

SENATE COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

The meeting was called to order at 8:13 a.m. on Wednesday, April 20, 1977 in Room 323, with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield
Vice-Chairman Joe Neal
Senator William Raggio
Senator Richard Blakemore
Senator William Hernstadt
Senator Wilbur Faiss

GUESTS: Jim Costa, Department of Education

S.B. 487

Senator Blakemore: Motion to Indefinitely Postpone
S.B. 487

(Motion dies for a lack of a 2nd)

S.B. 457

Senator Raggio suggested that the bill be amended to give a 30 day notice.

Senator Blakemore: Motion to amend S.B. 457 by deleting Lines 7-9 on Page Two; and to further amend by adding the requirement that the school district give similar notice, at least 30 days prior to any action on closing a school or changing the use of the school building.

Senator Raggio: 2nd the Motion.

The Motion passed. (Senator Neal - Absent)

A.B. 300

Senator Hernstadt said that he feels very strongly about A.B. 300, which is the bill which requires that at the beginning of each school day during which all persons must be silent for voluntary individual meditation, prayer or reflection by pupils. Three of the members of this Committee are also members of the Government Affairs Committee which heard my proposed law S.B. 15 which would forbid the giving of examinations or personnel hearings on significant religious holidays. It was the feeling of the Government Affairs Committee that shouldn't be a law although there had been clear cut abuse by at least a couple of cases where individuals rights were seriously affected. I think that similarly that if we are going to process anything along this line, it should be a resolution and not a law. Besides the obvious small group of atheists who are affected, who really have little political influence, although they do have rights, you each received a copy of the letter that the Rabbi wrote, and both Rabbis in Southern

Nevada are opposed to this. One of the Rabbis pointed out that this also affects highly religious persons of any particular faith who would like to say a prayer out loud, whether the Lord's prayer, or a Jewish prayer, a Moslem prayer, if they really feel strongly about it, this says that they have to stand silently. This law is prejudicial as much to highly religious persons as it is to atheists. It is a waste of time, as a high official in administration of the Clark County School District felt that they are having enough problems educating the kids than to have 85,000 kids .. stand for one minute silently and waste 85,000 minutes each day of the year. Because of the constitutional restraints, any substance of the law has been gutted out, and as a result it is kind of stupid, and what do you do with the first or second graders? A teacher said to me on a personal note, how was this teacher going to keep 25 first graders silent for one minute? We have been handed a decision by Assemblyman Sena, who is the sponsor of this bill, which indicates that the Massachusetts' area U.S. District Court found that this was constitutional, and I would like to point out to the Committee that this is the lowest level court. So there hasn't been any U.S. Supreme Court test on this particular issue, and of course a court in this area is not necessarily bound by that court. This bill does not provide that a parent or guardian can request that a student not participate. The law, opposed to what Line 4 says "voluntary", but it doesn't have any provision for it in fact to be voluntary if the parents do not want the kid to attend. So, for the reasons that I have indicated, I would ask that this Committee not process this bill and that it consider that Mr. Sena made a good effort but that really this is not the area of law. If individual teachers or individual school trustees want to do something in terms of a moment of silence, they aren't forbidden to do that, but they shouldn't have to be mandated to do it. (This testimony is verbatim)

Senator Raggio said that this is an area where he has never agreed with the decision of the Supreme Court. I recognize there were differences of opinion with the people that argued the matter. Our own principals of this country are based upon the belief of God, it is written into our Constitution, the Declaration of Independence. The foundation principals of this country were not atheistic. We are not mandating prayer in school, other people are also troubled by the U.S. Supreme Court decision as they **see it**: as one step backward for the country. No one is **compelled to** do anything here, and the language in the Massachusetts decision is rather **persuasive**.

I would vote in support of the measure, because I think really that a minute beginning the day doesn't hurt anyone, and I note that this is done in the Legislature in an affirmative manner as we invite open prayer by individuals of all denominations, (verbatim testimony).

Senator Blakemore stated that personally he felt that the moral fibre of this country has been deteriorating throughout the years, and the Legislature should acknowledge the fact that there is a Supreme Being. He stated that it was deplorable to him that they have to get to the point where prayer has to be "legalized".

Senator Faiss said that if Senator Hernstadt has a problem with this bill, he will respect his viewpoint and not vote on this.

(Senator Neal entered the room)

Senator Schofield said that he was upset when the Supreme Court saw fit to stop this practice in the schools. He stated that he appreciated that this practice was a part of the Senate each day. He continued to say that he felt it would not be fair to the Assembly or the Senate to "kill" this measure in Committee, and it should be voted out to go on the Floor.

Senator Neal said he would have a problem if this meant that someone was directing the children in a prayer. Senator Raggio said that the bill would indicate that it would be a voluntary period set aside for the individuals to do what they want, either meditate or pray.

Senator Hernstadt said that if the Committee desired to process this measure he would like it to be in the form of a resolution, and the word prayer be deleted.

Senator Raggio: Amend A.B. 300 by adding
"prayers or meditation" and Do Pass
Senator Blakemore: 2nd the Motion

Senator Neal said that as a request of a member of his school district he would like to have the word "shall" changed to "may" and leave the choice up to the school district. Senator Hernstadt said he would like to make a Motion to amend A.B. 300 by deleting the word "prayers".

Chairman Schofield said there was already a motion on the table, and Senator Blakemore called for the 'question'.

Mr. Jim Costa submitted a statement to the Committee from the Department of Education, (Exhibit "A") which requested that this legislation be put under NRS 388 rather than NRS 389.

The Motion passed. (Senator Hernstadt voted "NO";
and Senator Faiss - Abstain)

A.B. 205 (Exhibit "B")

Senator Raggio: Motion for Do Pass
Senator Blakemore: 2nd the Motion

The Motion passed. (Senator Hernstadt - Absent)

A.B. 502 (Exhibit "C")

Senator Blakemore: Motion for Do Pass
Senator Faiss: 2nd the Motion

The Motion passed. (Senator Hernstadt - Absent)

A.B. 495

Senator Neal: Motion for Do Pass
Senator Blakemore: 2nd the Motion

Discussion:

Senator Raggio said that he will vote "NO" on this bill as he believed that this is an area that invades the rights of parents, and he was not relieved by the parents being allowed to submit a written notice. Chairman Schofield said that he also would vote "NO" on this.

Senator Neal: Withdraw my motion.

A.B. 435 (Exhibit "D")

Senator Raggio: Motion for Indefinite Postponement
Senator Blakemore: 2nd the Motion

The Motion passed. (Senator Hernstadt - Absent)

S.B. 93 (Exhibit "E")

Senator Neal: Motion for Indefinite Postponement
Senator Raggio: 2nd the Motion

The Motion passed. (Senator Hernstadt - Absent)

A.B. 346 (Exhibit "F")

Senator Raggio went through each section of the bill and proposed the following amendments:

- #1 -- First Reprint: Page One, Line 18-19 -- It was the consensus of the Committee to leave the language in this section as Senate Committee on Human Resources and Facilities is written

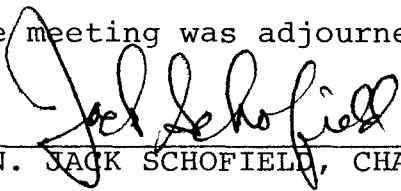
- #2 -- Page Two, Lines 7-8 -- It was the consensus of the Committee that to change "superintendent shall" to "superintendent may".
- #3 -- Page Two, Line 11 -- It was the consensus of the Committee that they would leave the wording as it is written.
- #4 -- Page Two, Line 32 -- It was the consensus of the Committee to change "3 consecutive years" to "3 complete school years".
- #5 -- Page Two, Line 25 -- It was the consensus of the Committee to leave the wording as it is written.
- #6 -- Page Two, Line 45-46 -- It was the consensus of the Committee to leave the wording as it is written.

Senator Neal: Motion for Do Pass of A.B. 346
as amended.

Senator Raggio: 2nd the Motion

The Motion passed. (Senators Blakemore and Hernstadt- Absent)

The meeting was adjourned at 9:17 a.m.


SEN. JACK SCHOFIELD, CHAIRMAN


SHEBA LYNN WOOLLEY, SECRETARY

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE
SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES

April 15, 1977
Room 323, 8:00 A.M.

A. B. 300 -- Provides silent period for voluntary individual prayer in public schools.

The Department of Education has no position with respect to the substance of A. B. 300. It does question whether said substance should be placed in Chapter 389 of NRS, which deals with courses of study.

The Department suggests that perhaps the substance of A. B. 300 would more appropriately be placed in Chapter 388 under the heading, "School Terms, Holidays and Observances", and urges the Committee's attention to this consideration.

JPC:maj
4-14-77

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 205

ASSEMBLY BILL NO. 205—ASSEMBLYMAN COULTER

JANUARY 31, 1977

Referred to Committee on Commerce

SUMMARY—Revises requirement for labeling drug packages and permits pharmacists to choose substitute drugs. (BDR 51-578)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to pharmacists and pharmacies; revising requirement for labeling drugs in package form; prohibiting owners of pharmacies from requiring their pharmacists to dispense a specific drug when a choice of drugs is available.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 585.420 is hereby amended to read as follows:
 2 585.420 1. **[A]** *Except as provided in subsections 2 and 3, a drug*
 3 *or device shall be deemed to be misbranded if in package form unless it*
 4 *bears a label containing:*
 5 (a) *The name and place of business of the manufacturer, packer or*
 6 *distributor; and*
 7 (b) *An accurate statement of the quantity of the contents in terms of*
 8 *weight, measure or numerical count.*
 9 2. *The label affixed to a container which contains a prescription drug*
 10 *intended for use by a human being shall include:*
 11 (a) *The name and place of business of the manufacturer; and*
 12 (b) *If different, the name and place of business of the packer or dis-*
 13 *tributor,*
 14 *of the drug in its final dosage form.*
 15 3. *A label affixed to a container by a pharmacist is not required to*
 16 *include the name and place of business of the manufacturer, packer or*
 17 *distributor.*
 18 4. Under paragraph (b) of subsection 1 reasonable variations shall be
 19 permitted, and exemptions as to small packages shall be established, by
 20 regulations prescribed by the commissioner.
 21 SEC. 2. Chapter 639 of NRS is hereby amended by adding thereto
 22 a new section which shall read as follows:
 23 *No person who owns a pharmacy licensed under this chapter may*
 24 *require a pharmacist in his employment to dispense a specific drug when a*
 25 *choice of drugs is available.*

A. B. 502

ASSEMBLY BILL NO. 502—COMMITTEE ON EDUCATION

MARCH 22, 1977

Referred to Committee on Education

SUMMARY—Permits school boards to negotiate with personnel with respect to sick leave. (BDR 34-1299)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.



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

AN ACT relating to public school personnel; permitting boards of trustees of school districts to negotiate with respect to the accumulation of sick leave and payment for unused sick leave; 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 391.180 is hereby amended to read as follows:
- 2 391.180 1. As used in this section, "employee" means a certificated
- 3 or noncertificated employee of a school district in this state.
- 4 2. A school month in any public school in this state [shall consist]
- 5 consists of 4 weeks of 5 days each. [, and, except as otherwise
- 6 provided in this section, an employee thereof shall be paid only for the
- 7 time in which he is actually engaged in services rendered the school
- 8 district.]
- 9 3. Nothing contained in this section [shall prohibit] *prohibits* the
- 10 payment of employees' compensation in 12 equal monthly payments for
- 11 9 or more months' work.
- 12 4. The per diem deduction from the salary of an employee because
- 13 of absence from service for reasons other than those specified in this
- 14 section is that proportion of the yearly salary which is determined by
- 15 the ratio between the duration of [such] *the* absence and the total number
- 16 of contracted work days in the year.
- 17 5. Boards of trustees shall prescribe [such rules and regulations
- 18 for] *by regulation, or may in the alternative negotiate pursuant to the*
- 19 *Local Government Employee-Management Relations Act, with respect*
- 20 *to sick leave, accumulation of sick leave, payment for unused sick leave,*
- 21 *sabbatical leave, personal leave, professional leave, military leave and*
- 22 *such other leave as they determine to be necessary or desirable for*
- 23 *employees. If any subject specified in this subsection is included in a*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT

A. B. 435

ASSEMBLY BILL NO. 435—ASSEMBLYMEN
DEMERS AND HARMON

MARCH 10, 1977

Referred to Committee on Commerce

SUMMARY—Requires installation of water-saving devices. (BDR 40-1083)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to water conservation; requiring the installation of water-saving devices in certain buildings in this state; providing exemptions for certain buildings; 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 444 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *Except as provided in subsection 2, aerators or other water-saving*
4 *devices shall be installed in the plumbing system of every building which*
5 *is constructed on or after July 1, 1977. The aerators or other water-*
6 *saving devices shall restrict the flow of water through shower heads and*
7 *indoor faucets to 4 gallons or less per minute.*
8 2. *The health division shall establish procedures for determining*
9 *whether or not the use of aerators or other water-saving devices is appro-*
10 *priate in certain buildings. A determination shall be made only after appli-*
11 *cation and a separate determination shall be made for each building.*

⑩

Original bill is on file at
the Research Library.

S. B. 93SENATE BILL NO. 93—COMMITTEE ON EDUCATION,
HEALTH AND WELFARE AND STATE INSTITUTIONS

JANUARY 20, 1977

Referred to Committee on Education, Health and Welfare and
State InstitutionsSUMMARY—Revises provision for allocation of money to community
training centers for mentally retarded. (BDR 39-126)FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to community training centers for the mentally retarded; providing for allocation of money according to programs offered; 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 435.290 is hereby amended to read as follows:
 2 435.290 1. A center holding a certificate of qualification from the
 3 division is eligible to receive aid from the community training center
 4 fund in amounts not less than the amounts allocable under subsections
 5 2 and 3.
 6 2. Each center in the state is eligible to receive [that percentage
 7 of available funds as the ratio of the number of enrollees of each center
 8 bears to the total number of enrollees in all centers in the state, but not
 9 less than \$300] *at least:*
 10 (a) *Three hundred dollars* per enrollee per quarter [, except that each
 11 community center shall be given a minimum of \$14,000] ; *or*
 12 (b) *Fourteen thousand dollars* per year [as long as] *if* the center
 13 maintains a minimum of five enrollees per quarter and [their] *its* staff
 14 expenses are [in the amount of \$14,000 or more] *at least, \$14,000* each
 15 year [.] ,
 16 *whichever is greater.*
 17 3. The division, in its discretion, may grant aid from the community
 18 training center fund to help in establishing new centers. This aid in the
 19 aggregate shall not exceed [one-half of the fund during the fiscal year
 20 ending June 30, 1970, and shall not exceed] *one-fourth of the [fund*
 21 *thereafter.] money available for the year in which it is given.*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 346

ASSEMBLY BILL NO. 346—COMMITTEE ON EDUCATION

FEBRUARY 24, 1977

Referred to Committee on Education

SUMMARY—Provides safeguards in discipline of public school education personnel. (BDR 34-626)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public school personnel; providing additional safeguards in disciplinary procedures for certificated personnel; 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 391.313 is hereby amended to read as follows:
 2 391.313 1. Whenever an administrator charged with supervision of
 3 a certificated employee believes it is necessary to admonish a certificated
 4 employee for a reason that he believes may lead to demotion, dismissal
 5 or cause the [certificated] employee not to be reemployed under the
 6 provisions of NRS 391.312, he shall:
 7 (a) Bring the matter to the attention of the [certificated] employee
 8 involved, in writing, and make a reasonable effort to assist the employee
 9 to correct whatever appears to be the cause for potential dismissal or
 10 failure to reemploy; and
 11 (b) Except as provided in NRS 391.314, allow reasonable time for
 12 improvement, which shall not exceed 3 months for the first [admonish-
 13 ment.] *admonition.*
 14 *An admonition issued to a certificated employee who, within the time*
 15 *granted for improvement, has met the standards set for him by the*
 16 *administrator who issued the admonition shall be removed from the*
 17 *records of the employee together with all notations and indications of*
 18 *its having been issued. The admonition shall be removed from the records*
 19 *of the employee not later than 3 years after it is issued.*
 20 2. A certificated employee may be subject to immediate dismissal or
 21 nonreemployment according to the procedures provided in NRS 391.-
 22 311 to 391.3197, inclusive, without the [admonishment] *admonition*
 23 required by this section on grounds contained in paragraphs (f), (g),
 24 (h) and (p) of subsection 1 of NRS 391.312.

Original bill is 2 pages long.
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