

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

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
June 3, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal in the Senate Chambers of the Legislative Building, Carson City, Nevada.

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

ASSEMBLY BILL NUMBER 663 (EXHIBIT A)

Senator Getto moved to "Do Pass" Assembly Bill No. 663.

Senator Faiss seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NUMBER 200 (EXHIBIT B)

Senator Bilbray moved to re-refer Assembly Bill No. 200 to the Senate Floor with no recommendation.

Senator Faiss seconded the motion.

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

There being no further business, the meeting adjourned.

Respectfully submitted:



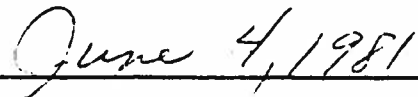
Connie S. Richards, Committee Secretary

APPROVED BY:



Senator Joe Neal, Chairman

DATE: _____



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 663

**ASSEMBLY BILL NO. 663—COMMITTEE ON
GOVERNMENT AFFAIRS**

MAY 13, 1981

Referred to Committee on Government Affairs

SUMMARY—Revises certain statutory provisions concerning certificates of appropriateness and placement of mobile homes in Comstock historic district. (BDR 33-1933)

**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 Comstock historic district; providing for an agreement concerning the placement of mobile homes within the district; authorizing a fee for issuing certificates of appropriateness; providing for an appeal to a citizens' board of appeals upon a refusal to issue a certificate of appropriateness; 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 384 of NRS is hereby amended by adding**
2 **thereto a new section which shall read as follows:**
3 **1. *The citizens' board of appeals for the Comstock historic district,***
4 ***consisting of three voting members and one nonvoting member who***
5 ***serves as chairman, is hereby created.***
6 **2. *The board of county commissioners of Storey County shall***
7 ***appoint two members who are residents of that county and the board of***
8 ***county commissioners of Lyon County shall appoint one member who is***
9 ***a resident of that county. Each of the persons appointed must have a***
10 ***knowledge of and interest in the history and historic architecture of the***
11 ***historic district.***
12 **3. *The governor shall appoint one member to serve as the chairman***
13 ***of the board of appeals without a vote. The person appointed must be***
14 ***knowledgeable in laws relating to the preservation of historic structures***
15 ***and in the historic architecture of the American west.***
16 **4. *After the initial appointments, the members appointed by the***
17 ***boards of county commissioners serve for terms of 3 years. The member***
18 ***appointed by the governor serves for a term of 4 years.***
19 **5. *Any vacancy must be filled by the appointing authority for the***
20 ***remainder of the unexpired term.***

1 6. *Each member of the board of appeals is entitled to receive a salary*
2 *of \$40 for each day's attendance at a meeting of the board. The salaries*
3 *must be paid from the proceeds of any fee charged for the issuance of a*
4 *certificate of appropriateness.*

5 SEC. 2. NRS 384.100 is hereby amended to read as follows:

6 384.100 1. The commission [may] shall establish an historic dis-
7 trict in such portions of Storey and Lyon counties as it may designate as
8 provided in NRS 384.010 to 384.210, inclusive, embracing an area
9 within which historic structures, sites and railroads relating to the Com-
10 stock lode and its history are or were located.

11 2. Before establishing [any such] the district, the commission shall
12 hold a public hearing after giving notice of the time and place of [such]
13 the hearing in a newspaper of general circulation in each county a
14 portion of which is located within the proposed district.

15 3. [Such notice shall] The notice must be published once a week
16 for 3 consecutive weeks and [shall] must include the purpose of the
17 hearing and the boundaries of the proposed district.

18 4. At [such] the hearing any person may appear in support of or
19 in opposition to the establishment of [such] the district.

20 5. Within 15 days after the hearing the commission shall:

21 (a) Establish an historic district and fix its boundaries; or

22 (b) Determine not to establish an historic district.

23 6. If an historic district is established, notice thereof [shall] must
24 be given by one publication in a newspaper of general circulation in
25 each county a portion of which is located within the district.

26 7. The commission may alter or change the boundaries of the dis-
27 trict by following the same procedure as provided in this section for
28 the establishment of a district.

29 8. After an historic district is established, no houstrailer, [or]
30 mobile home, or recreational vehicle may be placed or established in any
31 area within the district, unless the commission and the board of county
32 commissioners in the appropriate county, by agreement, permit the
33 establishment of a trailer overlay or the location of a mobile home park
34 within the district, upon a finding that such action is needed and that it
35 would not conflict with the historic aspect and character of the affected
36 area.

37 SEC. 3. NRS 384.150 is hereby amended to read as follows:

38 384.150 1. If the commission determines that the proposed con-
39 struction, reconstruction, restoration, alteration, moving or razing of the
40 exterior architectural feature involved will be appropriate, or, although
41 inappropriate, that failure to issue a certificate would result in hardship
42 as provided in subsection 2 of NRS 384.130, or if the commission fails
43 to make a determination within the time prescribed in NRS 384.130,
44 the commission shall immediately issue to the applicant a certificate of
45 appropriateness. *The commission may charge and collect a reasonable*
46 *fee for issuing the certificate. If a fee is charged, 50 percent of the pro-*
47 *ceeds must be deposited in the state general fund for credit to the appro-*
48 *priate account for the Comstock historic district and 50 percent must be*
49 *deposited in a nonreverting account for the restoration of the fourth ward*
50 *school in Virginia City, which is hereby created. Money in the account*

1 for the restoration of the fourth ward school may be expended only upon
2 approval by the commission.

3 2. In exercising the power to vary or modify strict adherence to the
4 provisions of NRS 384.010 to 384.210, inclusive, or to interpret the
5 meaning of NRS 384.010 to 384.210, inclusive, so as to relieve hard-
6 ship under the provisions of subsection 2 of NRS 384.130, the com-
7 mission shall require any variance, modification or interpretation to be
8 in harmony with the general purpose and intent of NRS 384.010 to
9 384.210, inclusive, so that the general historical character of the district
10 [shall be] is conserved and substantial justice done. In allowing varia-
11 tions, the commission may impose such reasonable and additional condi-
12 tions as will, in its judgment, better fulfill the purposes of NRS 384.010
13 to 384.210, inclusive.

14 3. If the commission determines that a certificate of appropriateness
15 should not issue, it shall immediately set forth in its records the reasons
16 for [such] the determination, and may include recommendations
17 respecting the proposed erection, construction, restoration, alteration,
18 moving or razing, and shall immediately notify the applicant of [such]
19 the determination by transmitting to him an attested copy of the reasons
20 and recommendations, if any, as set forth in the records of the commis-
21 sion.

22 4. The applicant may appeal a refusal of the commission to issue a
23 certificate of appropriateness to the citizens' board of appeals within 30
24 days after its determination and the board of appeals, after a hearing on
25 the matter, may:

26 (a) Approve the application with or without conditions by a unani-
27 mous vote; or

28 (b) Deny the application.

29 If the board of appeals approves the application, the commission shall
30 immediately issue a certificate of appropriateness to the applicant.

31 SEC. 4. NRS 384.210 is hereby amended to read as follows:

32 384.210 1. Any person aggrieved by a determination of the com-
33 mission, or of the citizens' board of appeals made pursuant to subsection
34 4 of NRS 384.150, may, within 30 days after the making of [such] the
35 determination, appeal to the district court of the county where the prop-
36 erty in question is located.

37 2. The court may reverse the determination of the commission if it
38 finds that the reasons given for [such] the determination are unsup-
39 ported by the evidence or contrary to law. The proceeding in the district
40 court [shall be] is limited to the record made before the commission.

41 SEC. 5. 1. The board of county commissioners of Storey County
42 shall appoint one member of the citizens' board of appeals to a term
43 ending June 30, 1982, and one member to a term ending June 30, 1984.

44 2. The board of county commissioners of Lyon County shall appoint
45 one member of the citizens' board of appeals to a term ending June 30,
46 1983.

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 200

ASSEMBLY BILL NO. 200—ASSEMBLYMEN SCHOFIELD,
KOVACS, VERGIELS AND STEWART

FEBRUARY 24, 1981

Referred to Committee on Economic Development
and Natural Resources

SUMMARY—Prohibits licensing of persons to dispose of or operate sites for disposal of radioactive or other hazardous waste on state-owned land. (BDR 40-595)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to public health and safety; prohibiting the licensing of persons to dispose of low-level radioactive or other hazardous chemical waste on or to operate sites for the disposal of that waste in Nevada; revoking existing licenses for those purposes; providing for the closure of sites for such disposal; creating a trust fund for the perpetual care of those sites; 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 459 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 SEC. 2. *On July 1, 1981, the health division shall revoke each license*
4 *issued to a person for the purpose of disposing of low-level radioactive*
5 *waste in this state or operating a site for the disposal of low-level radio-*
6 *active waste or hazardous chemical waste in this state, and the health*
7 *division shall not issue any new licenses for those purposes on or after*
8 *that date.*
- 9 SEC. 3. 1. *There is hereby created in the state treasury a trust fund*
10 *for the care of sites for the disposal of radioactive waste. The director of*
11 *the department of human resources is responsible for the administration*
12 *of the trust fund. All money held by the state treasurer or received by the*
13 *director for that purpose must be deposited in the trust fund.*
- 14 2. *The money in the trust fund must be invested as other state funds*
15 *are invested. All interest earned on the deposit or investment of the*
16 *money in the trust fund must be credited to the trust fund.*
- 17 3. *The director may expend the annual income from the trust fund*
18 *for the purpose for which the trust fund is created, and any income of*

1 *the fund which is unexpended at the end of any year must be added to*
2 *the principal of the fund. The principal of the fund may be expended if*
3 *approved by the legislature when in regular session or by the interim*
4 *finance committee when the legislature is not in session. Claims against*
5 *the fund must be paid as other claims against the state are paid.*

6 SEC. 4. NRS 445.287 is hereby amended to read as follows:

7 445.287 1. The department may issue, pursuant to NRS 445.291 to
8 445.297, inclusive, a written permit to an applicant for such person to
9 discharge, deposit, generate or dispose of any radioactive, toxic or other
10 waste underground in liquid or explosive form.

11 2. *On July 1, 1981, the department shall revoke each license issued*
12 *to a person for the purpose of disposing of radioactive waste or hazard-*
13 *ous or toxic chemical waste in liquid or explosive form in this state or*
14 *operating a site in this state for the disposal of such waste, and the*
15 *department shall not issue any new licenses for those purposes on or*
16 *after that date.*

17 3. Subsection 2 does not affect any permit issued by the department
18 pursuant to NRS 445.227 to 445.241, inclusive, nor does it preclude the
19 issuance of such permits in the future.

20 SEC. 5. NRS 459.045 is hereby repealed.

21 SEC. 6. 1. The legislature finds and declares this act to be necessary
22 to protect the future health and safety of the people of this state from the
23 continued accumulation of dangerous materials. In the exercise of the
24 police power of this state, sections 2 and 4 of this act apply to licenses
25 and permits in effect on the effective date of this act.

26 2. Upon the revocation of licenses and permits as provided in sections
27 2 and 4 of this act, the department of human resources shall proceed
28 to terminate each lease or agreement that it has with any person to oper-
29 ate a site for the disposal of radioactive or hazardous chemical waste on
30 state-owned land. The director of the department may expend money in
31 the radioactive material disposal fund for any of the purposes provided
32 for by the terms of such a lease or agreement in case of its termination,
33 including the refund of prepayments of fees and the compensation of any
34 party to such a lease or agreement. If any money remains in that fund
35 after the termination of such a lease or agreement and the performance
36 of all of the duties required by the lease or agreement upon its termina-
37 tion, the remaining money must be deposited in the trust fund for the care
38 of sites for the disposal of radioactive waste. Money may be expended
39 from the statutory contingency fund to pay any obligation of the state
40 arising from the termination of such a lease or agreement if there is no
41 money remaining in the radioactive material disposal fund.

42 SEC. 7. This act shall become effective upon passage and approval.