

Assembly

MINUTES OF MEETING - COMMITTEE ON EDUCATION - 54TH NEVADA ASSEMBLY
SESSION - MARCH 16, 1967

Present: Garfinkle, Getto, Webb, Wilson, Foote, Prince, Espinosa.

Absent: None.

Chairman Garfinkle convened the meeting in the absence of two members who appeared before the meeting adjourned.

He opened by reviewing AB 469, the teacher aide bill in its redrafted form (revising AB 397), incorporating the supervision of teacher aides by certificated personnel in all duties which are instructional in nature and allowing the boards of trustees the flexibility of establishing the policies governing the duties and performance of the teacher aides.

Mr. Prince moved Do Pass AB 469.
Getto seconded.
Motion passed with Webb dissenting.

Discussion of SB 194 followed. Chairman Garfinkle presented the University of Nevada's Admission's Office position to the committee. At the present time due to a decision of the State Attorney General a student to be granted the tuition-free status of a resident must have resided in the State for six months regardless of marital relationship. If SB 194 were amended as suggested by Assemblyman Kean a female student of less than six months residence who married a male resident of the State could be granted the tuition-free benefit. Discussion developed that the University would prefer the status quo position to that which would be created if the amended bill were passed.

Mr. Wilson moved SB 194 be postponed indefinitely.
Webb seconded.
Motion unanimously passed.

Mr. Wilson was asked to report on AB 423 changing the appraisal method in sale or lease of school property. He stated that all of the persons he had hoped to consult were not available. It was agreed that AB 423 be continued for consideration at the Tuesday, March 21 meeting.

Chairman Garfinkle then reviewed the proposed resolution favored by the Board of Regents and the Governor that would allow for a Nevada Advisory Committee for Higher Education Planning to be created. He stated that this committee should not be confused with a commission form that previously has been ruled unconstitutional by virtue of its composition.

The committee agreed that if (1) it is constitutional (2) the Federal support financially does not have detrimental strings attached, and (3) it should be in bill form to be effective; Chairman Garfinkle should proceed to have a bill drafted for the committee's introduction.

Mr. Webb so moved.
Wilson seconded.
Motion unanimously passed.

Margie Foote was late in arriving at the meeting and Chairman Garfinkle informed her of the committee's actions up to this time.

SB 136, increasing the number of members of the Board of Regents for the University of Nevada, was presented for discussion. Chairman Garfinkle suggested that this measure be considered as seriously and objectively as possible and that the question of "trading a medical school" be omitted. The position of each member of the committee was stated.

Mr. Prince stated that he did not think an increase in the number of Board members would solve anything.

Mr. Art Palmer, legislative counsel, appeared at this time to report to the committee on the constitutionality of the proposed committee for higher education. He stated that the resolution did not have the elements which had led to the unconstitutionality of the previously formed commission. By nature of its membership and functions it would serve the purpose intended without the objections the Court had outlined in the previous decision. He also reported to the committee that it would have to be put in statute form from the resolution to be effective.

Chairman Garfinkle thanked him for his presentation and excused him from the meeting. The provisions agreed upon by the committee in Mr. Webb's motion were answered in part by Mr. Palmer and it was agreed to proceed as planned.

Discussion of SB 136 was continued.

Mr. Wilson stated that in all conscientiousness he felt that the U.S. Supreme Court opinion establishing apportionment was well founded and just. For this reason he was persuaded to apply the same principle to the composition of the Board of Regents and favored reapportioning the Board.

Mr. Prince asked that in view of the threatened injunction whereby the State Supreme Court would reapportion the Board did Mr. Wilson feel we should legislate it rather than allow the Court to do the job. Mr. Wilson stated that he felt the legislature should always assume its responsibility and avoid court actions whenever possible.

Mr. Webb presented his objection to the fact that the threat of court action had been made upon the legislature. He said his consideration would not be affected by any trading or north-south pressures.

Mr. Getto said that he also objected to being pressured by the threat of court action. He reminded the committee that the reapportionment decision was not unanimous but was in fact a 5-4 judgment. In essence then one man had prevailed the

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Court. He suggested that perhaps the southern part of the State in its natural desire for high quality education was impatient and unmindful of the time required for the development of a first-class, high quality facility. Growth takes time, he said. He stated that he definitely supported the view that the legislature should act on this bill.

Mr. Art Espinosa said that he felt reapportionment was necessary to maintain the necessary balance in representation. The proportions should be representative and the balance thus maintained. He said this bill would provide the reapportionment he favored.

Miss Foote said she disliked continued references to what other states do but that in this case she felt research should be made into whether the tenet of reapportionment is being extended in the composition of Boards similar to our Board of Regents. She stated she also favored the 5-3-3 ratio to that in the bill largely because the smaller population centers are being deprived in all areas of a strong position for the presentation of the problems vital to them.

Chairman Garfinkle reviewed his position of two months ago. He stated that he felt the Board of Regents were being unjustifiably condemned. He reminded the committee that when the Board established Nevada Southern that they did so without the full approval of the legislature and at that time was acting in the best interests of the entire state. He also stated his objection to the "club over my head" position imposed by the threat of court action. He suggested further that strict imposition of reapportionment could upset the balance which is necessary in all bodies to prevent unfair domination.

Mr. Getto moved SB 136 to the Assembly floor without recommendation.

Mr. Webb seconded.

The motion passed with both Mr. Espinosa and Mr. Wilson dissenting.

The committee agreed that to insure that the bill receive full consideration on its merits by the full attendance of the Assembly membership, that it be timed for consideration on the floor for Tuesday.

Miss Foote moved adjournment.

Mr. Webb seconded.

Meeting adjourned at 11:00 a.m.