

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

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 3, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:05 a.m., Tuesday, March 3, 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

GUEST LEGISLATORS:

Senator Keith Ashworth
Senator William Hernstadt

STAFF MEMBER PRESENT:

Connie Richards, Committee Secretary

SENATE BILL NUMBER 284

Mr. Hale Bennett, Chief of Registration Division, Department of Motor Vehicles spoke in support of Senate Bill No. 284. He pointed out that when the inspection and maintenance program was in effect one year ago, the Department of Motor Vehicles experienced its highest clerical turnover in its history due to constant public criticism and harrassment when registration of vehicles was refused until emission control certification was accomplished.

Senator Bilbray asked Mr. Bennett what alternative measure could be used to help improve the air quality in the urban areas of Nevada.

Mr. Bennett suggested the program currently in effect be kept. He said that at this time, cars are inspected

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upon registration if they come from another state and used cars are inspected at time of sale. He said that this present system is much more comprehensive than the requirement of yearly inspections.

Mr. Virgil Anderson, American Automobile Association reiterated what Mr. Bennett had said. He said that most of the cars that are heavy contributors to the smog problem are in the process of being phased out and added that many of the new vehicles have sophisticated engine components that require computer technology with respect to diagnosis, and a typical inspection may not be able to analyze the automobile accurately.

Mr. Daryl Capurro, Executive Director, Nevada Franchised Auto Dealers' Association spoke in support of Senate Bill No. 284. He mentioned the increased technology that is being installed in many new cars. He said that one of these new advances is called computer command control; a system that adjusts various engine functions to load factor and altitude of the automobile to lessen the amount of emission of the automobile. He said that these new cars actually have a lessening effect on the pollution of air in urban areas.

Mr. Dick Serdoz, Air Quality Officer for Nevada, Environmental Protection Agency spoke in opposition to Senate Bill No. 284. Mr. Serdoz's testimony is listed as Exhibit C.

Senator Keith Ashworth spoke in support of Senate Bill No. 284. He stated that automobiles are being constructed with increased efficiency, producing less emissions. He added that he had heard on the radio that by 1989 one-half the number of automobiles will be produced than there are today. He said that if the plan that was developed in 1973 is to be used, it should be amended to reflect the changes that have been made in the construction of automobiles since that time. Senator Ashworth offered bills from the 97th Congress of the United States in testimony for Senate Bill No. 284. This testimony is Exhibit D.

Ms. Peggy Twedt, Representative, League of Women Voters spoke in opposition to Senate Bill No. 284. Her testimony is listed as Exhibit E.

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Mr. Charlie Vaughn, Manager, Generation Engineering and Construction, Nevada Power Company expressed a fear that if Senate Bill No. 284 passes, the administrator of the Environmental Protection Agency will not approve the state implementation plan and the much needed peaking unit will be further delayed. He asked that any action on Senate Bill No. 284 be delayed until the administrator approves the state implementation plan in two to three weeks.

Mr. Phil Leavitt, employed by the American Lung Association of Nevada spoke in opposition to Senate Bill No. 284. He said that any technologies within the automobile industry cannot compensate for the explosive growth to the urban areas of Nevada. He said that though it is difficult to document, citizens already afflicted with emphysema or pneumonia have their cases greatly complicated by automobile emission in the air.

Mr. David Houston, Assistant Director, Clark County Department of Comprehensive Planning said that the department has adopted an air quality plan to control the quality of the air in Clark County. He said that this plan involves the synchronization of traffic lights, highway and road surface construction, improved mass transit, carpooling, bicycle paths, and pedestrian paths.

Mr. Michael Naylor, Director, Clark County Health District spoke in opposition to Senate Bill No. 284. He said the Las Vegas area as well as the other urban areas of the State of Nevada need the inspection and maintenance program for emission control to take effect January, 1982. He said the Las Vegas area experienced 37 days of unhealthful air in 1979 and 20 days in 1980. He said the improvement from 1980 over 1979 had occurred because of slightly different weather conditions, new cars with better emission controls on the road, and because of the inspection and maintenance program that was in effect for 5 months during 1980.

Mr. Naylor suggested that people who live in outlying areas of the cities need not be subject to requirements to have their vehicles inspected because these people make fewer trips into the city and don't have easy access to service stations where they may have their vehicles inspected.

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Senator Kosinski asked Mr. Naylor what will happen to the quality of the air if this program for emission inspection and maintenance is not put into effect.

Mr. Naylor said the air will continue to improve, though slowly, over the coming years. He said there will still be some unhealthy days by 1987.

Senator Kosinski asked how many alert days could be anticipated by 1987 if the program is not implemented.

Mr. Naylor said there should be no alert days in 1987 even if the program is not implemented. He estimated five to ten unhealthy days for 1987 without the emission control program.

Mr. Chuck Breese, Executive Director, Washoe Council of Governments said during the past five year period the Truckee Meadows experienced a polluted atmosphere some 60 percent of the time. He added that 276 of those days the air pollution was referred to as "moderate" or "severe" (approximately 15 percent of the entire period).

Mr. Breese said if the emission inspection and maintenance program is implemented the Truckee Meadows will experience a decrease by about 15 percent in the amount of carbon monoxide in the air in that area. He said all other carbon monoxide reduction strategies together cannot begin to equal that reduction.

Mr. Dave Minedew, Washoe County District Health Department agreed with Mr. Houston and Mr. Naylor's comments and asked for some reforms to help lower the carbon monoxide levels in urban areas.

Mr. Tom Young, Executive Manager, Nevada Environmental Action Trust said the information he has seen shows that the air pollution in the Reno area has not grown any worse over the last ten years. He said the City of Reno has implemented a mass transit system, upgraded traffic controls with computerized signal lights, and new automobiles have been provided with greater emission controls, all of which have helped control the quality of air in the area. Mr. Young supported Senate Bill No. 284.

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Mr. John Mackey, concerned citizen spoke in favor of the bill, and in opposition to the inspection and maintenance. He said analyzers used to inspect vehicles in the program are in error as much as 15 percent. He noted inequities within the program, including the exemption of police cars, and exemption of people who do not live within the urban areas who may commute to work in the cities every day.

The committee briefly recessed from 10:30 to 10:35.

SENATE BILL NUMBER 272 (EXHIBIT F)

Senator Blakrmore moved to re-refer Senate Bill No. 272 to the Senate Committee on Judiciary.

Senator Kosinski seconded the motion.

The motion carried unanimously.

SENATE BILL NUMBER 286

Mr. Joe Midmore, State Pharmacy Board spoke in opposition to the bill, although he said he supports the idea. He expressed a concern as to whether the phrase "except in the regular course of treatment" could not allow any person to see a physician for the first time, be prescribed a controlled substance, and the physician could say that this is the beginning of the patient's "regular course of treatment". He also expressed a concern over the phrase "but he is prohibited from prescribing for himself, his spouse, or children except in case of emergency" as to whether the "except in case of emergency" applies only to the physician's own family or to everyone. He asked if it applies only to his family whether it precludes doctors in emergency wards from using these controlled substances where they might be very necessary.

Senator Hernstadt said Senate Bill No. 286 is the result of an error made by the Board of Pharmacy's attorney, years ago. He said this bill attempts to rectify this error that has allowed "drug clinics" to be set up whereby a person could see a physician, tell him his symptoms, have a cursory exam, and be given a prescription for one of the controlled substances that may cost 20 times as

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much to purchase from drug dealers than to purchase from a reputable pharmacy.

Senator Kosinski asked Senator Hernstadt whether the phrase "in cases of emergency" modifies "family".

Senator Hernstadt said that the phrase does refer to the physician's family. He asked the committee to give the bill a "Do Pass" recommendation.

There being no further business, the meeting adjourned at 10:55 a.m.

Respectfully submitted:



Connie Richards, Committee Secretary

APPROVED BY:



Senator Joe Neal, Chairman

DATE: March 11, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 .

Day Tuesday , Date March 3 , Time 8:00 a.m. .

S. B. No. 272--Permits imposition of fine where imprisonment is suspended for certain first offenders possessing controlled substances.

S. B. No. 284--Defers mandatory inspection of emission from motor vehicles.

S. B. No. 286--Limits prescription of controlled substances by certain practitioners of the healing arts.

SENATE COMMITTEE ON Human Resources and FacilitiesDATE: March 3, 1981EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Charlie Vaughn	Nevada Power PUB. 270 LV	325-563
Walter Brown	TRV	5350
DAVID HOUSTON	CLARK COUNTY Comp. Planning 200 E CORNW	LV 386-4181
Jeff Anderson	Washoe C. O. Co	785-4042
Chuck Breese	Washoe Council of Gov't	285-4045
Michael Naylor	Clark County Health DISTRICT	383 1276
Ken Airee	DMV	885-5394
John Mackey	945 SAGE VIEW CT SPARKS	3589584
Wesley Bennett	DMV	885-5370
Don Menden	Washoe Co Dist Health	785 4290
Dick Anderson	DIV. ENV. PROT	885-4670
Peggy Tweed	League of Women Voters	882-2079
VIRGIL ANDERSON	AAA	882-1890
Joe Michmore	State Pharmacy Board	883-2771
Wesley	UPI	
KEVIN BOYER	DMV CC	885-5396
Len Tideman	DEP CC	885-4670
David Coward	DEP-CC	885-4670
John Borda	Nev Motor Trans. Ass'n	331-6884
Daryl E. Capurro	" " " "	" "
JIM HANNAH	STATE ENVIRONMENTAL Commission - Carson City	885-5355
Tom Young	Nev. Environmental Action Fund - Reno	218-7717
Terri Kraus	Intern	826-5266

TO: COMMITTEE ON HUMAN RESOURCES AND HEALTH SAFETY

EXHIBIT C

The Division of Environmental Protection submits the following comments for your consideration prior to action on SB 284. A copy of tabulated auto related information on emissions and the benefits of our inspection/maintenance program is before you. This information contains vehicle and population figures related to the growth in our two metropolitan areas, Washoe and Clark Counties, and the average cost of inspection during 1980. It also contains a table of the measured emission reductions that have occurred through the use of our pilot program. In essence it demonstrates that the inspection/maintenance program is working in both these metropolitan areas. The vehicles that have been inspected have shown a remarkable reduction in emissions. Of the 76,000 vehicles tested last year there was an average of 18% reduction in carbon monoxide emissions. This relates to an annual savings of approximately 9,000 tons of carbon monoxide emissions if we assume two things: the average miles generated in a year by these vehicles is 10,000 miles; and the grams per mile is a conservative 9 grams of carbon monoxide emissions per mile of travel.

We can add some additional assumptions that only 5,000 miles were in the nonattainment areas and the vehicle remaining in tune for six months of the year. This would still give us a reduction of 2,300 tons of emissions under

EXHIBIT C

our existing program. We have projected that the program will provide approximately a one mile per gallon increase in performance. Using our previous assumption and the projected miles per gallon of 25 contained in the table, which is very conservative, there would be a 15 gallon per year saving or about \$19,00, which is \$5.00 more than the cost of inspection.

This will also relate to approximately 450 dollars per ton of emission control and all the other strategies that are contained in the State Implementation Plan will at best cost \$4,000 per ton of improvements. By far this is the most cost beneficial program that can be implemented by the State. We have other information that is also heartening. In the two years from our last report to you, the vehicles as an average have improved to a point that the emissions are 25% less after testing in 1980 than in 1978. The improvement ranges from 21% of the pre-1968 vehicles to 33% improvement of the post-1975 vehicles. We are seeing a cleaner car come into the inspection station.

There are other things that are important. If we don't retain the inspection/maintenance program we cannot have an approved State Implementation Plan and get our extension, delaying attainment of the ambient air quality standards in 1987 without our decentralizing program being completely implemented by the end of this year. This was brought home with the sanctions that have been levied in

EXHIBIT C

California for failure to have statutory authority and the Hawkins memo of July 17, 1978, establishing this policy. The most recent EPA regulations published this year on our 1982 submittals further emphasized this. These recent regulations reestablish federal policy that the inspection/maintenance program must be in place in order to receive approval of the plan.

We are currently seeing problems with an unapproved State Plan in Las Vegas with the current construction ban for Nevada Power's oil fired gas turbine which has been locally approved for over a year. Other funding sanctions are also in jeopardy. Most of these funds are for State approved projects.

I urge this committee not to pass SB 284.

Year	Gasoline		Vehicle Travel		Mileage		Population		Usage	
	Gallons	Change	Miles	Change	MPG	Change	Number	Change	Gal/Pop	Change
1960	43.0x10	-71%								
1965	86.0x10	-42%	1,114.0x10	-28%	13.0	+25%	127,016	-54%	338	-37%
1970	147.0x10	0	1,538.9x10	0	10.4	0	211,218	-23%	407	-25%
Base							273,288	0	540	0
1975	198.7x10	+35%	2,037.5x10	+32%	10.3	-1%	374,015	+37%	531	-2%
1977	229.9x10	+56%	2,396.8x10	+56%	10.4	0	409,000	+50%	562	+4%
Plan										
1978	251.0x10	+70%	2,690.0x10	+75%	10.7	+3%	420,000	+54%	597	+11%
1979	249.0x10	+69%	2,780.0x10	+81%	11.2	+8%	450,000	+65%	553	+2%
1980	248.0x10	+68%	2,860.0x10	+86%	11.5	+11%	462,218	+69%	536	-1%

WASHOE COUNTY

Year	Gallons	Change	Miles	Change	MPG	Change	Population	Change	Usage	Change
1960	29.4x10	-60%								
1965	46.7x10	-57%	565.7x10	-18%	12.1	+30%	84,743	-30%	347	-43%
1970	74.3x10	0	688.1x10	0	9.3	0	99,000	-18%	472	-23%
Base							121,068	0	614	0
1975	91.6x10	+23%	888.8x10	+29%	9.7	+4%	149,000	+23%	615	0
1977	111.8x10	+50%	1,129.3x10	+64%	10.1	+9%	167,000	+38%	670	+9%
1978	123.9x10	+67%	1,277.7x10	+86%	10.3	+11%	177,000	+46%	700	+14%
1979	122.7x10	+65%	1,331.0x10	+93%	10.8	+16%	182,800	+51%	671	+9%
1980	119.9x10	+61%	1,360.0x10	+97%	11.3	+22%	193,870	+60%	618	+1%

Based on the EPA Mileage Guide

Year	Average	Combined	City	Rural
1974	-	13 mpg	10 mpg	15 mpg
1975	-	17 mpg	14 mpg	19 mpg
1977	-	20 mpg	17 mpg	22 mpg
1978	-	22 mpg	18 mpg	24 mpg
1979	-	24 mpg	20 mpg	26 mpg
1980	-	25 mpg	21 mpg	27 mpg

ONE YEAR OF TEST DATA

% of Emission Reductions - Carbon Monoxide

	1978			1980			Avg. Cost	1978	1980	Improvement
	Idle	2250	Avg.	Idle	2250	Avg.				
Pre 1968 (8,451 veh.)	32%	18%	26%	24%	15%	20%	\$13.63	2.9%	2.4%	21%
1968 to 1969 (7,426 veh.)	37%	25%	32%	19%	14%	16%	\$13.58	2.1%	1.7%	24%
1970 to 1974 (24,627 veh.)	40%	30%	36%	17%	18%	17%	\$13.57	1.7%	1.3%	31%
1975 and later (17,543 veh.)	44%	34%	41%	21%	21%	21%	\$13.82	0.8%	0.6%	33%
All vehicles (58,047 veh.)	38%	26%	34%	19%	18%	18%	\$13.71			

% of Emission Reductions from Vehicles that Passed the Test

Year	Idle	2250	Avg.
Washoe County 11,748	21%	11%	17%
Clark County 29,063	8%	7%	8%

EXHIBIT D

97TH CONGRESS
1ST SESSION

H. R. 1035

To amend the Clean Air Act to prohibit the Environmental Protection Agency from requiring motor vehicle inspection and maintenance until such time as each new motor vehicle is required to be separately tested for compliance with emission standards before its sale by the manufacturer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1981

Mr. GAYDOS introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to prohibit the Environmental Protection Agency from requiring motor vehicle inspection and maintenance until such time as each new motor vehicle is required to be separately tested for compliance with emission standards before its sale by the manufacturer, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) section 110(a) of the Clean Air Act is amended by
- 4 adding the following new paragraph at the end thereof:

1 “(7)(A) Except as provided in subparagraph (B), not-
2 withstanding paragraph (2)(B), paragraph (2)(G), section
3 172(b)(11)(B), or any other provision of this Act—

4 “(i) the Administrator may not require as a condi-
5 tion of approval of any implementation plan under this
6 section, or as a condition of meeting the requirements
7 of part D, that such plan contain any requirement re-
8 lating to the periodic inspection and testing of motor
9 vehicles;

10 “(ii) no plan promulgated by the Administrator
11 under subsection (c) of this section, whether promulgat-
12 ed before or after the date of the enactment of this
13 paragraph, may include any requirement relating to the
14 periodic inspection and testing of motor vehicles; and

15 “(iii) any State may revise any applicable imple-
16 mentation plan, without regard to when such plan was
17 submitted approved, to eliminate any requirement re-
18 lating to the periodic inspection and testing of motor
19 vehicles.

20 “(B) Subparagraph (A) shall not apply if the Adminis-
21 trator exercises his authority under section 206(a)(4) to es-
22 tablish and enforce separate inspection and testing of each
23 new motor vehicle before the vehicle is sold by the manufac-
24 turer, and if such authority has been exercised for a period of
25 not less than 180 days.”.

1 (b) Section 206(a) of such Act is amended by adding the
2 following new paragraph at the end thereof:

3 “(4) The Administrator may separately test, or require
4 to be separately tested in such manner as he deems appropri-
5 ate, each new motor vehicle manufactured by each manufac-
6 turer of new motor vehicles to determine compliance with the
7 regulations under section 202 of this Act. Any vehicle which,
8 pursuant to such separate testing, fails to comply with such
9 regulations shall not be covered by a certificate of conformity
10 under this section and shall be subject to the prohibition con-
11 tained in section 203(a)(1).”

○

COURTESY OF
CONGRESSMAN JIM SANTINI

97TH CONGRESS
1ST SESSION

H. R. 1357

To amend the Clean Air Act to prohibit the Environmental Protection Agency from requiring motor vehicle inspection and maintenance before January 1, 1986, and to provide for the separate testing of new motor vehicles to insure that such vehicles comply with emission standards before the time of their sale by the manufacturer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1981

Mr. ATKINSON (for himself and Mr. BAILEY of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to prohibit the Environmental Protection Agency from requiring motor vehicle inspection and maintenance before January 1, 1986, and to provide for the separate testing of new motor vehicles to insure that such vehicles comply with emission standards before the time of their sale by the manufacturer, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) section 110(a) of the Clean Air Act is amended by
- 4 adding the following new paragraph at the end thereof:

1 “(7) Notwithstanding paragraph (2)(B), paragraph
2 (2)(G), section 172(b)(11)(B), or any other provision of this
3 Act, before January 1, 1986—

4 “(A) the Administrator may not require as a con-
5 dition of approval of any implementation plan under
6 this section, or as a condition of meeting the require-
7 ments of part D, that such plan contain any require-
8 ment relating to the periodic inspection and testing of
9 motor vehicles;

10 “(B) no plan promulgated by the Administrator
11 under subsection (c) of this section, whether promul-
12 gated before or after the date of the enactment of this
13 paragraph, may include any requirement relating to the
14 periodic inspection and testing of motor vehicles; and

15 “(C) any State may revise any applicable imple-
16 mentation plan, without regard to when such plan was
17 submitted or approved, to eliminate any requirement
18 relating to the periodic inspection and testing of motor
19 vehicles.”.

20 (b) Section 206(a) of such Act is amended by adding the
21 following new paragraph at the end thereof:

22 “(4) The Administrator may separately test, or require
23 to be separately tested in such manner as he deems appropri-
24 ate, each new motor vehicle manufactured by each manufac-
25 turer of new motor vehicles to determine compliance with the

1 regulations under section 202 of this Act. Any vehicle which,
2 pursuant to such separate testing, fails to comply with such
3 regulations shall not be covered by a certificate of conformity
4 under this section and shall be subject to the prohibition con-
5 tained in section 203(a)(1).”

○

COURTESY OF
CONGRESSMAN JIM SANTINI

97TH CONGRESS
1ST SESSION

H. R. 1358

To amend the Clean Air Act to prohibit the Environmental Protection Agency from requiring motor vehicle inspection and maintenance until such time as each new motor vehicle is required to be separately tested for compliance with emission standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1981

Mr. ATKINSON (for himself and Mr. BAILEY of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to prohibit the Environmental Protection Agency from requiring motor vehicle inspection and maintenance until such time as each new motor vehicle is required to be separately tested for compliance with emission standards, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) section 110(a) of the Clean Air Act is amended by
- 4 adding the following new paragraph at the end thereof:

1 “(7)(A) Except as provided in subparagraph (B), not-
2 withstanding paragraph (2)(B), paragraph (2)(G), section
3 172(b)(11)(B), or any other provision of this Act—

4 “(i) the Administrator may not require as a condi-
5 tion of approval of any implementation plan under this
6 section, or as a condition of meeting the requirements
7 of part D, that such plan contain any requirement re-
8 lating to the periodic inspection and testing of motor
9 vehicles;

10 “(ii) no plan promulgated by the Administrator
11 under subsection (c) of this section, whether promul-
12 gated before or after the date of the enactment of this
13 paragraph, may include any requirement relating to the
14 periodic inspection and testing of motor vehicles; and

15 “(iii) any State may revise any applicable imple-
16 mentation plan, without regard to when such plan was
17 submitted or approved, to eliminate any requirement
18 relating to the periodic inspection and testing of motor
19 vehicles.

20 “(B) Subparagraph (A) shall not apply if the Adminis-
21 trator exercises his authority under section 206(a)(4) to es-
22 tablish and enforce separate inspection and testing of each
23 new motor vehicle before the vehicle is sold by the manufac-
24 turer, and if such authority has been exercised for a period of
25 not less than one hundred and eighty days.”.

1 (b) Section 206(a) of such Act is amended by adding the
2 following new paragraph at the end thereof:

3 “(4) The Administrator may separately test, or require
4 to be separately tested in such manner as he deems appropri-
5 ate, each new motor vehicle manufactured by each manufac-
6 turer of new motor vehicles to determine compliance with the
7 regulations under section 202 of this Act. Any vehicle which,
8 pursuant to such separate testing, fails to comply with such
9 regulations shall not be covered by a certificate of conformity
10 under this section and shall be subject to the prohibition con-
11 tained in section 203(a)(1).”



League of Women Voters of Nevada

SB 284

EXHIBIT E

SB 284 is a typical response to a controversial idea. In this case instead of passing the problem up the ladder, it is being passed down the chain of command. Automobile Inspection and Maintenance is a State program with the State Environmental Commission and the Department of Motor Vehicles adopting the regulations and the Department of Motor Vehicles supervising the operation. Under Nevada's I/M program, DMV is responsible for licensing the private stations and inspectors, regularly inspecting the testing equipment, and checking inspection procedures on a random basis. The re-inspection of vehicles that did need repairs or the issuance of a waiver is also done by DMV. Under the county option that now exists and would continue should SB 284 pass, DMV is effected by the whim of the counties. For example, when Clark County enacted a mandatory I/M program, DMV geared up at their request. Likewise when they discontinued the program, DMV had to disband that staff. The League feels that with a State program the State is the proper authority for making such decisions.

Automobile Inspection and Maintenance is a controversial program. The public must be educated as to its benefits. Every state that has adopted the program has been faced with a public backlash at the program's beginning, similar to that which Clark County experienced. In those states where officials weathered the storm of public outcry and retained the I/M program, polls show that public acceptance increased.

Be honest. Be honest to yourselves and to the public. The two counties have already shown through action or nonaction that the local officials can not handle the public pressure which results from the locals instituting this State responsibility. Passing SB 284 is removing your responsibility and delaying I/M for another two years. You, not the locals, should make the decisions on I/M.

League of Women Voters of Nevada



EXHIBIT E

The question should then boil down to whether or not you - the legislature - want Automobile Inspection and Maintenance. Las Vegas and Reno do have air pollution problems. Both cities have experienced alert days this past year. Carbon monoxide has reached levels where it is unhealthy and unsafe for some of the citizens of Nevada. Since the problem now exists, the League would like the State to take corrective measures - regardless of the position of the Federal government. It is Nevada's problem and Nevada's responsibility to solve. If you believe in protecting the health of the citizens of this state, especially you in Washoe and Clark counties where your constituents are directly effected, then you should consider a remedy to this problem.

Automobile Inspection and Maintenance is one solution which has proven effective in areas with carbon monoxide problems. While other remedies such as improved traffic flows, prohibition of drive up windows, restriction on parking in downtown areas, etc. will result in lower levels of carbon monoxide, none is as effective as I/M. I/M is a solution that the League would hope the legislature would put into place July 1 of this year. To that end do not pass SB 234.

S. B. 272

SENATE BILL NO. 272—COMMITTEE ON JUDICIARY

FEBRUARY 19, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Permits imposition of fine where imprisonment is suspended for certain first offenders possessing controlled substances. (BDR 40-703)

**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 controlled substances; permitting the imposition of a fine where imprisonment is suspended for certain first offenders; 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 453.336 is hereby amended to read as follows:**
2 **453.336 1. It is unlawful for any person knowingly or intentionally**
3 **to possess a controlled substance unless the substance was obtained**
4 **directly from, or pursuant to, a valid prescription or order of a practi-**
5 **tioner while acting in the course of his professional practice, or except as**
6 **otherwise authorized by the provisions of NRS 453.011 to 453.551,**
7 **inclusive.**
8 **2. Except as provided in subsections 3 and 4, any person who vio-**
9 **lates this section shall be punished:**
10 **(a) For the first offense, if the controlled substance is listed in NRS**
11 **453.161, 453.171, 453.181 or 453.191, by imprisonment in the state**
12 **prison for not less than 1 year nor more than 6 years, and may be further**
13 **punished by a fine of not more than \$5,000.**
14 **(b) For a second offense, if the controlled substance is listed in NRS**
15 **453.161, 453.171, 453.181 or 453.191, or if, in case of a first convic-**
16 **tion of violation of this section, the offender has previously been con-**
17 **vinced of any violation of the laws of the United States or of any state,**
18 **territory or district relating to a controlled substance, the offender shall**
19 **be punished by imprisonment in the state prison for not less than 1 year**
20 **nor more than 10 years and may be further punished by a fine of not**
21 **more than \$10,000.**
22 **(c) For a third or subsequent offense, if the controlled substance is**
23 **listed in NRS 453.161, 453.171, 453.181 or 453.191, or if the offender**
24 **has previously been convicted two or more times in the aggregate of any**

1 violation of the law of the United States or of any state, territory or dis-
2 trict relating to a controlled substance, the offender shall be punished by
3 imprisonment in the state prison for not less than 1 year nor more than
4 20 years and may be further punished by a fine of not more than
5 \$20,000.

6 (d) For the first offense, if the controlled substance is listed in NRS
7 453.201, by imprisonment in the county jail for not more than 1 year,
8 and may be further punished by a fine of not more than \$1,000.

9 (e) For a second or subsequent offense, if the controlled substance is
10 listed in NRS 453.201, by imprisonment in the state prison for not less
11 than 1 year nor more than 6 years, and may be further punished by a
12 fine of not more than \$5,000.

13 3. Any person who is under 21 years of age and is convicted of the
14 possession of less than 1 ounce of marihuana:

15 (a) For the first offense:

16 (1) Shall be punished by imprisonment in the state prison for not
17 less than 1 year nor more than 6 years, and may be further punished by a
18 fine of not more than \$2,000; or

19 (2) Shall be punished by imprisonment in the county jail for not
20 more than 1 year, and may be further punished by a fine of not more
21 than \$1,000, and may have his driver's license suspended for not more
22 than 6 months.

23 (b) For the second offense shall be punished in the manner prescribed
24 by subsection 2 for a first offense.

25 (c) For a third or subsequent offense, shall be punished in the manner
26 prescribed by subsection 2 for a second offense.

27 4. Before sentencing under the provisions of subsection 3, the court
28 shall require the parole and probation officer to submit a presentencing
29 report on the person convicted in accordance with the provisions of NRS
30 176.195. After the report is received but before sentence is pronounced
31 the court shall: **[do the following:]**

32 (a) Interview the person convicted and make a determination as to the
33 possibility of his rehabilitation; and

34 (b) Conduct a hearing at which evidence may be presented as to the
35 possibility of rehabilitation and any other relevant information received
36 as to whether the person convicted of the offense shall be adjudged to
37 have committed a felony or to have committed a gross misdemeanor.

38 5. Three years after the person has been convicted and sentenced
39 under the provisions of subsection 3, the court may order sealed all rec-
40 ords, papers and exhibits in such person's record, minute book entries and
41 entries on dockets, and other records relating to the case in the custody
42 of such other agencies and officials as are named in the court's order, if:

43 (a) The person fulfilled all the terms and conditions imposed by the
44 court and by the parole and probation officer; and

45 (b) The court, after hearing, is satisfied that the rehabilitation has been
46 attained.

47 6. Whenever any person who has not previously been convicted of
48 any offense under the provisions of NRS 453.011 to 453.551, inclusive,
49 or under any statute of the United States or of any state relating to nar-
50 cotic drugs, marihuana or stimulant, depressant or hallucinogenic drugs

1 pleads guilty to or is found guilty under this section of possession of a
2 controlled substance not for the purpose of sale, the court, [without
3 entering a judgment of guilt and] with the consent of the accused, may
4 [defer further proceedings] impose sentence, including a fine, suspend
5 imprisonment, seal the record and place him on probation upon terms
6 and conditions.

7 7. [Upon violation of a term or condition, the court may enter an
8 adjudication of guilt and proceed as otherwise provided. Upon fulfillment
9 of the terms and conditions, the court shall discharge the person and dis-
10 miss the proceedings against him.

11 8. Discharge and dismissal under this section shall be without adjudi-
12 cation of guilt and is not a conviction for purposes of this section or for
13 purposes of disqualifications or disabilities imposed by law upon convic-
14 tion of a crime, including the additional penalties imposed for a second
15 or subsequent convictions under the provisions of NRS 453.011 to 453.-
16 551, inclusive.] *The record of a person sentenced under subsection 6*
17 *which has been sealed by the court may remain sealed until:*

18 (a) *The defendant fulfills all of the terms and conditions imposed by*
19 *the court and by his probation officer, when the record may be expunged;*
20 *or*

21 (b) *His probation is revoked and the sentence is executed.*

22 [9.] 8. There may be only one [discharge and dismissal under this
23 section] suspension of sentence under subsection 6 with respect to any
24 person.