

Committee in Session at 8:41 A.M. on Thursday, May 3, 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: Dr. John H. Carr, State Health Division
Mr. Clinton Wooster, Attorney, University of Nevada,
Reno, Nevada
Ms. Peggy Westall, Assemblyman, Washoe District 31
Mr. Tod Medrosian, Assemblyman, North West Reno, Nevada
Mr. Ernie Gregory, Administrator, Environmental
Protection Agency
Ms. Jean Stoess, Washoe County Commission
Mr. Russ McDonald, Washoe County Representative
Ms. Debbie Shelter, Washoe County property owners groups
Mr. Charles Zobell, City of Las Vegas

Chairman Ashworth opened the hearing on S.B. 470.

Dr. John H. Carr, State Health Division, presented Fiscal Note on S.B. 470, Exhibit "A". He stated in the bill on Page 1, Line 15 "state board of pharmacy" has been changed to "state board of health", on Page 2, Lines 3 and 4 have been deleted. Chairman Ashworth stated that the committee has questions as to the fiscal note, requested statement from Dr. Carr as to his opinion of the bill and to give a viable approach to the problems that need to be addressed. Dr. Carr stated that they can administer it and it is a viable approach to the problems of the bill and in his opinion it is needed. Chairman Ashworth stated that Mr. Cohen was to present some amendments and the committee has not as yet received them. He stated the amendments should be presented before processing of this bill. Dr. Carr stated he has the bill with the changes marked that had previously been agreed upon. Mr. Cohen was to meet with Dr. Thomas, Judge Hayes and Dick Hamm and submit recommendations for an amendment to this committee. Chairman Ashworth stated that we need Mr. Cohen to come back to testify and present the amendment and directed Dr. Carr to contact him to return.

Senator Young questioned if this bill was for research and therapy under the guise of research. Dr. Carr stated that it was for both, that basically it is for research, if it can be determined that certain people can be benefitted then it will be therapy also. Chairman Ashworth stated if this bill is to be processed, it would have to be presented to the Finance Committee. Dr. Carr stated the 31 thousand dollars is for two years with two-thirds being spent the first year and one-third the second year. He stated they would like to have any money left over to be carried over to the next year, if this bill goes through. He further stated that the

state Health Division would have to develop their own protocol and study design regarding research and therapy.

Chairman Ashworth brought to the committee attention the letters and phone calls in favor of S.B. 470, (See minutes of 4/27/79 Exhibit "B"). Senator Faiss questioned whether letters had been received in opposition, to which the response was "no".

Senator Kosinski stated he could not identify the cost of the drug in the bill, there was question, when testimony was taken April 27th, as to whether the patient would pay for the drug or whether the state would pay for it. Senator Ashworth stated that testimony was that the patient should pay for it. Senator Kosinski stated it was not indicated in the bill. Dr. Carr stated that there are a lot of other costs that cannot be given until the board had adopted its rules and regulations. Senator Young asked who would handle the collation of the research of it; if it is for therapy then it should so state. Dr. Carr stated he felt that the personnel and resources of the state Health Division could absorb these things. Senator Faiss questioned if the program would be self-sustaining. Dr. Carr stated he did not have enough information on how much it would cost to maintain the program, and that it would depend upon whether the patient paid for the drug.

Chairman Ashworth closed the hearing on S.B. 470.

The hearing was opened on S.B. 527.

Mr. Clinton Wooster, Attorney, University of Nevada, Reno, stated no real agreements have been made with the additional discussions following Tuesday, May 1st testimony. He stated one of the most important points in S.B. 527 was to allow a cemetery authority to relocate a cemetery within a portion of the existing cemetery or in any other cemetery. If the Hillside Cemetery were relocated it would be very desirable to relocate it within a portion of the existing cemetery, according to the Muran family who had testified on Tuesday. Mr. Wooster went on to state that the provisions they are amending are general law and they do not want to get too specific with the Hillside Cemetery. He stated the Muran family wanted some specific safeguards regarding a memorial monument, which would be acceptable to the University. It is his feeling, along with the University, that the specific safeguards should be done in the city ordinance. He said, with some amendments to the general enabling law, the first step the University would have to do would be to get a city ordinance allowing relocation of this specific cemetery. He further stated that in the city ordinance some agreements could be made as to relocation and requirements for a memorial plaque. He stated the Muran family felt there should be some specific safeguards in the general law. Mr. Wooster said it was not appropriate to put things like that in the general law, but that it is appropriate for a city ordinance. Senator Young also stated he did not feel it was appropriate to put all that into the bill. He stated the Muran family should be protected if the University Board of Regents would give them a letter of intent or agreement that they will live up to certain provisions, such as perpetual care.

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Mr. Wooster felt the assurances could be extended to the families involved. Senator Young stated he felt a good faith letter or promise from someone in authority would be desirable. Mr. Wooster stated there were some things they could probably make assurance on: that the cemetery would be relocated within a portion of the existing cemetery; that it would be fenced; that the University would guarantee perpetual care of the relocated site; and that some sort of appropriate memorial plaque would be placed upon the relocated site. He stated a letter from the Board of Regents would be protective to the Muran family, and would meet with President Crowley to get this issue before the Board so some assurances could be made to all the families of people who are buried in the Hillside Cemetery. Chairman Ashworth asked Mr. Wooster if he would be amenable to assist in drafting a resolution and bringing back a letter from the Board of Regents to the families and this committee. Mr. Wooster stated that the only problem is time. Chairman Ashworth stated if there were some assurances, we could send a copy of our minutes and the resolution to the other house and we could concur with it to circumvent the time element. Mr. Wooster stated it was a problem to get the Board of Regents together to consider this and that perhaps he would get something from President Crowley. Chairman Ashworth suggested phoning the Regents, so this bill could move along faster. He also stated that we would like to process the bill because of the bad experiences of the families. Mr. Wooster stated he felt this was all accomplishable, that there was no real objection from the University point of view in trying to give these necessary assurances.

Ms. Peggy Westall, Assemblyman, stated she felt the bill, as written was too broad as the definition would apply to everyone, as it allows anyone: a person, a partnership, an association, a corporation, a public entity, the university who owns, to operate a cemetery. Chairman Ashworth stated it has to be that way because you have to get the people who own or operate the cemetery involved. Ms. Westall asked if the person who owns a cemetery should be allowed to move it. Senator Faiss asked if there were assurances that the headstones would not be dumped into some gully like what happened in the catholic cemetery. Ms. Westall stated there were no assurances that the same thing would not happen. She further stated that headstones cost a lot of money to move and to purchase and put in place and felt the families should not have to pay for the replacement of these headstones, for someone else's convenience. She stated they would want assurances that the headstones would be cared for.

Mr. Wooster asked to review the assurances the committee is interested in for the Board of Regents: Relocated in the existing cemetery; that all of the gravestone markers would be relocated, not destroyed; would do some appropriate thing with the Historical Society memorial plaque on the cemetery; that there would be perpetual care of the relocated site; fencing of the relocated site. He stated he felt all these assurances are reasonable and appropriate with the Universit

There being no further testimony Chairman Ashworth closed the hearing on S.B. 527.

The hearing was opened on A.B. 541.

Mr. Tod Bedrosian, Assemblyman, District #24, Northwest Reno, stated that A.B. 541 addresses a concern and need within the state of Nevada. He stated package sewer plants are a new technology in the area of treating sewage. He said where the municipal sewer lines do not exist the developers and other concerns have used package sewer plants; in other words remote modular plants that can be installed on site, to process sewage. Package sewer plants are something that should be used in isolated incidents where municipal lines do not exist or circumstances prevent the use of municipal processing of the affluent. He said what A.B. 541 is attempting to do is address the situation and set up regulations so it is done right and within proper regulations: guaranteeing the quality of the system, the processing of the sewage which therefore guarantees the quality of the affluent which will be dumped into the waterways or leechfields will be quality affluent and will not be polluting our streams or degrade the water quality. He stated in Section 2, Page 1, line 7 "the residents of" should be deleted.

Senator Rick Blakemore entered the meeting at 9:15.

Mr. Bedrosian stated an average package sewer plant could handle up to 100 homes. He stated there are some in operation now in various developments and some are planned in the future for the Reno-Sparks area new subdivisions. He stated the state has a mandate to protect the quality of the waterways throughout the state and this would help accomplish this. He stated that on the Assembly side of the house Mr. Weiss brought up the concern this bill would not restrict domestic septic tanks. Mr. Bedrosian submitted an amendment to A.B. 541, Exhibit "B". He said Section 2, subsection 3, lines 13 through 16 might be considered to be controversial, because if a developer defaults it is the local governing body, which has the health and safety, to make the plant right. He stated that one of the insurances for the local governing body, and the residents of the subdivision with the package sewer plant, is that the builder is providing a performance bond for at least five years. Senator Kosinski suggested stating, "a bond, or other sufficient security" in Section 2, subsection 4. Mr. Bedrosian stated that he felt that would allow latitude in the language that they are looking for.

Mr. Ernie Gregory, Administrator, Environmental Protection Agency, stated, in answer to Senator Kosinski's question of Page 1, Lines 19 and 20 -"period of at least 5 years" this could be changed to read "after the plant is put into operation". Mr. Bedrosian stated on Page 2, Lines 1 through 10 bear out the default of the developer. He said if the developer defaults then the homeowner will be individually assessed for the operation and maintenance of the plant. Mr. Gregory stated the plant cannot be operated properly through a home owner's association. Senator Kosinski stated he felt on Page 1, Lines 13 through 15, "assumes at least equal responsibility with the builder or developer for the operation and maintenance" should be changed. Mr. Bedrosian asked if the language "in the event of a default" would be take care of the change. Senator Kosinski said to have someone come up with the language to clear it up.

Mr. Bedrosian stated these plants have a "life of 20 years". Senator Young questioned Page 2, Line 28, "becomes available". Mr. Bedrosian stated the way he read the word available means when the line comes to that subdivision. Senator Kosinski suggested the language be changed to "reasonably available" Chairman Ashworth felt you could say "until the capacity is there". Mr. Bedrosian further stated that on Page 2, lines 29 through 32 should be deleted as he believes it is a flaw in the bill. Senator Young asked what happens to the plant when it is no longer needed. Mr. Gregory stated that the plant could be salvaged when a sewer line becomes available. Mr. Bedrosian stated that guidelines are needed. Mr. Gregory stated there was concern about Page 3, Line 24 and 25 that states, "The commission shall determine and prescribe the qualifications and duties of the supervisors." He went on to say there are certification programs for treatment operators which are mandatory in some states, they run theirs on a voluntary basis through the University and through their own department. He said those requirements are pretty well established nationally.

Mr. Charles Zobell, City of Las Vegas, stated he supports this bill because it gives to local government the authority to regulate package sewer plants. He stated they like the language in Section 5 where it states they can have regulations that are even more stringent than those authorized by this act itself, and also that they could require prior approval of the package sewer plan by a local committee created for such a purpose. He stated he was in agreement with the other changes already mentioned.

Mr. Russ McDonald, Washoe County Representative, introduced Ms. Jean Stoess, Washoe County Commission. Mr. McDonald referred to Section 3, subsection 3, asking if that is really what is intended as he does not feel responsibility is there. Senator Kosinski informed him that this was discussed when Mr. McDonald was out of the room. Mr. McDonald said he also hoped the disposition of the proceeds was well taken care of. He feels that the person who owns the condominium, or whatever, should get the proceeds. Senator Kosinski questioned the 5 year period, as to whether there would be a hook-up to the municipal plant then. Mr. McDonald stated at that point it would be up to the local government to assume the responsibility. Mr. Gregory stated that under the permit law they are required to renew the permit on expiration. Mr. McDonald stated that the language could be changed to include "there shall be a renewable bond". Chairman Ashworth asked if Mr. McDonald would advise processing this bill, to which he responded he would prefer Ms. Jean Stoess answer the question.

Ms. Jean Stoess, Washoe County Commission, stated she agrees with more stringent standards on package plants. She stated the developers in her area give them tremendous pressures for the plants. Chairman Ashworth stated that this will be a statewide problem. He further stated it would be wise to go over the bill again with Mr. Medrosian and take no action today. Mr. Medrosian stated the bill needs more work and would be willing to go over it. Ms. Jean Stoess stated she did not know what Section 3, subsection 3 really means and would like to go over it with her board.

She said she questions if package plants should be approved for major developments. Senator Young asked if they had any regulations that indicated they would not approve package plants. Ms. Stoess stated this is still a new problem to them and they are trying to make some standards. Senator Blakemore stated there were too many areas in this bill that needed exceptions written in. Mr. McDonald stated there are going to have to be some minimum standards administratively. Ms. Stoess stated she would be willing to put in some time to work on the bill.

Ms. Debbie Shelter, Representing Virginia Foothills and other property owners groups in Washoe County, stated she did not feel this problem had been adequately addressed by the local entities. She said basically this bill only ties in if you clarify paragraph 3, section 3 which she feels is the biggest problem the entities had. She has no objection to clarifying that when there is a default situation. Speaking for the homeowners groups she stated they are not equipped, nor have the expertise or formal structure to handle it. She further stated if you place this responsibility in the hands of home owners associations, you will have no home owners associations. She said small independent water companies do not work, they do not have the technical support or control at the local level to manage these little independent public utilities. She said the technical review committee in Reno have already recommended "no" to the satellite plant that the developers are putting up the money for. She stated she is speaking for the bill. Chairman Ashworth asked if she would be willing to help clear up the bill, to which she responded she would be glad to.

Chairman Ashworth suggested to Mr. Medrosian that he get the people who volunteered, Mr. Gregory, Ms. Stoess and Ms. Shelter a city representative and Mr. McDonald, to address some of these amendments. Mr. Medrosian said legislation is like sewage, "the more you process it the better it gets". He thanked the committee and those who testified for all the input. He also requested a member of the committee to help out with the amendments. Senator Kosinski volunteered to work with the committee. Chairman Ashworth stated he felt the bill is an important one and needs to be processed. When Mr. Medrosian is ready with the amendments there will be a short hearing on it.

There being no further testimony, the hearing was closed on A.B. 541.

The meeting was adjourned at 10.49 A.M.

Respectfully submitted,


Jean Van Nuys

Approved:



Chairman
Senator Keith Ashworth

Fiscal note on S.B. 470 for development of regulations, security package, grant application, etc., relating to a program to research theraputic affects marijuana.

CAT			
01	1.0 Technical Writer, grade 32.1 plus 8%, plus 16% fringe	- - - - -	\$16,714.73
02	Out of State Travel		
	1 east coast 3 days	\$ 650.00	
	3 San Francisco or Los Angeles or New Mexico (1.5 days each)	<u>450.00</u>	
	TOTAL	- - - - -	\$ 1,100.00
03	In State Travel		
	For Tech. Writer	\$ 2,100.00	
	Boards - 3 member		
	6 meetings peridium	540.00	
	fees	720.00	
	travel	<u>1,000.00</u>	
		\$ 2,260.00	
	* State Board of Health and State Baord of Pharmacy and Others (Dr. Carr, Al Edmundson)	\$ <u>1,600.00</u>	
	TOTAL	- - - - -	\$ 5,960.00
04	Office Supplies	\$ 600.00	
	Communications - telephone	1,000.00	
	post	500.00	
	* Printing	1,000.00	
	Contract: Steno	1,000.00	
	Legal	1,500.00	
	Technical supplies	200.00	
	Advertising and PR	<u>400.00</u>	
	TOTAL	- - - - -	\$ 6,200.00
05	Office Equipment		
	Desk, chair, typewriter		\$ <u>1,650.00</u>
	TOTAL BUDGET		\$31,624.73

* Might vary higher.

Above budget does not include someone to take notes (tape record and retype) minutes of the Board Meetings.



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

May 2, 1979

TELEPHONE (702) 885-4670

MEMORANDUM

To: Tod Bedrosian, Assemblyman
Nevada State Legislature

From: Ernie Gregory *EGG*

Subject: A.B. 541

I would suggest the following wording be added to Section 2 of A.B. 541 to alleviate the concern for individual sewage systems:

New Section

3. "Package plant for sewage treatment" as used in this section does not include plants for the treatment of domestic sewage of less than five-thousand (5,000) gallons capacity.

EGG:mhr