

ASSEMBLY COMMITTEE ON JUDICIARY - 56TH SESSION, 1971

MEETING MARCH 16, 1971

The meeting was called to order at 3:30 p.m.

Present: Miss Foote, Messrs. Fry, Kean, Lowman, Torvinen, Dreyer, May and Olsen. Absent: Mr. McKissick.

SB 8 - Clarifies language pertaining to state board of health rules and regulations.

MR. ERNEST GREGORY, NEVADA DIVISION OF HEALTH, stated the statutory authority is given to the Division of Health to promulgate rules and regulations, and develops basic regulations to be enforced throughout the state. Local authorities would like the authority to make rules and regulations for more stringent requirements where local conditions might warrant this. The intent of the bill is to allow the local authorities to make more strict standards, using state regulations as a base, and not in conflict with state standards. The rules must be approved by the state health authority so that there will be no conflict.

Mr. Fry asked if this is to take care of ecology matters. Mr. Gregory replied that they try to keep water pollution control and other ecology matters at a state level. The ecology bills presently in the Legislature provide for local authority in the bills themselves. There is authority in the air pollution statutes for local rules and regulations.

Mr. Lowman questioned the local rules and regulations being more stringent than state rules. Mr. Gregory stated it is the general law that if ordinances are inconsistent with state law the ordinances fail and also that local ordinances cannot be more stringent than state regulations unless there is specific authority from the state.

Mr. Gregory stated there is a bill drafting problem in the bill: If the section read that ordinances which were specifically approved by the State Board of Health were not in conflict with subsection 2, it would make more sense.

MRS. JEAN FORD, STATE PRESIDENT, LEAGUE OF WOMEN VOTERS, stated the league supports the bill, as do the Washoe and Clark County Health Departments. She stated a safeguard is that rules and regulations would be adopted by public hearing. She stated that in matters relating to air pollution and solid waste

disposal, local ordinances are necessary because the larger cities would have more need for strict control than rural areas would have.

AB 458 - Conforms Nevada Revised Statutes to amend judicial article of Nevada Constitution.

RUSSELL McDONALD, ESQ., LEGISLATIVE COUNSEL, summarized the difference between AB 457 and AB 458.

He stated that although AB 457 and AB 458 may contain some conflicts, the committee should pass both bills. The control section of the Legislative Counsel Bureau will advise at the enrollment stage of the conflicts so they may be solved. These two bills, together with SJR 23 of the 55th Session, make a package, and one should not be passed without the others.

Mr. McDonald noted that if there are matters not taken care of in these measures, implementing legislation can be taken care of next session.

Mr. Kean moved "Do Pass" AB 458. Seconded by Mr. Lowman. Carried.

Mr. Lowman moved "Do Pass" SJR 14 of the 55th Session. Seconded by Mr. Kean. Carried.

Miss Foote moved "Do Pass" SB 8. Seconded by Mr. May. Carried, with Mr. Lowman voting "No."

Mr. Lowman requested committee introduction of the following bills:

(1) Exempts Welfare Division from operation of administrative procedure act.

Mr. Torvinen noted that public notice has to be given before passing anything regarding administrative procedure.

Mr. May moved the committee introduce the bill. Seconded by Mr. Lowman. Carried.

Mr. Torvinen requested the committee hear explanation from a Deputy Attorney General regarding the bill.

(2) Requires parents and guardians offering children for adoption to cooperate with the Welfare Division.

Mr. Lowman moved the committee introduce the bill. Seconded by Miss Foote. Motion lost, 4-2.

There being no further business, the meeting adjourned at 4:35 p.m.
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