

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

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 2, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 9:07 a.m., Monday, March 2, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBER ABSENT:

Senator Richard E. Blakemore

GUEST LEGISLATOR PRESENT:

Senator Lawrence E. Jacobsen

STAFF MEMBER PRESENT:

Sheba L. Frost, Secretary

SENATE BILL NO. 273 -- "Removes state officer from serving on Comstock historic district commission."

Senator Lawrence Jacobsen, sponsor of S.B. No. 273, said that although the bill requests that the administrator of the state division of historic preservation and archeology be removed as a member of the Comstock historic district commission, he still would like to have the department of conservation and natural resources, or another appropriate agency, maintain an overall communication with the commission. Senator Getto commented that there may be a bill in the Assembly which would transfer the jurisdiction of this commission to another state department.

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Mr. Roland Westergard, director of the state department of conservation and natural resources, said S.B. No. 273 was introduced at the department's request. Mr. Westergard said it was felt that having a state division administrator as a member of the historic commission may, at some time, present a conflict of interest. Mr. Westergard stated for the record that the department supports the concept of the historic district commission and is only concerned about the structure of the membership. Mr. Westergard suggested that S.B. No. 273 could be held until the legislation proposing to transfer the jurisdiction of this commission to another state department receives committee action in the Assembly. Mr. Westergard said that the director of that department may wish to retain a person in his agency as a member of this commission.

Mr. Westergard stated to the committee, if S. B. No. 273 should pass, his department would still provide technical assistance to the commission.

Mr. Pete Morros, deputy director of the department of conservation and natural resources, stated that the administrator of the division of historic preservation and archeology has, in the past, spent a great deal of time acting in behalf of the commission on mining development concerns in the Virginia City area. And, Mr. Morros said, due to the time involved in those matters, the administrator was not able to spend the time needed for his other duties.

Mr. Westergard said to Chairman Neal regarding the transfer of this commission to another state agency such as the state department of museums and history that an advantage to this transfer would be the common subject interest. The disadvantage, Mr. Westergard said, would be the consideration of the matters before the commission as natural resources too, and not just historic resources.

Chairman Neal said S.B. No. 273 would be held until the related legislation in the Assembly could be reviewed.

Chairman Neal said the remainder of the meeting would be an administrative hearing to consider action on bills which have already been heard.

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Senate Bill No. 180 -- Exhibit B

Senator Kosinski moved to Amend and Do Pass S.B. No. 180 by changing lines 4-5, Section 1, ss. 1, to require that the state welfare board meet at least once per year "as the board, the chairman of the board, the administrator or the director deems necessary." And, to amend by deleting the proposed language changes of Section 2.

Senator Getto seconded the motion.

The motion carried. (Senator Blakemore -- absent for the vote.)

Senate Bill No. 74 -- "Assigns duties to state fire marshal division and directs that special radio frequency be designated."

The committee decided not to take voting action on this bill until the amendments proposed by Mr. John Crossley, audit division, legislative counsel bureau, could be further explained.

Senate Bill No. 168 -- "Simplifies organizational structure for providing library services."

Senator Kosinski moved to Indefinitely Postpone S.B. No. 168.

Senator Faiss seconded the motion.

The motion did not carry. (Senators Neal and Bilbray voted "No"; Senator Blakemore was absent for the vote.)

Senate Bill No. 165 -- Exhibit C

Senator Faiss moved to Amend and Do Pass S.B. No. 165 by changing line 4, page 3, Section 5, ss. 3-c to read: "signed by not less than a majority of the assessed value of the described territory"; line 40, page 4, Section 7, ss. 2, delete the unnecessary bracket; and page 5, line 2, Section 8, ss. 2-a, change the reference to NRS 475.240 to NRS 475.230.

Senator Bilbray seconded the motion.

The motion carried. (Senator Blakemore -- absent for the vote.)

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Chairman Neal presented the following Bill Draft Requests to the committee for their consideration and each received committee introduction:

BDR 40-660 -- "Requires largest counties to provide facilities for alcohol abusers." (S.B. 332)

BDR 33-890 -- "Authorizes additional trustees for certain district libraries." (S.B. 333)

BDR 40-891 -- "Requires department of motor vehicles to include licensee's preference concerning anatomical gifts on driver's license." (S.B. 330)

BDR 34-937 -- "Clarifies law relating to emergency financial assistance to public schools." (S.B. 326)

BDR 34-1021 -- "Alters formula for allocating vehicle privilege tax to school districts and requires use of portion of tax for school construction." (S.B. 328)

BDR 54-1177 -- "Removes restrictions on locations where optometry may be practiced." (S.B. 329)

BDR 34-1471 -- "Provides for special financial assistance to school districts providing instruction for children in detention homes." (S.B. 331)

BDR 34-1472 -- "Provides for state financing and administration of special education for severely handicapped pupils." (S.B. 327)

There being no further business, the meeting adjourned at 10:45 a.m.

Respectfully submitted by:

APPROVED BY:



Senator Joe Neal, Chairman


Sheba L. Frost, Secretary

DATE: 3-9-81

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 .

Day Monday , Date March 2 , Time 9:00 a.m. :

S. B. No. 273--Removes state officer from serving on
Comstock historic district commission.

S. B. 180

SENATE BILL NO. 180—COMMITTEE ON
HUMAN RESOURCES AND FACILITIES

FEBRUARY 3, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Changes requirements concerning meetings of state welfare board and standing committees of medical care advisory group. (BDR 38-164)

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 administration of welfare; changing requirements concerning meetings of the state welfare board and the standing committees of the medical care advisory group; 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 422.110 is hereby amended to read as follows:
2 422.110 1. The members of the board shall meet at such times and
3 at such places as the board, the chairman of the board, the administrator
4 or the director [shall deem necessary, but a meeting of the board shall
5 be held at least once each calendar quarter.] *deems necessary.*
6 2. Four members of the board [shall] constitute a quorum, and
7 [such] a quorum may exercise all the power and authority conferred on
8 the board.
9 3. The board shall keep minutes of the transactions of each board
10 session, regular or special, which [shall be] *are* public records and
11 *must be* filed with the welfare division.
12 SEC. 2. NRS 422.157 is hereby amended to read as follows:
13 422.157 1. The standing committees and the members of each
14 committee of the medical care advisory group are as follows:
15 (a) A consumer recipient committee consisting of seven members
16 who represent the general public or who represent assistance programs,
17 including but not limited to supplemental security income, state aid to
18 the medically indigent, or foster parents.
19 (b) A dental committee consisting of five dentists who are licensed
20 to practice in [the State of Nevada.] *this state.*
21 (c) A hospital committee consisting of seven hospital administrators
22 representing private and public hospitals.

1 (d) A long-term care committee consisting of five [health care pro-
2 fessionals who practice] *practitioners who provide health care* in inter-
3 mediate care facilities or skilled nursing facilities.

4 (e) A pharmacy committee consisting of six pharmacists who hold
5 certificates as registered pharmacists in [the State of Nevada.] *this state.*

6 (f) A physician committee consisting of 12 physicians who are
7 licensed to practice in [the State of Nevada.] *this state.*

8 2. At the first meeting subsequent to their appointment, the mem-
9 bers of each committee shall elect a chairman.

10 3. Each committee shall meet at such times [as the director, the
11 chairman of the medical care advisory group or the committee deems
12 necessary.] *and such places as the committee, the chairman of the medi-
13 cal care advisory group, the administrator or the director deems neces-
14 sary.*

EXHIBIT C

SENATE BILL NO. 165

S. B. 165

SENATE BILL NO. 165—SENATOR JACOBSEN

FEBRUARY 2, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Grants state forester firewarden authority to prohibit, restrict or limit certain activities in fire protection district. (BDR 42-325)

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 fire protection; granting the state forester firewarden the authority to prohibit, restrict or limit specified activities in a fire protection district; allowing money from the budget of the division of forestry of the state department of conservation and natural resources to be used to pay expenses for emergencies which threaten human life; providing also for the payment of such expenses from the reserve for statutory contingency fund; 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 472 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *The state forester firewarden may use any money appropriated to the*
4 *division of forestry of the state department of conservation and natural*
5 *resources for paying expenses incurred in fighting fires or in emergencies*
6 *which threaten human life.*
7 SEC. 2. NRS 472.045 is hereby amended to read as follows:
8 472.045 1. Upon written request from the state forester firewarden,
9 the state controller shall draw his warrant in favor of the state forester
10 firewarden in the sum of \$2,500, and upon its presentation to the state
11 treasurer, the state treasurer shall pay it from the state general fund.
12 2. The state forester [firewarden] *firewarden's* revolving account in
13 the amount of \$5,000 may be used by the state forester firewarden for the
14 purpose of paying temporary labor hired for firefighting [purposes] *or*
15 *the saving of human life* and other obligations requiring prompt payment
16 in connection with [firefighting] *these* operations, but for no other pur-
17 poses.
18 3. All claims paid by the state forester firewarden [shall] *must* be
19 passed upon by the state board of examiners in the same manner as other
20 claims against the state. When approved by the state board of examiners,
21 the state controller shall draw his warrant for the amount of the claim in

1 favor of the state forester [firewarden] firewarden's revolving account to
2 be paid to the order of the state forester firewarden, and the state treas-
3 urer shall pay the warrant.

4 4. The state forester firewarden [is directed to] shall deposit the
5 state forester [firewarden] firewarden's revolving account in one or more
6 banks and [to] secure the deposit by a depositary bond satisfactory to
7 the state board of examiners.

8 SEC. 3. Chapter 473 of NRS is hereby amended by adding thereto
9 the provisions set forth as sections 4 and 5 of this act.

10 SEC. 4. 1. *The state forester firewarden may prohibit, restrict or*
11 *limit specified activities within the boundaries of any fire protection dis-*
12 *trict governed by this chapter when a danger to public safety or natural*
13 *resources exists.*

14 2. *The state forester firewarden shall make a public announcement*
15 *and post signs in any district where he has prohibited, restricted or lim-*
16 *ited any activities.*

17 3. *The state forester firewarden shall, upon finding that a danger to*
18 *public safety or to natural resources no longer exists, make known to the*
19 *public the end of any prohibition, restriction or limitation in that district.*

20 4. *The provisions of this section apply only to specified prohibitions,*
21 *restrictions or limitations and do not confer upon the state forester fire-*
22 *warden the power to prohibit access to land.*

23 5. *Any person violating any of the provisions of this section is guilty*
24 *of a misdemeanor.*

25 SEC. 5. 1. *Territory may be excluded from any fire protection dis-*
26 *trict organized under this chapter in the manner provided in subsections*
27 *2, 3 and 4.*

28 2. *Should any portion of the territory included in a fire protection*
29 *district be:*

30 (a) *Annexed to an incorporated city or lands adjacent to an incorpo-*
31 *rated city be zoned for residential, small estates or commercial use pur-*
32 *suant to law, the state forester firewarden may declare the portion so*
33 *annexed or zoned to be excluded from the district, and he shall change*
34 *the district boundary to conform to the annexation or zoning.*

35 (b) *Used or zoned as industrial, commercial, residential or agricultural*
36 *land, the state forester firewarden shall, immediately upon receiving a*
37 *written petition:*

38 (1) *Requesting exclusion from the district;*

39 (2) *Containing the description of 10 or more contiguous parcels of*
40 *land within the territory so used or zoned as industrial, commercial, resi-*
41 *dential or agricultural land which parcels are each owned separately by*
42 *different persons; and*

43 (3) *Signed by not less than a majority of the owners of the described*
44 *territory sought to be excluded,*
45 *determine the feasibility of excluding that territory and shall notify the*
46 *board of directors of the district of his decision.*

47 3. *Should any portion of the territory included in a fire protection*
48 *district be:*

49 (a) *Fifteen acres or less of irrigated land;*

50 (b) *Owned by less than 10 owners; and*

1 (c) *Abutting on a portion of the district's boundary, the state forester*
2 *firewarden shall, immediately upon receiving a written petition requesting*
3 *exclusion from the district, containing a description of the land, and*
4 *signed by not less than a majority of the owners of the described territory*
5 *sought to be excluded,*
6 *determine the feasibility of excluding that territory and shall notify the*
7 *board of directors of the district of his decision.*

8 4. *The board of directors, upon receipt of a notice in writing from*
9 *the state forester firewarden of a decision to exclude territory from the*
10 *fire protection district, shall prepare a resolution:*

11 (a) *Describing the territory to be excluded; and*

12 (b) *Stating the purpose of its exclusion.*

13 *Upon the adoption of the resolution the board of directors shall forth-*
14 *with notify the state forester firewarden of the resolution. The territory is*
15 *excluded from the fire protection district from the date of the resolution.*

16 SEC. 6. NRS 473.035 is hereby amended to read as follows:

17 473.035 1. *[[The boundaries of] New territory may be included in*
18 *any fire protection district organized under this chapter [may be altered*
19 *by:*

20 (a) *The inclusion of new territory therein] in the manner provided in*
21 *subsections 2 to 5, inclusive.*

22 *[[b) The exclusion of territory comprising a part of the district in the*
23 *manner provided in subsection 6 or 7.]*

24 2. *Upon receiving a written petition containing a description of the*
25 *territory proposed to be included (which territory [shall] must be con-*
26 *tiguous to the district), which petition [shall] must contain a statement*
27 *advising the signers that their property will be subject to the levy of a tax*
28 *for the support of the fire protection district, and be signed by not less*
29 *than a majority of the property owners within such territory, the state*
30 *forester firewarden shall determine the feasibility of including [such]*
31 *that territory and shall notify the board of directors of the district of his*
32 *decision.*

33 3. *The board of directors, upon receipt of a notice in writing from*
34 *the state forester firewarden of the decision to include territory in the fire*
35 *protection district, shall prepare a resolution:*

36 (a) *Describing the territory to be included; and*

37 (b) *Stating the purpose for [such] its inclusion.*

38 4. *Upon the adoption of the resolution the board of directors shall*
39 *forthwith notify the state forester firewarden of such resolution. [Such]*
40 *The territory [shall be deemed to be included] is in the fire protection*
41 *district from the date of such resolution.*

42 5. *Upon the inclusion of any contiguous territory in a fire protection*
43 *district the state forester firewarden shall [establish rules and] adopt reg-*
44 *ulations for the organization of the territory to meet the terms of the*
45 *Clarke-McNary Act.*

46 *[6. Should any portion of the territory included in a fire protection*
47 *district be:*

48 (a) *Annexed to an incorporated city or lands adjacent to an incorpo-*
49 *rated city be zoned for residential, small estates or commercial use pur-*
50 *suant to law, the state forester firewarden may declare the portion so*

1 annexed or zoned to be excluded from the district, and he shall change
2 the district boundary to conform, to the annexation or zoning.

3 (b) Used or zoned as industrial, commercial, residential or agricul-
4 tural land, the board of directors shall, immediately upon receiving a
5 written petition:

6 (1) Requesting exclusion from the district; and

7 (2) Containing the description of 10 or more contiguous parcels of
8 land within the territory so used or zoned as industrial, commercial, resi-
9 dential or agricultural land which parcels are each owned separately by
10 different persons; and

11 (3) Signed by not less than a majority of the owners of the described
12 territory sought to be excluded,
13 adopt a resolution describing the territory and excluding it from the dis-
14 trict. Such territory shall be deemed to be excluded from the fire protec-
15 tion district from the date of the adoption of such resolution.

16 7. Should any portion of the territory included in a fire protection
17 district be:

18 (a) Fifteen acres or less of irrigated land;

19 (b) Owned by less than 10 owners; and

20 (c) Abutting on a portion of the district's boundary, the board of
21 directors shall, immediately upon receiving a written petition requesting
22 exclusion from the district, containing a description of the land, and
23 signed by not less than a majority of the owners of the described terri-
24 tory sought to be excluded, adopt a resolution describing the territory and
25 excluding it from the district. Such territory shall be deemed to be
26 excluded from the fire protection district from the date of the adoption of
27 such resolution.]

28 SEC. 7. NRS 473.080 is hereby amended to read as follows:

29 473.080 [1.] Within the boundaries of any fire protection district
30 organized under this chapter, any person, firm, association or agency
31 responsible for causing [such] any fire or [fires] other emergency
32 which threatens human life may be charged with the expenses incurred in
33 extinguishing [such fire or fires,] the fire or meeting the emergency,
34 together with the cost of necessary patrol. [Such a charge shall constitute
35 a debt of such] This charge constitutes a debt of the person, firm, asso-
36 ciation or agency charged and [shall be] is collectible by the federal,
37 state or county agency incurring such expenses in the same manner as in
38 the case of an obligation under a contract, express or implied.

39 [2. This section shall not apply to or affect any existing rights, duties
40 or causes of action. [, nor shall it apply to or affect any rights, duties or
41 causes of action accruing prior to March 18, 1953.]

42 SEC. 8. NRS 353.264 is hereby amended to read as follows:

43 353.264 1. The reserve for statutory contingency fund is hereby
44 created as a trust fund.

45 2. The state board of examiners shall administer the reserve for
46 statutory contingency fund, [shall be administered by the state board of
47 examiners,] and the money in the fund may be expended only for:

48 (a) The payment of claims which are obligations of the state under
49 NRS 41.03435, 41.0347, 41.0349, 41.037, 176.485, 179.310, 212.040,

1 212.050, 212.070, 214.040, 282.290, 282.315, 293.253, 293.405, 298.-
2 155, 353.120, 353.262, 412.154, and 475.240; and

3 (b) The payment of claims which are obligations of the state under:

4 (1) *Chapter 472 of NRS arising from operations of the division of*
5 *forestry directly involving the protection of life and property; and*

6 (2) NRS 7.125, 176.223, 177.345, 179.225, 213.153 and subsec-
7 tion 4 of NRS 361.055,

8 but such claims must be approved for the respective purposes listed in
9 in this paragraph only when the money otherwise appropriated for those
10 purposes has been exhausted.

11 SEC. 9. The enlargement of the financial responsibility of persons
12 whose conduct creates a threat to life does not apply to any such conduct
13 which occurred before July 1, 1981.