

Committee in Session at 8:44 am on Wednesday, May 2, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Senator Clifton Young
Senator Wilbur Faiss
Senator Jim Kosinski

ABSENT: Vice-Chairman Joe Neal
Senator Rick Blakemore

GUESTS: Mr. Russell McDonald, Nevada Association of County Commissioners
Ms. Diane Gordon, Secretary of the Commission, Comstock Historic District
Ms. Jo Anne McLachlen, Administrative Assistant to the Storey County Commissioners
Mr. Robert Warren, Executive Secretary, Nevada Mining Association
Ms. Laura Del Carlo, Chairman, Storey County Commission
Mr. Ted Sanders, Superintendent of Public Instruction, Department of Education
Mr. Frank South, Director of Special Education, Department of Education
Ms. Janet Wilson, Deputy Legislative Counsel, Legislative Counsel Bureau
Mr. Robert Petroni, Clark County School District
Mr. Patrick Walsh, Esq., Representing Pyrotronics Corporation, Anaheim, California
Mr. William Brewer, Assistant State Fire Marshal
Mr. Dick Serdoz, Division of Environmental Protection

Chairman Ashworth opened the hearing on A.B. 704.

Mr. Russell McDonald, Nevada Association of County Commissioners, stated he was representing a number of people on A.B. 704. Mr. McDonald stated that the Comstock Historic District was created by an act of the legislature several years ago. He said the purpose of the Commission was to examine and retain aesthetic features of the historic mining area of Silver City, Gold Hill, Virginia City. He said the bill also allowed the creation of the boundaries of the district by the Commission once it was created. He said the Historic District now comprises a large area of Storey County, some parts of Lyon County and Carson City. He said that the Commission has been effective; however, the membership of the Commission "offers something to be desired." He stated that it was difficult to gather the Commission as many of the members are from Reno; consequently, it is difficult to obtain a quorum. Mr. McDonald stated that A.B. 704 proposes to change the composition of the membership upon enactment; once the new Commission meets, they are to examine the boundaries of the district. He said that this would allow other historic districts in the area to be created.

Mr. McDonald also said the new Commission would result in immediate and local interest. He said that another effective provision of the bill is on Page 5 giving the building inspector the authority to issue a stop-work order. Mr. McDonald stated that the general provisions of the bill are on Page 6. He said that Section 16, subsection 4, is an inclusion as a requirement for certain federal tax incentives that are available if the ordinance contains those provisions. Mr. McDonald stated that Section 16, subsection 5, Lines 29 and 30 were included by the Assembly at the request of the Mining Association. He said that with an ordinance of this nature, active mining in a historic district could be deterred; this inclusion would protect from that occurrence.

Senator Kosinski questioned if there are any constitutional problems with the provisions relating to Storey and Lyon Counties. Mr. McDonald stated that he did not believe so. He said that he believed a good constitutional case could be made as the Comstock District Act, although special in nature, is so unique that one could not be passed in such detail. Senator Kosinski questioned why the new language in Section 16 could not be used by the county or counties to establish a Comstock District. Mr. McDonald stated that they are willing to take the chance of judicial action to alleviate the local impacted problem. He stated that the amendments he presented, resulting in part in the first reprint of A.B. 704, came from building the necessary criteria into the ordinance to obtain the tax incentives; otherwise, the language is very general and can be tailored to the needs of the county.

Senator Young questioned if under the proposed legislation, out of a board of nine, three members present could pass an ordinance; he questioned if this could be in conflict with zoning ordinances. Mr. McDonald did not think this would be the case. He said the language is tailored to the problem; the Commission is like a mini-planning commission with respect to only the aesthetics and historic appearance of structures. He said that reducing the quorum rule is an attempt at allowing action; generally, a quorum is present. He added that once a certificate is obtained, a building permit is still required and possibly, an audience before the planning commission. Mr. McDonald also noted that A.B. 704 removes the Comstock Historic District from the Division of State Parks.

Senator Neal arrived for the meeting (9:01 am).

Senator Kosinski questioned the term of office for the members of the Commission. Mr. McDonald stated that the terms are indefinite. Senator Kosinski stated that if there is a problem with having members attend meetings, perhaps either the Commission is unnecessary or someone should be replacing the members. Mr. McDonald stated that was one of the reasons for localizing the issue is so there would be attendance.

Senator Kosinski expressed concern about permitting a majority of the majority to pass ordinances and this legislation would permit a majority of a minority. He stated that he believed it was bad government. Mr. McDonald stated that not having responsive people is also bad government. Chairman Ashworth stated that he was not as concerned as he would be if anything other than the exterior of buildings was in question.

Senator Young questioned if there was strong interest among the local residents. Mr. McDonald stated that there were residents present to testify to the committee.

Senator Young questioned if this issue was justifiable as to the State's expenditure of funds. Mr. McDonald stated that he believed it was; also, Storey County is not an affluent county and the State expenditure to preserve the historic aspects of the area is minimal.

Ms. Diane Gordon, Secretary of the Commission, Comstock Historic District, spoke in support of A.B. 704. She said that although there has been an attendance problem, it can also be attributed to bad weather. She said that typically local people do attend meetings. She said she favored the State-backed organization rather than on a county level as it is independent and not "politicized" in any way. She stated that there is a great deal of local interest and favors the concept of "new blood." She also advocated representation by an individual from the Division of Historic Preservation and Archeology.

Senator Blakemore arrived for the meeting (9:11 am).

Senator Young questioned if Storey County contributes monetarily to the expenses of the Commission. Ms. Gordon stated that there was no assistance she was aware of. Senator Young questioned if she believed this would be a good idea. She stated that State support maintains independence and is necessary.

Ms. Jo Anne McLachlen, Administrative Assistant to the Storey County Commissioners, stated that A.B. 704 has the total support of Storey County. She stated that with the membership, as presented in the bill, the local attendance will be as such so the four-person quorum will never be an actual fact. She also said that with State backing, more credence is given to the Commission. She said that during the hearings before the Assembly, Mr. Malone had expressed the support of Lyon County for A.B. 704.

Mr. Bob Warren, Executive Secretary, Nevada Mining Association, stated that he represented a neutral position on A.B. 704. He stated that the proposed legislation is positive; however, there could be problems as it relates to the mining industry. He stated that he wished to make a part of the record the concern in the event there may be, at a later date, a challenge by the mining industry to the improper or abusive use of this legislation.

He stated that Page 6, Section 16, subsection 5, was necessary to have inserted in the bill because in the past, in other states as well as the federal level, the creation of historic districts has been used to discourage mining in these districts. He cited an example to the committee and stated that if legislative intent is not clearly expressed, similar ramifications may occur. He stressed that he wished to have in the record that "you are here passing a piece of legislation which has clear legislative intent that it is not the intent of this legislature to discourage exploration, or development, or extraction of mineral resources."

Ms. Laura Del Carlo, Chairman, Storey County Commission, stated that she was instrumental in changing the law to local participation as residents were concerned at having non-residents tell them what to do with the buildings; they wished to have local input. She stated that A.B. 704 is what the people want and feels there will be full participation.

Senator Young questioned local contribution. He stated that now there appears to be local control and felt there would be justification for local contribution. Ms. Del Carlo stated that local contribution could depend upon the outcome of the tax bill presently under consideration. Chairman Ashworth questioned amending the bill to say that the State would support this for two to four years at which time Storey County would assume the financial responsibility. Ms. Del Carlo stated that it could be a possibility.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 704.

The hearings were opened on S.B. 539.

Mr. Ted Sanders, Superintendent of Public Instruction, Department of Education, stated that they had reviewed S.B. 539 and compared it to the work that had been done earlier on S.B. 25 and A.B. 118. He stated that they find it consistent with the wishes of the committee. He said there are some numerical problems with the sequencing but it was his understanding that will automatically be adjusted should the bill be enacted. He stated that they see no problems and are supportive of S.B. 539.

Chairman Ashworth stated that he had requested an abbreviation of what the bill does from the Department of Education (Exhibit "A") and read same for the record.

Ms. Jan Wilson, Deputy Legislative Counsel, Legislative Counsel Bureau, stated that several conflicts that arose during the processing of this bill have been included in this draft. The Conflict Notices were with respect to A.B. 118 and S.B. 25. She stated that she believed S.B. 539 could be passed now with no conflicts. She said the same section numbers in S.B. 25 are in S.B. 539 so the report, Legislative Counsel Bureau's Bulletin No. 79-14, Re-codification of Nevada's Education Laws (copy with the Research

Division, Legislative Counsel Bureau), is consistent as to what any given section does.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 539.

The hearing was opened on A.B. 528.

Mr. Ted Sanders introduced Mr. Frank South, Director of Special Education for the Department of Education. Mr. Sanders submitted Exhibit "B" for the record and spoke in support of A.B. 528.

Senator Neal questioned the emphasis for a handicapped child that is not being done for a normal child as to the admittance at age five to special programs; most children cannot be admitted until age six. Mr. Sanders stated that this change does not constitute a substantive change in the way the law was interpreted in the past. Chairman Ashworth expressed concern that more emphasis is being placed on the extraordinary child than the ordinary child and concurred with Senator Neal.

Mr. Sanders stated that the substantive change to A.B. 528 serves to separate the emotional disturbance category from the educationally handicapped category, Page Two, Line 11 moved to Line 28. Mr. South stated that this becomes a separate category as opposed to a subcategory in present law. Mr. South said the reason for this change is due to many requests by people who deal with this population; he said it would have no fiscal impact nor cause the inception of new programs.

Senator Faiss questioned if the emotionally disturbed problem is increasing thereby requiring a new category. Mr. South stated that he did not believe it was increasing; rather, the demand for service is increasing.

Senator Young expressed concern as to having part of the law address the issue of academically talented. He could not see a problem in Clark County or Washoe County where there would be enough children to constitute programs; however, he questioned the rural areas. He questioned how this would be handled in the regulations. Mr. South stated that the local school districts determine how they will use their special education dollars. Senator Young stated that there are potential problems when it is mandated in the law. Mr. Sanders stated that the concerns expressed are already being handled by federal law where a youngster cannot be denied an education because of a handicapping condition. He said the only exception is for the academically gifted but is unaware of any case law where those individuals' rights have been upheld in the courts. Senator Young stated that he was uncertain as to how much should be written into State law as it is a potential area of litigation. He expressed concern at spending so much time with the handicapped child that the ordinary student may be neglected. Mr. Sanders stated that the change presented in A.B. 528 would not change the substance of the standards prescribed presently by the State Board of Education; rather, more of a format

and definitional change. He stated that this is in response to requests by parents and individuals working the field. Mr. South stated that in the last fourteen months, he had appeared before over 1,000 people and this change has been a unanimous request from those people. Senator Young questioned bringing the statute into conformance with the regulations; he said the regulations are supposed to follow the statutes.

Mr. Robert Petroni, Clark County School District, stated that he had received a call from Mr. Ben Cowan, head of Clark County's handicapped program, on A.B. 528. He stated that Mr. Cowan wished to have the language on Page 1, Line 3, placed in Line 16. He stated it would then read, "who will arrive at the age of 4 years by September 30" and delete "at the age of 4 years". Mr. Petroni stated that the Department of Education concurs with this proposed amendment. As to the purpose of this bill, Mr. Petroni stated that it was to help the local districts. He said it is a "may" law and not a "shall" law; if the local districts do provide the programs, they may receive state apportionment of monies for them.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 528.

The hearing was opened on S.B. 540.

Mr. Patrick Walsh, Esq., spoke in support of S.B. 540 stating that it codifies and establishes standards for the importation, manufacture and use of all forms of fireworks. Chairman Ashworth questioned the genesis of this bill. Mr. Walsh stated that he believed it was based on California's fireworks law and the Uniform Fireworks Act. He said it was supplied to him by Pyrotronics Corporation who had retained him to represent them in presenting it to the Legislature; Pyrotronics Corporation is a fireworks manufacturing firm. Mr. Walsh stated that it was his understanding S.B. 540 is endorsed by the State Fire Marshal's office and the firefighters organization with one amendment they are in agreement with; the amendment being to add on Page 13 following Line 19 that the city council or city supervisors would have the power to prohibit, restrict, or otherwise regulate fireworks in the same fashion as the board of county commissioners.

Chairman Ashworth questioned if there is local authority regulating this matter. Mr. Walsh stated that there is local authority to ban the sale of fireworks. He said that a benefit of the bill is on Page 9 that requires that before anyone can get a public display license, they must have a substantial insurance policy to protect not only the people displaying the fireworks but the State of Nevada as well. Senator Kosinski questioned the advantage of the rest of the bill. Mr. Walsh stated that it guarantees that the people putting on public fireworks displays must establish their expertise to the satisfaction of the State Fire Marshal.

Senator Young questioned why a foreign corporation was so interested

in having this become part of Nevada law. Mr. Walsh stated that as a reputable company, they are being protected from "hackers" who may be responsible for a possible ban on fireworks.

Senator Blakemore questioned if the local fire departments in rural areas would be required to post these insurance policies. Mr. Walsh stated that he believed they would under S.B. 540. Chairman Ashworth questioned why this would be necessary as they are responsible to the State Fire Marshal. Mr. Walsh stated he would have no problem with amending the bill to address that issue. Chairman Ashworth questioned the necessity of the bill because it was his understanding that fireworks displays are not put on without the permission of the local fire department. Mr. Walsh stated that he did not believe this was always the case in the rural areas.

Senator Kosinski expressed concern with relegating this responsibility to the State Fire Marshal as the office does not have a great deal of stability. He questioned, should the office be eliminated, who would have this responsibility. Mr. Walsh stated he believed it would go to the director of the fire protection district but it could be difficult to say. He said this was an area he had not considered.

Mr. Bill Brewer, Assistant State Fire Marshal, stated that he was testifying on behalf of the State Fire Marshal, Mr. Tom Huddleston, who is out-of-state. Mr. Brewer stated that the State Fire Marshal is in favor of S.B. 540 and will support it; however, there are certain areas of problem. He said that in 1976, the State Fire Marshal attempted to regulate the fireworks industry and the citizens of Nevada expressed their opposition to regulation. Chairman Ashworth questioned if the Fire Marshal had had an opportunity to review the bill. Mr. Brewer stated that he had not. Chairman Ashworth stated he would reschedule the hearing after the State Fire Marshal returns. Senator Kosinski requested that the Fiscal Note be available at that time.

Chairman Ashworth closed the hearing on S.B. 540.

As to S.B. 543, Chairman Ashworth told the committee that he had requested Mr. Dick Serdoz, Division of Environmental Protection, to contact Region IX of the Environmental Protection Agency to see if Nevada would be sanctioned should this bill be passed.

Mr. Serdoz stated that he had contacted Mr. Ray Cyphers, Region IX, Environmental Protection Agency, who stated the program could be delayed as long as there are legislative approvals in the statutes but that this would require an amendment to the previously submitted state implementation plans, which would have to be submitted between now and July should this delay take place. Mr. Serdoz stated that this would be a problem. He said that the maintenance and inspection program Nevada has is probably the best savings on the dollar for the consumer; the program that has been approved would result

in an approximate 26 percent reduction in emissions by 1982. He said that if a bus system should be implemented, the cost would be approximately \$6 million per year to the consumer with a savings of approximately \$4.5 million in fuel economy. Senator Blakemore questioned if this would be the proposal submitted to Region IX. Mr. Serdoz stated that it would be. He said it would cost approximately \$2 million per year for equipment purchases and operating and maintenance costs for a reduction of 5 percent; the maximum that can be expected for a bus system. He said that on the \$1 to \$1.5 million per year cost to the citizens, a 26 percent reduction would be obtained; versus, a \$2 million cost to the citizens for a 5 percent reduction in emissions. Chairman Ashworth stated that the bus system would be a cost to the federal government but for the 26 percent reduction, the citizens would be paying for it "directly out of their pockets." Chairman Ashworth stated that there are also more problems in other states than in either Reno or Las Vegas and they choose to do nothing. Mr. Serdoz stated that if the sanctions are the only issue, the sanctions will in all probability not be invoked; however, it will put a burden as to how can this pollution be reduced at a more reasonable rate than what is being achieved with an inspection maintenance program. Chairman Ashworth stated that there was a problem; however, from a practical aspect, he disagreed with the projected reduction resulting from a mandatory inspection program. He stated that Nevada is so far ahead of other states in this area. Senator Blakemore stated that the last sessions of the legislature were told these programs were absolutely necessary and they now find they were not. Chairman Ashworth noted the television advertisements encouraging motorists to get regular tune-ups and stated that he felt the same thing will be accomplished on a voluntary basis. He said that people are growing tired of mandates. Senator Young stated that there may be reasons for extending the time but took exception to the belief that people will immediately react on a voluntary basis. Mr. Serdoz stated that federal funds are available for different programs but there is "no free money"; there are "ties" when receiving this funding.

Senator Faiss questioned if California complies with these federal regulations. Mr. Serdoz stated that they do not and there is no state-wide program.

Mr. Russell McDonald questioned if S.B. 543 were passed, would the counties have to incur any fiscal impact. Mr. Serdoz stated that it was his understanding that once the county makes the determination, it is the responsibility of the Department of Motor Vehicles to implement.

Mr. Serdoz noted that on Page 2 of the bill, the date would need to be changed to July 1, 1981.

S.B. 543 (Exhibit "C")

Senator Blakemore moved to "Amend" and "Do Pass"
S.B. 543,

Seconded by Senator Faiss.

Discussion: The amendment would be to change the date from July 1, 1979 to July 1, 1981.

Motion carried.

Yeas -- 5
Nays -- Kosinski

A.B. 431 (Exhibit "D")

Senator Blakemore moved to "Amend" and "Do Pass" A.B. 431.

Seconded by Senator Neal.

Discussion: The amendment would be to remove the words "and palatability" from subsection 1, Line 8.

Motion carried.

Yeas -- 4
Nays -- Senators Young and Ashworth

A.B. 528

Senator Kosinski stated that should this bill have begun in the Senate, he could see reason to indefinitely postpone; however, as it has been processed by the Assembly and could see some purpose, he spoke in support.

Senator Kosinski moved to "Amend" and "Do Pass" A.B. 528.

Seconded by Senator Faiss.

Discussion: The amendment would be to delete "at the age of 4 years" in subsection 4, Line 16, and insert "who will arrive at the age of 4 years by September 30."

Senator Young questioned why the age of admission to school comes before every session of the legislature. Mr. Petroni stated that it is usually a request by teachers and is uncertain as to the reason.

Motion failed.

Yeas -- 3
Nays -- Senators Young, Blakemore and Ashworth

S.B. 539 (Exhibit "E")

Senator Kosinski requested the bill be held as he has not had the opportunity to review it. He also requested that Assemblyman Vergiels be notified. Chairman Ashworth stated that he had already notified Dr. Vergiels on the bill and said he would like to move it.

Senator Neal moved to "Do Pass" S.B. 539.

Seconded by Senator Young.

Motion carried.

Yeas -- 5

Nays -- None

Not Voting -- Senator Kosinski

A.B. 704 (Exhibit "F")

Senator Kosinski moved to "Amend" by deleting Section 5, Page 2, and "Do Pass" A.B. 704.

Seconded by Senator Faiss.


Motion carried.

Yeas -- 6

Nays -- None

There being no further business, the meeting adjourned at 10:57 am.

Respectfully submitted



Roni Ronemus
Committee Secretary

Approved:



Chairman
Senator Keith Ashworth

Floor Statement on S.B. 539
Nevada Senate
Senator Keith Ashworth

Senate Bill 539 is the result of an effort by the Human Resources Committee, working with a subcommittee of the Assembly Education Committee, to combine Assembly Bill 118 and Senate Bill 25. Assembly Bill 118 resulted from a study conducted by the legislative commission during the past biennium of the structures and functions of the state board of education and the state department of education. Senate Bill 25 was the result of a legislative effort during the same period of time to recodify the statutes.

The bill, if it is enacted, will:

- 1) Clarify the powers and duties of the State Board of Education, the State Superintendent of Public Instruction, and the State Department of Education. This language makes it clear that the role of the State Board is to establish policy and the function of the Superintendent is to administer in accordance with such policy.
- 2) Clarify the role and function of the State Board for Vocational Education and its executive officer in a similar fashion.
- 3) Clarify the role and function of the commission on postsecondary institutional authorization and its administrator.
- 4) Delete obsolete provisions in the statutes.
- 5) Establish a term of office for the Superintendent of Public Instruction.
- 6) Provide general language "clean up."

Statement of the
Nevada Department of Education
to the
SENATE HUMAN RESOURCES COMMITTEE

A.B. 528 - Revises terminology and groupings
for special education programs for
handicapped minors

Mr. Chairman and members of the Human Resources Committee. Assembly Bill 528 is proposed to amend sections of NRS 3888.490. During the past year the Nevada Department of Education, Division of Special Education, held numerous workshops, hearings and participated in many meetings relating to developing an Annual Program Plan and revising the existing Standards and Instructions for Administration of Exceptional Pupil Education Programs. At these meetings consistent concern was expressed by the general population involved with the education of these students that changes should be made in NRS 388.490 to be more reflective of what is happening in the field of special education today. The changes in the wording proposed reflect the consensus opinion of the many people involved.

In addition to the changes in wording, A.B. 528 would also remove the category of "emotional disturbance" from its status as a subset of the "educationally handicapped." There is support from parent organizations and professionals in the area of special education for this change. Such a change would not affect the number of students served and, therefore, has no projected financial ramifications for the districts.

A.B. 528 - Human Resources Committee, Senate

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It does, however, clarify the administration of programs and avoids confusion as to whether a program is for the educationally handicapped or the emotionally disturbed.

Mr. Chairman, the State Board of Education supports the passage of A.B. 528.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 543

 SENATE BILL NO. 543—COMMITTEE ON HUMAN
 RESOURCES AND FACILITIES

APRIL 30, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Changes date after which certain motor vehicles must be inspected for compliance with standards for engine emissions. (BDR 40-1768)

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 air pollution; changing the date after which certain motor vehicles must be inspected for compliance with standards for engine emissions; allowing boards of county commissioners in certain counties to require earlier compliance; 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 445.635 is hereby amended to read as follows:
 2 445.635 The authority set forth in NRS 445.630 providing for a
 3 compulsory motor vehicle emission inspection program is limited as
 4 follows:
 5 1. *[In areas where a program was put into effect before January*
 6 *1, 1977:] Except as provided in this subsection, in counties having a*
 7 *population of 100,000 or more as determined by the last preceding*
 8 *national census of the Bureau of the Census of the United States Depart-*
 9 *ment of Commerce:*
 10 (a) On or after July 1, 1977, and before July 1, *[1979.] 1981*, only
 11 used motor vehicles being registered to a new owner or being registered
 12 for the first time are required to have evidence of compliance;
 13 (b) On or after July 1, *[1979.] 1981*, all used motor vehicles being
 14 registered or reregistered are required to have evidence of compliance.
 15 *The board of county commissioners of those counties may by ordinance*
 16 *require compliance with the provisions of paragraph (b) by a specified*
 17 *date before July 1, 1981.*
 18 2. In other *[areas] counties* where the commission puts a program
 19 into effect:
 20 (a) On or after February 1, 1978, all used motor vehicles being regis-
 21 tered to a new owner are required to have evidence of compliance.

— 2 —

- 1 (b) On or after September 1, 1978, only used motor vehicles being
- 2 registered to a new owner or being registered for the first time in this
- 3 state are required to have evidence of compliance.
- 4 (c) On or after July 1, ~~1979,~~ 1981, all used motor vehicles being
- 5 registered are required to have evidence of compliance.

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A. B. 431

ASSEMBLY BILL NO. 431—ASSEMBLYMEN MANN,
SENA, POLISH AND CHANEY

FEBRUARY 20, 1979

Referred to Committee on Health and Welfare

SUMMARY—Provides for monitoring and reporting by state health officer of certain activities of department of prisons. (BDR 16-71)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Less than \$2,000.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to prisons; requiring that the state health officer examine periodically certain activities of the department of prisons and report his findings to the governing board; 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 209 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *The state health officer shall periodically examine and shall report*
4 *to the board semiannually upon the following operations of the depart-*
5 *ment of prisons:*

6 (a) *The medical and dental services and facilities, based upon the*
7 *standards for health and care facilities as provided by law.*

8 (b) *The nutritional adequacy and palatability of the diet of incarcer-*
9 *ated offenders taking into account the religious or medical dietary needs*
10 *of an offender and the adjustment of dietary allowances for age, sex and*
11 *level of activity.*

12 (c) *The sanitation, healthfulness, cleanliness and safety of its var-*
13 *ious facilities.*

14 2. *The board shall take appropriate action to remedy any deficien-*
15 *cies reported under subsection 1.*

S. B. 539

 SENATE BILL NO. 539—COMMITTEE ON HUMAN
 RESOURCES AND FACILITIES

APRIL 27, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions relating to public elementary and secondary education and private elementary, secondary and postsecondary education. (BDR 34-2150)

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 education; revising provisions relating to public elementary and secondary education, private elementary, secondary and postsecondary education and education of handicapped persons; clarifying that the function of the state board of education is to establish policies and the function of the superintendent of public instruction is to carry out administrative, technical and procedural activities in accordance with such policies; similarly clarifying the functions of the state board for vocational education and its executive officer and the commission on postsecondary institutional authorization and its administrator; deleting obsolete provisions; 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 385 of NRS is hereby amended by adding
 2 thereto the provisions set forth as sections 2 to 6, inclusive, of this act.
 3 SEC. 2. *As used in this Title, unless the context otherwise requires:*
 4 1. "Department" means the department of education.
 5 2. "Public schools" means all kindergartens and elementary schools,
 6 junior high schools and middle schools, high schools and any other
 7 schools, classes and educational programs which receive their support
 8 through public taxation and whose textbooks and courses of study are
 9 under the control of the state board.
 10 3. "State board" means the state board of education.
 11 SEC. 3. *When required, the attorney general shall give his opinion*
 12 *in writing and without fee to the state board and the superintendent of*
 13 *public instruction on matters relating to the powers and duties of the*
 14 *department.*
 15 SEC. 4. *The state board shall establish policies to govern the adminis-*
 16 *tration of all functions of the state relating to supervision, management*
 17 *and control of public schools not conferred by law on some other agency.*

A. B. 704

ASSEMBLY BILL NO. 704—ASSEMBLYMAN DINI

APRIL 4, 1979

Referred to Committee on Government Affairs

SUMMARY—Amends Comstock Historic District Act and authorizes counties to establish historic districts. (BDR 33-1833)

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 historic districts; amending the Comstock Historic District Act; authorizing counties to establish historic districts; 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:

- 1 SECTION 1. NRS 384.010 is hereby amended to read as follows:
2 384.010 [This chapter shall be known and] *NRS 384.010 to 384.-*
3 *210, inclusive*, may be cited as the Comstock Historic District Act.
- 4 SEC. 2. NRS 384.030 is hereby amended to read as follows:
5 384.030 As used in [this chapter:] *NRS 384.010 to 384.210, inclu-*
6 *sive:*
- 7 1. "Commission" means the Comstock historic district commission.
8 2. "Exterior architectural features" means the architectural style,
9 general design and general arrangement of the exterior of a structure,
10 including the kind and texture of the building material, the type and
11 style of all windows, doors, light fixtures and signs, color, and other
12 appurtenant fixtures.
- 13 3. "Historic district" means an area within which structures and
14 places of historical interest are under the protection of the commission.
- 15 4. "Structure" means any building for whatever purpose constructed
16 or used, house trailer as defined in NRS 484.069, *mobile home as defined*
17 *in NRS 484.0795*, stone wall, fence, light fixture, step, paving, advertising
18 sign, bill poster and any fixture appurtenant thereto, but does not include
19 structures or signs of a temporary nature such as those erected for
20 celebrations or parades.
- 21 SEC. 3. NRS 384.050 is hereby amended to read as follows:
22 384.050 1. The governor shall appoint:
23 [(a) On member who is a member of the board of trustees of the
24 Nevada state museum.