre-schools in Las Vegas, stated that the resolution does point out that there is a problem. He said there is a vehicle in the State of Nevada whereby individuals may receive assistance in sending their children to child care centers; this vehicle is Title XX funding. He said that very stringent, unrealistic regulations exist for eligibility; these regulations are Department of Health, Education and Welfare staffing requirements to a great extent. He explained to the committee that his costs must go up to meet the staffing requirements. He wished to amend the resolution to memorialize Congress to let the state standards prevail. Chairman Ashworth directed Mr. Voss to confer with Senator McCorkle as to an amendment addressing this issue. Mr. Voss concurred. Chairman Ashworth questioned if Mr. Voss was experiencing a large income tax problem. He asked if more low-income families' children could be admitted to his child care facilities should his income taxes be lowered. Mr. Voss stated that he did not really think that would solve the problem; rather, the federal regulations make

low-cost child care impossible. Chairman Ashworth directed that amendments be submitted as the resolution, as it presently is written, does not address the testimony.

Senator Neal questioned if cutting the federal funding would enhance the operation of private day-care facilities. Mr. Voss stated that even if the funding were increased, they would still be unable to take the children due to the ratio requirements.

Senator McCorkle questioned if the committee has an appetite for considering a resolution which would include both tax incentives and reduction of regulations; or, simply the regulations; or, not process the resolution at all. Chairman Ashworth stated that he would not support legislation that consisted of "tax breaks" for day-care centers. Senator Neal stated that there is a tax credit for people with children in facilities; therefore, he stated that he could not see giving the facility any "breaks." Senator Faiss stated that he would be agreeable to addressing a resolution regarding regulations; as to the "tax break," he said that the legislature is attempting to give everyone a "tax break." Senator Young stated that he had sympathy for the day-care centers but could not see the distinction between a federal subsidy and a tax incentive. He stated that he also has difficulty with telling the federal government to "send the money but don't tell us what to do with it." He questioned the impact of any resolution. Senator Blakemore stated that he did not believe Congress could make the Internal Revenue Service do anything; however, he would consider addressing the matter of the regulations. Chairman Ashworth stated that the committee appeared to be agreeable as to relaxing regulations but not on the tax issue.

Chairman Ashworth closed the hearing on S.J.R. 22.

The hearing was opened on S.B. 467.

Mr. Paul Cohen, Administrative Assistant, Health Division, stated that there is no fiscal impact on the bill. Senator Young questioned if the bill was a Health Division bill. Mr. Cohen responded that it was a consortium effort between the counties and the Health Division. He stated that the way the bill was written originally is not the final outcome as S.B. 467. Mr. Cohen stated that they are not in favor of the bill as written today. Chairman Ashworth questioned if any of the individuals present to testify were in favor of the bill; all responded they were against the bill. Chairman Ashworth requested that the individuals meet and return to the committee with amendments that would be satisfactory to all concerned.

Senator Blakemore questioned the need for the proposed legislation. Mr. Jack Homeyer, Chief, Vital Statistics, Health Division, stated that the original Nevada Vital Statistics Act was written in 1911 and has been amended by every legislative session since that time. He stated that the "bill is a mess." He said that S.B. 467 is a

replacement for the existing NRS Chapter 440. He said that the bill is based on the U.S. Model Vital Statistics Act which was developed by the American Association for Vital Records and Public Health Statisticians. Senator Blakemore questioned this "model act" as problems have been encountered on this basis throughout the entire session.

Chairman Ashworth questioned if this bill is workable. Ms. Wanda Turpin, Deputy Registrar, Clark County Health Department, stated that she believed it was. Mr. Homeyer stated that if the bill could be amended to follow the original proposal, that is all that needs to be done as that original document has been negotiated by all concerned. Chairman Ashworth questioned where the bill has been. Mr. Homeyer stated that it has been in the Bill Drafter's Office, Legislative Counsel Bureau, for approximately eleven weeks. Chairman Ashworth stated that should there not be sufficient time to address this bill during this legislative session, perhaps a resolution to address the problem during the interim should be submitted. He suggested a bill drafter be assigned to assist in this area as often a concept is lost as it is worked to comply with the law.

The individuals who had appeared to present testimony went to meet in the Senate Lounge for the purpose of preparing amendments to S.B. 467. Chairman Ashworth closed the hearing.

The hearing was opened on S.B. 334.

Senator Ashworth questioned if this bill was similar to a bill presently before the Assembly. Ms. Joyce Woodhouse, Nevada State Education Association, stated that the bill in the Assembly is one proposed by the Nevada State Education Association and this Senate bill is proposed by the school boards; they are exactly opposite. Chairman Ashworth stated that it was his understanding that the problem centers around if there should be probation for teachers. Ms. Woodhouse stated that it was. Chairman Ashworth questioned if this bill should be processed in its entirety or if it should be held pending outcome of the Assembly bill. Senator Neal stated that he has been opposed to this bill (presently S.B. 334) for the last two sessions and stated that he did not believe he would change his mind now. Ms. Woodhouse stated that they have been working on the Assembly bill, A.B. 519, and are addressing the question of the probationary period. She stated that they are attempting to ultimately address one bill; the work really began with A.B. 519. Ms. Woodhouse stated that she believed they were close to resolution as to A.B. 519. Chairman Ashworth questioned if it would be agreeable to defer S.B. 334 until A.B. 519 can be considered.

Mr. Bob Cox, representing six school districts in Nevada including Washoe County and Lyon County, stated that a great deal of work has been done on A.B. 519. He questioned an ultimate resolution in the area of probation. He stated that a willingness to compro-

mise has been indicated on the part of the trustees. Mr. Cox said that there is no "probationary teacher" in any school district; a school teacher, once he/she is hired, has no status that would be other than post-probationary. He said that the only difference relates to the requirements to evaluations that must be given each year; once an employee is hired, they have all the rights of a tenured teacher. He said that the issue is of great concern because it gives the trustees no latitude to terminate what should be "probationary teachers" on any other basis than tenured teachers.

Senator Blakemore emphasized that when there is definite wrongdoing, he would like the administration to be able to act; on the other hand, he did not agree with an administration dealing with a teacher for vindictive reasons. He stated that he, and others, have the impression that the educational system tends to react at the level of children.

Chairman Ashworth recommended that the committee hold S.B. 334 pending receipt of A.B. 519. Mr. Petroni stated that amendments are being prepared on A.B. 519 but there are two areas not yet determined; one, the probationary-employee concept and two, the length of the period to which a certificated employee may be suspended without pay as a disciplinary measure. Mr. Petroni stated that should the Assembly choose not to amend A.B. 519 as to the probationary concept, they will address the Senate on this matter.

Chairman Ashworth questioned the committee's pleasure as to holding action on S.B. 334 pending receipt of A.B. 519. Senator Young questioned the probability of A.B. 519 reaching the Senate in time and the possible inconvenience to individuals present wishing to testify. Chairman Ashworth stated that he was attempting to avoid a conflict. Mr. Carl Shaff, Nevada State School Boards, stated that the individuals could return and that they would meet with members of the Nevada State Education Association on this matter. There was no objection and the committee concurred to hold S.B. 334 pending receipt of A.B. 519.

Chairman Ashworth closed the hearing on S.B. 3<sup>3</sup>44.

Mr. William X. Smith, Executive Director of the State Dairy Commission, addressed the committee regarding S.B. 447. He stated that it was his understanding that the committee had moved to "Do Pass" the bill but take out the removal of the "sunset" provisions of the bill. He expressed concern for the staff as to the possibility of being out of a job in 1981. He appealed to the committee to keep the Commission under the "sunset" status until 1983. He said that if the Commission is not doing the job by 1981, the Finance Committee may eliminate the Commission for lack of a budget; also, it would allow time for the Legislative Counsel Bureau to conduct an audit.

S.B. 447 (See Exhibit "E", Minutes of April 24, 1979)

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Senator Neal moved to "Amend" S.B. 447 to change the "sunset" provision to 1983.

Seconded by Senator Young.

Motion carried.

Yeas -- 5

Nays -- None

Absent -- Senator Kosinski

As to S.B. 237, Chairman Ashworth submitted the memorandum from Mr. Ken Creighton, Research Analyst, Legislative Counsel Bureau, to the committee (Exhibit "A").

S.B. 237 (Exhibit "B")

Senator Blakemore moved to "Amend" and "Do Pass" S.B. 237 and requested that once the amendments are received, the committee has the opportunity to review them prior to discussion on the floor.

Seconded by Senator Neal.

Discussion: Chairman Ashworth stated the amendments include the accounting amendments and the new amendments presented by Mr. Al Edmundson.

Motion carried.

Yeas -- 5

Nays -- None

Absent -- Senator Kosinski

S.B. 351 (Exhibit "C")

Senator Neal moved to "Do Pass" S.B. 351.

Seconded by Senator Faiss.

Discussion: Senator Blakemore questioned just what this would do as they have not done their job now. Senator Young stated that this would be a mandate. Senator Blakemore stated that the cities are mandated now but nothing has been done. Senator Young stated that he agreed with the motion but questioned Line 10. He stated that he preferred it to read after "jails," the addition of "correctional institutions, and other institutions performing similar functions." The committee concurred.

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Senator Neal moved to amend his motion to "Amend" and "Do Pass" S.B. 351 to include Senator Young's recommendation.

Senator Faiss seconded the amended motion.

Motion carried.

Yeas -- 5  
Nays -- None  
Absent -- Senator Kosinski

A.B. 634 (Exhibit "D")

Senator Neal moved to "Do Pass" A.B. 634.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 5  
Nays -- None  
Absent -- Senator Kosinski

Approval of Minutes

Senator Young moved to approve the minutes of the Senate Committee on Human Resources and Facilities from March 26, 1979 through April 20, 1979.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 5  
Nays -- None  
Absent -- Senator Kosinski


Chairman Ashworth brought the article on California's bill to authorize mandatory vehicle smog inspection programs (Exhibit "E") to the committee's attention. He stated that Nevada has a pilot project regarding inspection programs and in testimony before the Transportation Committee, it was stated that no violence would be done should the program simply be continued. He said that by extending the date to 1981, and with encouragement to the Department of Motor Vehicles to establish a public relations program, the State would not be losing any federal funds. Chairman Ashworth questioned subjecting the citizens of Nevada to being "that much farther ahead" of other states; other states are not taking action due to the fact that the regulations are changing rapidly as is the technology on handling emissions. He said that the emphasis is being placed on conservation rather than



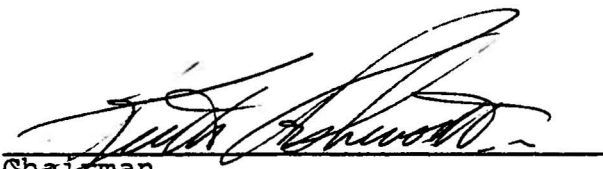
pollution. He suggested keeping the pilot program on a status quo basis for another two years by amending the law to extending the implementation date of the mandatory program from July 1, 1979 to July 1, 1981. Senator Neal stated that he was in favor of extending the program. Senator Young stated that he had no objection; his only concern was with Nevada's need for gasoline and if the continuation would in no way prejudice an allocation. Chairman Ashworth suggested a proviso stated that the county commissioners may implement a mandatory inspection program if they deem it necessary before the date of 1981. Senator Young concurred with the concept of enabling legislation. Senator Young questioned how this was being handled in the eastern states. Chairman Ashworth stated that New York "killed" their bill and Washington, D.C. has no mandatory inspection programs. Senator Blakemore stated that Washington, D.C. has not even begun on a program. Chairman Ashworth questioned the committee as to "marking time and letting the rest of them catch up with us." The committee concurred; Senator Kosinski was absent. Senator Faiss concurred with the addition of the amendment as to the county commissioners implementing a mandatory program prior to 1981 if necessary.

There being no further business, Chairman Ashworth adjourned the meeting at 9:59 am.

Respectfully submitted,

  
\_\_\_\_\_  
Roni Ronemus  
Committee Secretary

Approved:

  
\_\_\_\_\_  
Chairman  
Senator Keith Ashworth

STATE OF NEVADA  
LEGISLATIVE COUSEL BUREAU

LEGISLATIVE BUILDING  
CAPITOL COMPLEX  
CARSON CITY, NEVADA 89710



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April 25, 1979

TO: Senate Committee on Human Resources and Facilities  
FROM: J. Kenneth Creighton, Research Analyst  
SUBJECT: S.B. 237 (Uranium Mill Licensing)

This is in response to the committee's request to determine whether or not S.B. 237 is in compliance with the "Uranium Mill Tailings Radiation Control Act of 1978" (P.L. 95-604).

In 1972 the State of Nevada became an "agreement state" to the Atomic Energy Act of 1954. Under § 274 of this act (adopted in 1956), the Atomic Energy Commission (now the Nuclear Regulatory Commission) could relinquish, and a state assume, regulatory control over source materials, by-product materials, and small quantities of special nuclear materials (agreement materials). It is this section which allows the state to license and regulate uranium mills, provided that state regulations either meet or exceed those of the Nuclear Regulatory Commission (NRC).

P.L. 95-604 is divided into three titles. Title I addresses the cleaning up of existing mill tailings sites. The U.S. Department of Energy is exclusively responsible for administering this section of the act. Title II addresses the licensing and regulation of mill tailings and is the section pertinent to S.B. 237. Title III is exclusively concerned with two mill tailings sites in New Mexico.

I requested the NRC, and the committee chairman requested the legislative counsel, to provide the committee with an analysis of S.B. 237 and P.L. 95-604 to determine whether or not the former is in compliance with the latter.

The NRC has informed us that the following items should be included in S.B. 237 in order for it to be in compliance: (1) Both uranium and thorium should be included in the definition of source material. (2) The definition of by-product materials must include both any radioactive material (except special nuclear material) and the tailings or wastes produced by a uranium mill. (3) S.B. 237 does not address every aspect of Title II in P.L. 95-604, in particular the transfer of ownership of the mill tailings areas. With

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respect to the first part, thorium is included in the definition of source material (section 6, subsection a, line 46). With respect to the second point, the proposed amendments to S.B. 237 alleviate the concern expressed by the NRC. With respect to the third point, the NRC is in the process of changing the regulations regarding the transfer of ownership and probably will not promulgate the final regulations until 1981. Therefore, it is difficult to know exactly how the state should respond to this part of Title II.

The legislative counsel has informed the committee that S.B. 237 is essentially in compliance with P.L. 95-604 (memorandum attached for your reference). With respect to whether or not the state must accept title to the mill tailings areas, he says the predominant impression is that it is the option of the state whether or not to accept title to such material and land. Finally, with respect to the amendment which would exempt drilling, coring, bulk sampling, or ore crushing operations from a specific license, it does not seem to be inconsistent with P.L. 95-604.

In short, if the proposed amendments are adopted, it would appear that S.B. 237 would be in compliance with P.L. 95-604 in its present form.

If I can be of any further assistance to the committee on this subject, please let me know.

JKC/llp  
Enc.

## MEMO

To: Frank Daykin

From: Robert Angres

Re: S.B. 237 (Uranium Mill Licensing)

Senator Keith Ashworth has requested your opinion on three questions having to do with S.B. 237.

First he wishes to know whether the bill is in compliance with Tit. II P.L. 95-604. I find nothing in the bill which is inconsistent with the public law. However, it may be that the bill does not go far enough with respect to the regulations which the bill authorizes the state board of health to adopt. The public law requires that these regulations be "equivalent, to the extent practicable, or more stringent than, standards adopted and enforced by the Commission...". The description of the regulations in section 1 of S.B. 237 does not contain a provision reflecting this requirement of the federal law. A large portion of the requirements of the public law are delegated to rule making on the federal agency level and therefore cannot be ascertained from within the four corners of P.L. 95-604.

Second he wishes to know whether this state has to accept title to uranium mill tailings areas and, if so, what is entailed in this process.

A reading of Title II of P.L. 95-604 on this issue is confusing. The predominant impression is that it is the option of the state whether or not to accept title to such material and land. In Sec. 83 which amends Chapter 8 of the Atomic Energy Act of 1954 the "option" of the state is mentioned twice in this regard. But in the same section it alludes to the state being required to take title to byproduct material and disposal sites. Later in Title II provision is made for the transfer of any money exacted from a licensee by a licensing state to the U.S. if the U.S. is required to take transfer of such land.

In Title I, however, Sec. 104(a) states that cooperative agreements between the state and the Commission must require the state to take title where the Secretary determines it appropriate.

Thus it appears that Nevada is required to take title to such areas if the cooperative agreement so specifies or if pursuant to the agreement the Secretary determines that the state must do so.

Third he wishes to know whether the amendments to S.B. 237 (which provide for permits, but not separate licenses for "drilling, coring, bulk sampling or crushing operations") are in compliance with the public law (95-604). I cannot find anything that is inconsistent with the public law in the amendments. There is the possibility that the regulations adopted by the Commission would make S.B. 237

inconsistent with the public law. At present there are no specific provisions in the public law which address requirements to be imposed on the state's licensing of these activities, except that they must be equal to or exceed the federal regulation of these activities.

R.A.

#### Addendum

If the state is required to accept title to the tailings and land it must provide for the maintenance of the area, as may be required for the public health and safety. Emphasis ~~is~~ placed on attempting to make maintenance of these sites unnecessary in the future.



SENATE BILL NO. 237—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

FEBRUARY 15, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes fees and surety bonds respecting operations involving uranium. (BDR 40-221)

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 nuclear affairs; authorizing fees and surety bonds respecting operations involving uranium; providing penalties; and providing other matters properly relating thereto.

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

SECTION 1. Chapter 459 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. *The state board of health may establish by regulation:*

(a) *Fees for licensing, monitoring, inspecting or otherwise regulating mills or other operations for the concentration, recovery or refining of uranium. Payment of the fees pursuant to a fee schedule established by the state board of health is the responsibility of the person applying for a license or licenses to engage in uranium concentration, recovery or refining.*

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

(c) *A requirement for persons licensed by the state to engage in uranium concentration, recovery or refining to post reasonable surety bonds. The purpose of the surety bond requirement is to cover the costs of securing sites used for uranium concentration, recovery or refining to a safe and stable condition because of their abandonment or because of the unwillingness or inability of the licensee to satisfy the safety requirements of the state. The state board of health shall determine the amount of the surety bond. The amount of the bond required may be reviewed by the board from time to time and may be increased or decreased as*

## S. B. 351

SENATE BILL NO. 351—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

MARCH 22, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires state board of health to adopt certain regulations  
pertaining to jails. (BDR 40-1116)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 sanitation; requiring the state board of health to adopt regulations concerning the sanitation, healthfulness, cleanliness and safety of jails; 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 444.335 is hereby amended to read as follows:  
2 444.335 1. The health authority shall have supervision over the  
3 sanitation, healthfulness, cleanliness and safety, as it pertains to the  
4 foregoing matters, of the following city, county and private institutions:  
5 (a) Jails, correctional institutions, and other institutions performing  
6 similar functions;  
7 (b) Schools; and  
8 (c) School gymnasiums.  
9 2. The state board of health [may adopt, promulgate] *shall, with*  
10 *respect to jails, and may, with respect to the other institutions named in*  
11 *subsection 1, adopt and enforce [rules and regulations pertaining*  
12 *thereto] such regulations as are necessary to promote properly the sani-*  
13 *tation, healthfulness, cleanliness and safety, as it pertains to the foregoing*  
14 *matters, of [such] those institutions.*  
15 3. The health authority shall inspect [such] *those* institutions at  
16 least once each calendar year and at such other times as, in its discretion,  
17 it deems an inspection necessary to carry out the provisions of this sec-  
18 tion; except that inspections of schools and gymnasiums shall be made  
19 at least twice each year, once during each semester.  
20 4. A report of the findings of [such] *an* inspection [or inspections  
21 shall] *must* be made to the health officer within 20 days following [such]  
22 *the* inspection. The health officer may from time to time, in his discretion,  
23 publish the reports of [such] *those* inspections.



1 5. All persons charged with the duty of maintenance and operation  
2 of the institutions named in this section shall operate [such] *those* insti-  
3 tutions in conformity with [rules and] regulations relating to sanitation,  
4 healthfulness, cleanliness and safety, as it pertains to the foregoing  
5 matters, adopted [and promulgated] by the state board of health.  
6 6. The health authority may, in [implementing] *carrying out* the  
7 provisions of this section, enter upon any [and all parts] *part* of the  
8 premises of any of the institutions named in this section over which it  
9 has jurisdiction, to determine the sanitary conditions of [such] *those*  
10 places and to determine whether the provisions of this section and the  
11 [rules and] regulations of the state board of health pertaining thereto  
12 are being violated.

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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 634

ASSEMBLY BILL NO. 634—ASSEMBLYMEN RUSK, MANN,  
GLOVER, HICKEY, MALONE, BERGEVIN, WEBB, MAR-  
VEL, VERGIELS, BREMNER AND WEISE

MARCH 23, 1979

Referred to Committee on Government Affairs

SUMMARY—Authorizes boards of adjustment to act by  
majority vote. (BDR 22-1335)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 planning and zoning; authorizing the governing bodies of counties and cities to appoint part-time hearing examiners; authorizing boards of adjustment to act by majority vote; 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 278.262 is hereby amended to read as follows:  
2 278.262 The governing body of any county or city may appoint as  
3 many full-time *or part-time* hearing examiners as are necessary or appro-  
4 priate to assist the planning commission and the governing body in acting  
5 upon proposals for changes in zoning classification, zoning districts, spe-  
6 cial use permits, variances and other matters affecting zoning.
- 7 SEC. 2. NRS 278.300 is hereby amended to read as follows:  
8 278.300 1. The board of adjustment shall have the following  
9 powers:
- 10 (a) To hear and decide appeals where it is alleged by the appellant  
11 that there is an error in any order, requirement, decision or refusal  
12 made by an administrative official or agency based on or made in the  
13 enforcement of any zoning regulation or any regulation relating to the  
14 location or soundness of structures.
- 15 (b) To hear and decide, in accordance with the provisions of any  
16 such regulation, requests for variances, or for interpretation of any map,  
17 or for decisions upon other special questions upon which the board is  
18 authorized by any such regulation to pass.
- 19 (c) Where by reason of exceptional narrowness, shallowness, or shape

1 of a specific piece of property at the time of the enactment of the regula-  
2 tion, or by reason of exceptional topographic conditions or other extra-  
3 ordinary and exceptional situation or condition of [such] *the* piece of  
4 property, the strict application of any regulation enacted under NRS  
5 278.010 to 278.630, inclusive, would result in peculiar and exceptional  
6 practical difficulties to, or exceptional and undue hardships upon, the  
7 owner of [such] *the* property, to authorize a variance from [such] *that*  
8 strict application so as to relieve [such] *the* difficulties or hardship,  
9 [provided such] *if the* relief may be granted without substantial detri-  
10 ment to the public good, without substantial impairment of affected  
11 natural resources and without substantially impairing the intent and  
12 purpose of any ordinance or resolution.

13 (d) To hear and decide requests for special use permits or other  
14 special exceptions, in such cases and under such conditions as the  
15 regulations may prescribe.

16 2. The [unanimous concurring] *majority* vote of the board of adjust-  
17 ment [shall be] *is* necessary to reverse any order, requirement, decision  
18 or determination of any administrative official or agency, or to decide  
19 in favor of the appellant.



2805 ASHWORTH CIRCLE  
LAS VEGAS, NEVADA 89107

NEVADA LEGISLATURE  
KEITH ASHWORTH  
SENATOR

401 S. CARSON STREET  
CARSON CITY, NEVADA 89710

ARTICLE FROM THE SAN FRANCISCO EXAMINER, Evening Edition,

APRIL 24, 1979

### **A mandatory smog check bill dropped**

SACRAMENTO (UPI) — A bill to authorize mandatory vehicle smog inspection programs has been abandoned despite a prospect of federal penalties that could include loss of funds and curtailment of new construction in California.

Sen. John Foran, D-San Francisco, chairman of the Senate Transportation Committee, said yesterday he would drop the bill (SB84) after it was revised in the Senate Finance Committee to require legislative approval of any annual vehicle inspection program.

The amendment by Sen. John Briggs, R-Fullerton, approved on a 7-1 vote with only committee Chairman Albert Rodda, D-Sacramento, opposed, "makes it no bill at all," Foran said.