

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

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 5, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:04 a.m., Thursday, March 5, 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 LEGISLATOR:

Senator William H. Hernstadt

STAFF MEMBERS PRESENT:

Fred Welden, Senior Research Analyst
Connie Richards, Committee Secretary

SENATE BILL NUMBER 286 (EXHIBIT C)

Dr. Kenneth Maclean, Secretary/Treasurer, Nevada State Board of Medical Examiners asked the committee to amend the bill so the language corresponds with federal regulations. He suggested line 4 and 5 "as part of a regular course of treatment for a patient" be replaced by "for a legitimate purpose and in the usual course of professional practice".

Mr. Joe Midmore, Representative, State Board of Pharmacy suggested some amendments to Senate Bill No. 286. These suggestions are listed as EXHIBIT D.

Senator Hernstadt, originator of the bill, told the committee that he has no preference for either the medical examiners' or the pharmacy board's amendments and requested the committee

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amend the bill in any way they see fit and to give the bill a "Do Pass" recommendation.

Mr. George Wendell, Division of Investigations of Narcotics in the State of Nevada said his division does support Senate Bill No. 286, but asked the committee to consider changing the language to correspond that of the federal code.

SENATE BILL NUMBER 294

Mr. Ben Cowan, Representative, Clark County School District referred to NRS 388.440, defining handicapped persons. He told the committee that training needs of 18 to 21 year old handicapped persons differ from those of minors under the age of 18 years. He said school districts throughout the state cannot offer training among peers for this group. He said Clark County School District supports Senate Bill No. 294 which provides for continuation of special education of handicapped persons who have completed the public high school program. Mr. Cowan said the cost of the program not now provided could be provided for under NRS 388.40 as well as Public Law 94-142. He observed that these handicapped persons should receive this additional training from a community college where adults and adult activities are present.

Senator Kosinski asked who currently provides education to handicapped persons in this age group.

Mr. Cowan replied there is one person in each district who acts as a counselor for these handicapped persons who have completed the public high school education programs. This counselor helps the handicapped person to find a job, be placed in a sheltered workshop, or at the community college when programs for the handicapped do exist.

Senator Kosinski asked what types of handicaps these persons have.

Mr. Cowan said these young adults have hearing and sight impairments, are emotionally disturbed, or are mildly mentally handicapped.

Senator Kosinski asked Mr. Cowan whether community colleges in the State of Nevada are currently set up for this type of program.

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Mr. Cowan replied the community colleges are architecturally fit for the handicapped persons and added there would be little modification necessary to establish the actual programs for those students.

The Chairman asked Mr. Cowan what factor would make a handicapped person eligible for this program.

Mr. Cowan said a handicapped person would become eligible for the program after the completion of public education programs and has reached the age of 18 years.

Senator Blakemore asked how many students would be served through such a continued education program.

Mr. Cowan said approximately 100 students will complete the public education program offered to them this year, of those students, about 45 would not retain the skills and information gained through the high school program unless their education were continued.

The Chairman turned the chair over to Vice Chairman Kosinski.

ASSEMBLY CONCURRENT RESOLUTION NUMBER 13 (EXHIBIT E)

Mr. Ben Cowan, Representative, Clark County School District said the Clark County School District does provide counseling for parents and students jointly, when it is felt to be of value to both parties. He said he felt it is a good resolution.

The Chairman returned to the chair.

ASSEMBLY CONCURRENT RESOLUTION NUMBER 14 (EXHIBIT F)

Mr. Cowan said the Clark County School District supports the resolution.

Mr. Mike Katz, Deputy Administrator, Youth Services Division, Department of Human Resources said both ASSEMBLY RESOLUTION NO. 13 and ASSEMBLY RESOLUTION NO. 14 are worthy of support. He remarked that the best way to reduce crime committed by minors is to educate them as to their rights and responsibilities under the law.

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SENATE BILL NUMBER 284

Mr. Dick Serdoz, Division of Environmental Protection presented a chart showing the minimum and maximum CPI levels in the Truckee Meadows for a six year period. This chart is Exhibit G.

The Chairman asked Mr. Serdoz whether much of the pollution is from the emission of the automobiles of tourists.

Mr. Serdoz said several studies have been done; most concluded that between 80 and 90 percent of the pollution from emission is caused by local residents.

The Chairman asked if the CPI level shows an increase during the weekend.

Mr. Mike Naylor, Director, Air Pollution Control Division, Clark County Health District said Sundays generally have the lowest CPI rating due to a total decrease in traffic, while the days of the rest of the week are fairly even, with the majority of the emission pollutions being caused by commuters during the week (Monday through Friday) and on the weekend by the tourists.

Mr. Serdoz said there was an in depth study to determine problem areas of the state. Eleven areas were defined as problems, three of these areas are problems because of the automobile emission: Tahoe Basin, Truckee Meadows, and the Las Vegas Valley. These areas were designated by the governor in 1977 and approved by the E.P.A. in 1978. All planning efforts from 1977 to 1979 went toward those eleven areas.

Mr. Naylor submitted some suggested amendments for Senate Bill No. 284 to the committee. (See Exhibit H).

Mr. Hale Bennett, Licensing Division, Department of Motor Vehicles said no amendments have been coordinated through the department, adding that the implementation of the inspection and maintenance program was not included in the current budget.

Ms. Peggy Twedt, League of Women Voters said the League supports the amendments as suggested by Mr. Naylor.

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Mr. Jim Hannah, Executive Secretary, Environmental Commission, commenting on Mr. Naylor's suggested amendments, said he could not speak for the commission as it has not yet seen the amendments but he said he thought the use of "areas" over "counties" is more realistic because there is no carbon monoxide problem in many of the rural areas that may be in the same counties as those with identified "problem areas". Referring to the annual report, he said the commission would not like the additional paperwork. He added that allowing the commission to set the date would increase the access of the public to it.

Senator Kosinski requested Mr. Hannah provide a letter to the committee expressing the views of the commission on Senate Bill No. 284 and Mr. Naylor's proposed amendments.

SENATE BILL NUMBER 294

Senator Bilbray moved to "Do Pass" Senate Bill No. 294.

Senator Faiss seconded the motion.

Senator Kosinski asked that recommendation on the bill be held until the committee could be informed as to the provisions of Public Law 94-142 concerning community colleges.

ASSEMBLY CONCURRENT RESOLUTION NUMBER 13 (EXHIBIT E)

Senator Faiss moved to "Do Pass" A.C.R. No. 13.

Senator Kosinski seconded the motion.

The motion carried unanimously.

ASSEMBLY CONCURRENT RESOLUTION NUMBER 14 (EXHIBIT F)

Senator Getto moved to "Do Pass" A.C.R. No. 14.

Senaoatr Bilbray seconded the motion.

The motion carried unanimously.

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SENATE BILL NUMBER 286 (EXHIBIT C)

Senator Kosinski moved to "Amend and Do Pass" S.B. No. 286
with the amendment as suggested by Dr. Maclean (See page 1).

Senator Getto seconded the motion.

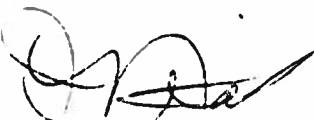
The motion carried unanimously

There being no further business, the meeting adjourned at
10:08 a.m.

Respectfully submitted:


Connie S. Richards, Committee Secretary

APPROVED BY:


Senator Joe Neal, Chairman

DATE: March 13 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323.
Day Thursday, Date March 5, Time 8:00 a.m.

S. B. No. 294--Provides for continuation of special education for handicapped persons who have completed public school program.

A. C. R. No. 13--Expresses support for programs in schools which contribute to reduction of juvenile crime.

A. C. R. No. 14--Encourages activities, programs and employment for youth in Nevada.

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

Dr. Maclean from State Board of Medical Examiners.
Members of State Pharmacy Board

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

Mr. Dick Serdoz, Division of Environmental Protection.

S. B. 286

SENATE BILL NO. 286—SENATOR HERNSTADT

FEBRUARY 24, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Limits prescription of controlled substances by certain practitioners of the healing arts. (BDR 40-912)

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; limiting their prescription by certain practitioners of the healing arts; 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 453.381 is hereby amended to read as follows:
2 453.381 1. [Except in cases of emergency, a physician, dentist or
3 podiatrist] *A physician, dentist or podiatrist may prescribe, administer*
4 *or dispense controlled substances only as part of a regular course of treat-*
5 *ment for a patient, but he is prohibited from prescribing, administering*
6 *or dispensing controlled substances listed in schedule II for himself, his*
7 *spouse or children [.] except in cases of emergency.*
8 2. Each prescription for a controlled substance listed in schedule II
9 [shall] *must* be written on a separate prescription blank.
10 3. A veterinarian, [in good faith and] in the course of his profes-
11 sional practice only, and not for use by a human being, may prescribe,
12 administer, and dispense controlled substances, and he may cause them
13 to be administered by an assistant or orderly under his direction and
14 supervision.
15 4. Any person who has obtained from a physician, dentist, podia-
16 trist or veterinarian any controlled substance for administration to a
17 patient during the absence of [such] *the* physician, dentist, podiatrist
18 or veterinarian shall return to [such] *the* physician, dentist, podiatrist or
19 veterinarian any unused portion of [such] *the* substance when it is no
20 longer required by the patient.
21 SEC. 2. This act shall become effective upon passage and approval.

EXHIBIT D

2. Each prescription for a controlled substance listed in schedule II shall be written on a separate prescription blank.

3.1 A prescription for a controlled substance to be effective must be issued in good faith for a legitimate medical purpose by an individual physician, dentist or podiatrist acting in the usual course of his professional practice.

2. A veterinarian, in good faith and in the usual course of his professional practice only, and not for use by a human being, may prescribe, possess, administer [,] and dispense controlled substances, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

3. Any person who has obtained from a physician, dentist, podiatrist or veterinarian any controlled substance for administration to a patient during the absence of such physician, dentist, podiatrist or veterinarian shall return to such physician, dentist, podiatrist or veterinarian any unused portion of such substance when it is no longer required by the patient.

4. Except in cases of emergency, a physician, dentist or podiatrist is prohibited from prescribing, administering or dispensing controlled substances listed in schedule II for himself, his spouse or children.

Sec. 12. NRS 453.385 is hereby amended to read as follows:

453.385 1. Each prescription for a controlled substance must be written on a separate prescription blank.

2. A prescription must contain:

(a) The name (and address of the practitioner) of the practitioner, and his address if not immediately available to the pharmacist;

(b) The classification of his license;

(c) His registration number from the Drug Enforcement Administration;

(d) The name (and address of the patient) of the patient, and his address if not immediately available to the pharmacist;

A. C. R. 13

**ASSEMBLY CONCURRENT RESOLUTION NO. 13—ASSEMBLY-
MEN STEWART, HAYES, MALONE, BENNETT, BRADY
AND HORN**

JANUARY 28, 1981

Referred to Committee on Judiciary

SUMMARY—Expresses support for programs in schools which contribute to reduction of juvenile crime. (BDR 31)

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

ASSEMBLY CONCURRENT RESOLUTION—Expressing the support of the legislature for alternate learning programs, counseling of parents and students in the schools, and vocational education.

1 WHEREAS, Crime committed by young persons is an increasing prob-
2 lem in Nevada, and the cost of that type of crime is in part avoidable;
3 and

4 WHEREAS, Much of the crime committed by juveniles is committed by
5 young people who are truant from school, or who have left school before
6 realizing the full potential of education; and

7 WHEREAS, Young criminals are often beyond the control of parents
8 who have not taught the children the proper values and conveyed to them
9 that they are obligated by duties as well as possessed of rights; now,
10 therefore, be it

11 *Resolved by the Assembly of the State of Nevada, the Senate concur-*
12 *ring,* That the legislature supports alternate learning programs and spe-
13 cial education programs, including those known as opportunity schools,
14 for those students who are disruptive of their classes or who cannot learn
15 in the conventional setting of the classroom; and be it further

16 *Resolved,* That the school districts of Nevada are encouraged to pro-
17 vide for the counseling of parents and students together in order to seek
18 the cooperation of both in the solving of problems in discipline and learn-
19 ing; and be it further

20 *Resolved,* That the school districts of Nevada are encouraged to offer
21 a full range of programs in vocational education, to prepare those stu-
22 dents whose potential value to society lies in the skilled trades; and be it
23 further

24 *Resolved,* That the legislative counsel is directed to transmit a copy of
25 this resolution to each school board and to the superintendent of each
26 school district in Nevada.

A. C. R. 14

ASSEMBLY CONCURRENT RESOLUTION NO. 14—ASSEMBLY-
MEN STEWART, HAYES, MALONE, BENNETT, BRADY
AND HORN

JANUARY 28, 1981

Referred to Committee on Judiciary

SUMMARY—Encourages activities, programs and employment
for youth in Nevada. (BDR 32)



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

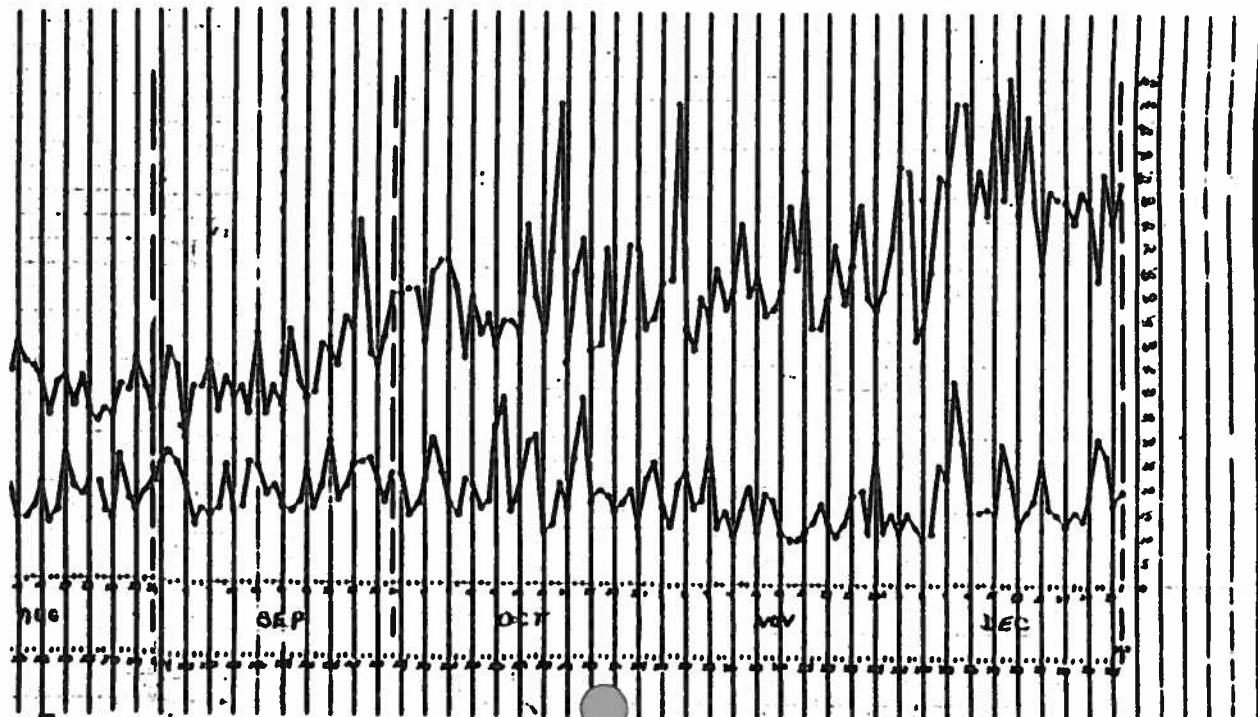
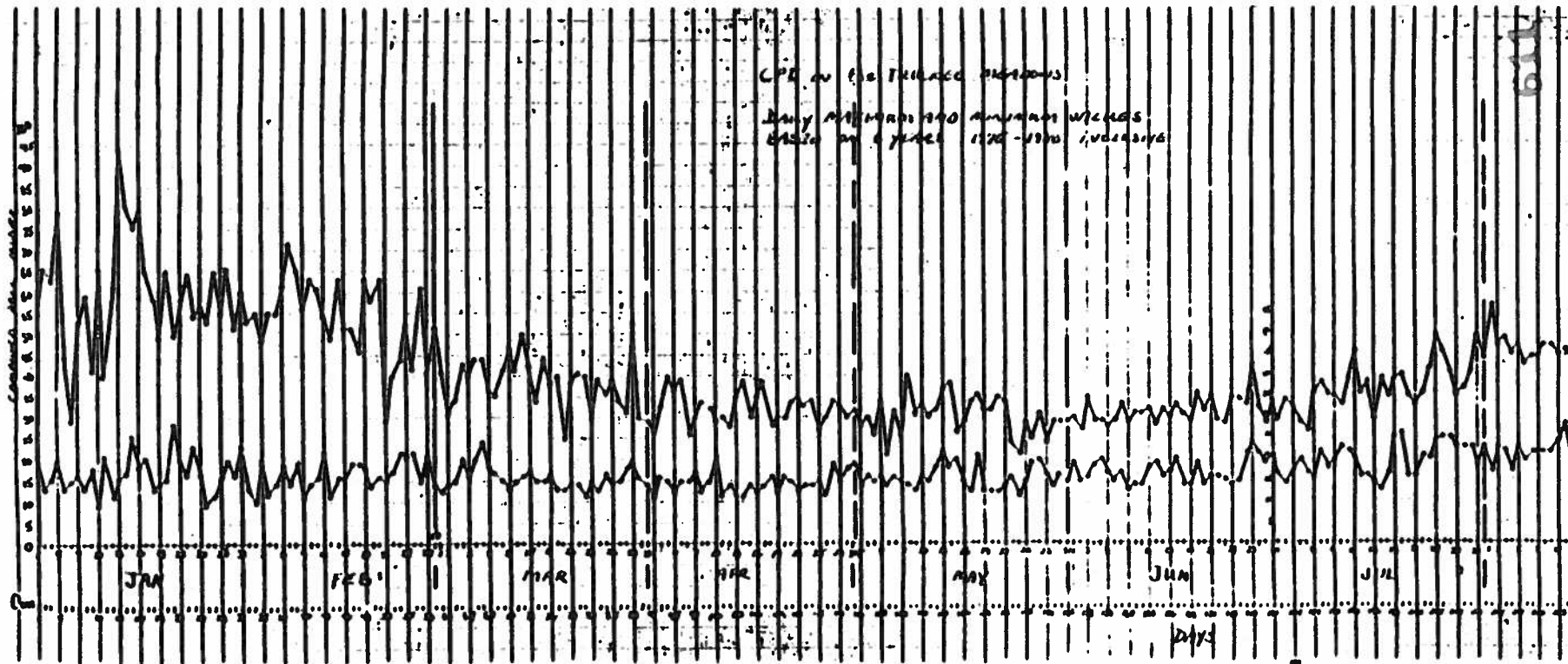
ASSEMBLY CONCURRENT RESOLUTION—Encouraging communities to
develop activities and programs for youth.

- 1 WHEREAS, Crime committed by juveniles is a costly waste of the time
2 and property of the victims, and may cost those victims serious injury
3 and even their lives; and
4 WHEREAS, A young person who commits a crime is of less value to
5 society than one who has been guided to safe, healthful and educational
6 activities; and
7 WHEREAS, Employment of young people in gainful activities teaches
8 them positive values which will aid in making them contributing members
9 of society; and
10 WHEREAS, Much of the crime committed by young persons can be
11 traced to a lack of constructive activities to occupy their time and atten-
12 tion; now, therefore, be it
13 *Resolved by the Assembly of the State of Nevada, the Senate con-*
14 *curring,* That the communities of Nevada are encouraged to develop
15 activities for the youth of the state, and to conduct programs related to
16 their interests which will teach them needed skills and values; and be it
17 further
18 *Resolved,* That the communities are encouraged to include activities
19 which are appropriate for participation by families in their planning for
20 recreation and other programs; and be it further
21 *Resolved,* That all employers in Nevada are encouraged to provide
22 opportunities for young people to be gainfully employed as a means of
23 reinforcing positive values as well as contributing to the economic and
24 social life of the people of Nevada.

CPI IN THE TRUCKEE MEADOWS

DAILY MAXIMUM AND MINIMUM VALUES FOR SIX YEARS (1975-1980 INCLUSIVE)

EXHIBIT G



SENATE BILL NO. 284—SENATORS KEITH ASHWORTH, NEAL,
DON ASHWORTH, BLAKEMORE, GLASER, LAMB, GIB-
SON AND CLOSE

FEBRUARY 24, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Defers mandatory inspection of emission from
motor vehicles. (BDR 40-653)

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 emissions from motor vehicles; deferring the mandatory
inspection of emissions; 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 445.635 is hereby amended to read as follows:
2 445.635 The authority set forth in NRS 445.630 providing for a
3 compulsory motor vehicle emission inspection program is limited as fol-
4 lows:
5 1. Except as provided in this subsection, in counties having a popu-
6 lation of 100,000 or more [as determined by the last preceding national
7 census of the Bureau of the Census of the United States Department of
8 Commerce:
9 (a) On or after July 1, 1977, and before]:
10 (a) Before July 1, ~~1981.~~ ~~1983~~, only used motor vehicles being reg-
11 istered to a new owner or being registered for the first time are required
12 to have evidence of compliance;
13 (b) On or after July 1, ~~1981.~~ ~~1983~~
January 1, 1982, in areas so designated by the
Commission, all used motor vehicles being
14 registered or reregistered are required to have evidence of compliance.
- 15 ~~The board of county commissioners of those counties may by ordinance~~
16 ~~require compliance with the provisions of paragraph (b) by a specified~~
17 ~~date before July 1, ~~1981.~~ ~~1983.~~~~
18 2. In other counties where the commission puts a program into
19 effect:
20 (a) [On or after February 1, 1978, all used motor vehicles being reg-
21 istered to a new owner are required to have evidence of compliance.
22 (b) On or after September 1, 1978,] *Before July 1, 1983,* only used

1 motor vehicles being registered to a new owner or being registered for
2 the first time in this state are required to have evidence of compliance.

3 [(c)] (b) On or after July 1, [1981.] 1983, all used motor vehicles **EXHIBIT H**
4 being registered are required to have evidence of compliance.

5 3. ~~4. Board of county commissioners may revise its program after~~
6 ~~receiving the approval of the commission.~~

The Commission shall submit an annual report to the legislature assessing 1) air quality trends in the state, 2) the status of federal requirements for air pollution control, 3) the effectiveness of the motor vehicle emission inspection program and other air pollution control measures.

The Commission ^{shall} may terminate the motor vehicle emission inspection program for a county if it determines that the air quality standards have been attained and attainment can be expected for the next two years.