

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
February 6, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 9:05 a.m., Friday, February 6, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman  
Senator James N. Kosinski, Vice Chairman  
Senator Richard E. Blakemore  
Senator Wilbur Faiss  
Senator Virgil M. Getto  
Senator James H. Bilbray

STAFF MEMBER PRESENT:

Sheba L. Frost, Committee Secretary

SENATE BILL NO. 87 -- "Regulates processing and disposal of certain nuclear byproducts."

Mr. James A. Edmundson, Bureau Chief, Consumer Health Protection Services, Health Division, Nevada Department of Human Resources, said that S.B. No. 87 was proposed by his bureau. He said that this bill will assist his bureau in conforming with the federal requirements of the Nuclear Regulatory Commission. This compliance is necessary in order to legally license the uranium mill and tailings ponds. Mr. Edmundson also presented possible amendments to S.B. No. 87 (Exhibit C) which change the word "byproducts" for the words "byproduct material." The use of "byproducts" (utilized by the Legislative Counsel Bureau bill drafters) is not acceptable to the Nuclear Regulatory Commission. Mr. Edmundson added that this term is correctly defined in the relevant statute, NRS 459.010.

Chairman Neal asked the members to refer to the remaining two bills on the agenda.

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES  
FEBRUARY 6, 1981

SENATE BILL NO. 99 (Exhibit D) AND NO. 100 (Exhibit E) --

Mr. Frank Daykin, Legislative Counsel, said that S.B. No. 99 was drafted to remove the conflict between NRS 439.090, which refers to the state health officer being in the classified service; and, NRS 232.340, which provides that the administrator of each division of the department of human resources shall be unclassified unless federal law or regulations require otherwise. Mr. Daykin said that contrary federal regulations do not apply to the state health officer.

Senator Kosinski asked what would happen if during an interim period the federal government would require by regulation that the state health officer be classified. Mr. Daykin replied that NRS 232.340, as written, would supercede the mandate of S.B. No. 99.

Senate Bill No. 100, Mr. Daykin said, is similar to the process of S.B. No. 99 as it amends NRS 381.120 in order to clarify in NRS 381.280 that the curator of the Lost City Museum be in the unclassified service.

Senator Bilbray moved to "Do Pass" Senate Bill No. 99 and Senate Bill No. 100.

Senator Blakemore seconded the motion.

Discussion:

Dr. John Carr, the state health officer, said in regard to S.B. No. 99 that he understood that his position had to be classified in order to receive federal funding for the state agency. He questioned if there had been a change in the law, or its interpretation, in order for S.B. No. 99 to be drafted. Senator Kosinski suggested that Dr. Carr correspond with the relevant federal agencies as soon as possible and determine whether they do require that his position be in the classified service, and then communicate the federal response to the Assembly committee which will process this bill.

The motion carried unanimously.

SENATE JOINT RESOLUTION NO. 10 (Exhibit F) --

Senator Faiss, sponsor of S.J.R. No. 10, said that this bill simply asks Congress to continue its support of

**Library Note:**

During the examination of this set of minutes, page 3 of the meeting was found misfiled after all of the exhibits. The page has been returned to its proper place. The Bates numbering at the bottom of the pages will appear out of order.

Research Library  
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SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES  
FEBRUARY 6, 1981

community health centers. The senator said that the initial funding to establish the centers is provided by federal grants, and continued operational costs must be obtained by either fees-for-service and/or grants from private foundations or donors. The goal of the centers is to become "self-sustaining" within one to two years.

Senator Kosinski remarked that the problem with the community health centers program is they are initiated without state or county commitment. He questioned how the centers can be termed as "self-sustaining" when they must pursue private grants after the federal funding has been desisted. Senator Faiss responded that this is a new concept. However, Senator Faiss felt that the fees charged to those clients who can afford to pay and private grants would carry the centers.

Senator Blakemore moved to "Do Pass" Senate Joint Resolution No. 10.

Senator Bilbray seconded the motion.


The motion carried. (Senators Kosinski and Getto voted "No.")

There being no further business, the meeting adjourned at 9:30 a.m.

Respectfully submitted by:

  
Sheba D. Frost, Secretary

APPROVED BY:

  
\_\_\_\_\_  
Senator Joe Neal, Chairman

DATE: Feb. 10, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 .

Day Friday , Date February 6 , Time 9:00 a.m.

S. B. No. 99--Removes conflicting and duplicative statutory provisions respecting the state health officer

S. B. No. 100--Removes statutory conflict concerning classifications of personnel of Lost City museum.

S. J. R. No. 10--Urges Congress to continue its support of community health centers.





STATE OF NEVADA  
DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF HEALTH  
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES

EXHIBIT C

505 EAST KING STREET  
CARSON CITY, NEVADA 89710  
TELEPHONE: (702) 865-4750

620 BELROSE STREET  
LAS VEGAS, NEVADA 89158  
TELEPHONE: (702) 385-0241

PROPOSED AMENDMENTS TO S.B. 87

The Legislative Council Bureau has substituted the word "byproducts" for the words "byproduct material." The United States Regulatory Commission does not accept this substitution. Attached is a letter to NRC and their reply explaining their reasons.

The following changes will be necessary in order to be compatible with NRC:

Page 2, line 2 - ...which results in [byproducts] byproduct material of uranium or thorium must contain...

Page 2, line 12 - ...and the [byproducts] byproduct material which resulted...

Page 2, line 16 - ...and to the [byproducts] byproduct material which resulted from the...

Page 2, line 30 - ...the [byproducts] byproduct material and land in...

Page 2, line 33 - ...land and [byproducts] byproduct material so placed...

Page 2, line 37 - ...the [byproducts] byproduct material and land...

Page 2, line 42 - ...to examine [byproducts] byproduct material of uranium...

Page 2, line 46 - ...management of [byproducts] byproduct material must...

In order to be compatible with NRC the following changes should not be made:

Page 3, line 3

Page 3, line 13

Page 4, line 1

Page 4, line 12

Page 4, line 38



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JAN 30 1981

RECEIVED

FEB 04 1981

Mr. John Vaden, Supervisor  
Radiological Health  
Division of Health  
505 East King Street  
Carson City, Nevada 89710

Consumer Health  
Protection Services

Dear Mr. Vaden:

We are pleased to reply to your letter of December 30, 1980, concerning the use of the term "Byproduct Material."

The term, "Byproduct Material" has its origins in the Atomic Energy Act of 1954, Section 11(e). (Enclosure 1) Congress, by that statute, gave the term a precise meaning. The model enabling act adopted by and suggested by the Council of State Governments also incorporates the term (Enclosure 2). In 1978, Congress in passing the Uranium Mill Tailings Radiation Control Act, extended the meaning of the term to also include tailings resulting from the processing of ore primarily for their source material (uranium and thorium) content. (Enclosure 3) Thus, the term "Byproduct Material" has a clear and precise meaning given to it by Federal statute. In the 26 years since its original definition by Congress, it has become incorporated into numerous State statutes and State and Federal regulations.

The proposed use of the alternate term, "Byproducts" will, at a minimum, cause much confusion. The term "byproducts" has a far broader meaning, is not used in the Atomic Energy Act, as amended, and does not possess the narrow and precise meaning as the term "Byproduct Material." We expect the Agreement States, as a matter of compatibility, to follow exactly, the basic terminology of the Atomic Energy Act as amended. More to the point, the use of "Byproducts" in lieu of "Byproduct Materials" is not acceptable to NRC.

Sincerely,

A handwritten signature in cursive script that reads "G. Wayne Kerr".

G. Wayne Kerr, Director  
Office of State Programs

Enclosures:  
As Stated

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STATE OF NEVADA  
DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF HEALTH  
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES

*talk* *JVL*  
*F/Whit*

505 EAST KING STREET  
CARSON CITY, NEVADA 89710  
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620 BELROSE STREET  
LAS VEGAS, NEVADA 89158  
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December 30, 1980

G. Wayne Kerr  
Director for State Agreements Program  
Office of State Programs  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Wayne:

We are introducing legislation in the January, 1981 session to implement the model State act for UMTRCA. The head of the State Legislative Counsel Bureau who reviews proposed legislation and regulations for form has objected to the term "Byproduct Material", as not being proper english. He plans to substitute the term "Byproducts" for "Byproduct Material" and is introducing legislation to amend the Nevada Revised Statutes, Chapter 459, to substitute "Byproducts" in each instance where "Byproduct Materials" is mentioned.

I would appreciate your referring this matter to NRC counsel for a determination as to whether:

1. The change in NRS will in any way interfere with acceptance of Nevada's program to retain regulatory authority over uranium mills.
2. The existing Agreement between Nevada and the Commission will need to be changed as regulatory authority over byproduct material was transferred.
3. There are many definitions of the term "byproducts" already in Federal law and particularly in laws associated with NRC, that are not the same as the definition for byproduct material..

Sincerely,

John Vaden  
Supervisor  
Radiological Health

JV/dld

EXHIBIT D

**S. B. 99**

SENATE BILL NO. 99—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

JANUARY 27, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Removes conflicting and duplicative statutory provisions  
respecting the state health officer. (BDR 40-35)

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 the state health officer; confirming his position in the unclassified service of the state under NRS 232.340 by removing conflicting statutory provisions; removing duplicative statutory provisions respecting his appointment, salary and expenses; 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 439.090 is hereby amended to read as follows:  
2 439.090 [1. The state health officer shall:  
3 (a) Be appointed on the basis of merit under the provisions of chapter  
4 284 of NRS.  
5 (b) Be in the classified service of the state.  
6 (c) Be responsible to the director.  
7 2.] The state health officer [shall:  
8 (a)] *must*:  
9 1. Be a citizen of the United States.  
10 [(b)] 2. Be certified, or eligible for certification, by the American  
11 Board of [Preventative] *Preventive* Medicine.  
12 [(c)] 3. Be licensed, or eligible for licensure, as a doctor of medi-  
13 cine to practice in Nevada.  
14 [(d)] 4. Have had 2 years' experience, or the equivalent, as the  
15 administrator of:  
16 [(1)] (a) A full-time county or city health facility or depart-  
17 ment; or  
18 [(2)] (b) A major health program at a state or national level.  
19 SEC. 2. NRS 439.120 is hereby repealed.  
20 SEC. 3. This act shall become effective upon passage and approval.

EXHIBIT E

S. B. 100

SENATE BILL NO. 100—COMMITTEE ON  
HUMAN RESOURCES AND FACILITIES

JANUARY 27, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Removes statutory conflict concerning classifications of  
personnel of Lost City museum. (BDR 33-42)

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 the Nevada state museum; removing a statutory conflict concerning the position of the curator and employees of the Lost City museum in the unclassified service of the state; 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 381.120 is hereby amended to read as follows:  
2 381.120 1. The governor shall appoint a director from a list of  
3 three names submitted by the board. The director of the Nevada state  
4 museum [shall] *must* be a person who has:  
5 (a) An advanced degree in science or history; and  
6 (b) At least 3 years' experience in managing a museum.  
7 2. The director may employ and fix the duties, powers and condi-  
8 tions of employment of all curators, assistants, janitors, laborers, guards  
9 and employees of the Nevada state museum.  
10 3. Except for the director and two assistants, *and except as provided*  
11 *in NRS 381.280*, all employees of the Nevada state museum whose  
12 salaries are paid from [the] *an appropriation from the state general*  
13 *fund [appropriation]* are in the classified service of the state. The  
14 director is in the unclassified service. The director may, within the  
15 limits of legislative appropriation, fix the annual salaries of the two  
16 assistants.  
17 4. When any employee is required to perform any travel in con-  
18 junction with his duties and at the specific instruction of his supervisor,  
19 he [shall] *is entitled to* be reimbursed for [such] *that* expense. [as  
20 provided by law.]  
21 5. The director shall devote his entire time and attention to the

1 business of his office and shall not pursue any other business or occupa-  
2 tion or hold any other office of profit.

3 SEC. 2. This act shall become effective upon passage and approval.

**EXHIBIT F**

**S. J. R. 10**

SENATE JOINT RESOLUTION NO. 10—SENATORS FAISS,  
DON ASHWORTH, KEITH ASHWORTH, BILBRAY, BLAKE-  
MORE, CLOSE, ECHOLS, FORD, GETTO, GIBSON, GLASER,  
HERNSTADT, JACOBSEN, KOSINSKI, LAMB, McCORKLE,  
NEAL, RAGGIO, WAGNER AND WILSON

JANUARY 27, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Urges Congress to continue its support of  
community health centers. (BDR 1052)

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.

SENATE JOINT RESOLUTION—Urging the Congress of the United States  
to continue its support of community health centers.

- 1 WHEREAS, Persons with low or fixed incomes experience difficulty in
- 2 acquiring the medical attention and care necessary to maintain proper
- 3 health; and
- 4 WHEREAS, Community health centers provide necessary medical serv-
- 5 ices of a high quality at a cost which persons with low or fixed incomes
- 6 can afford and these services help reduce the need for more costly hos-
- 7 pitalization; and
- 8 WHEREAS, Community health centers contribute to the local economy
- 9 by creating opportunities for employment, by patronizing local suppliers
- 10 and hospitals and by using the services of physicians in private practice;
- 11 and
- 12 WHEREAS, Community health centers have demonstrated that they are
- 13 in many other ways positive and constructive forces in their communi-
- 14 ties; now, therefore, be it
- 15 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
- 16 That the Nevada legislature hereby urges the Congress of the United
- 17 States to continue its financial support of community health centers; and
- 18 be it further
- 19 *Resolved,* That a copy of this resolution be immediately transmitted
- 20 by the legislative counsel to the Vice President of the United States as
- 21 President of the Senate, to the Speaker of the House of Representatives

1 and to all members of the Nevada congressional delegation; and be it  
2 further  
3 *Resolved*, That this resolution shall become effective upon passage and  
4 approval.

