

MEMBERS PRESENT: Chairman Horn
Vice Chairman Bedrosian
Mr. Barengo
Mrs. Cavnar
Mr. Harmon
Mr. Hickey
Mr. Malone

MEMBERS ABSENT: None

GUESTS PRESENT: Dr. Donald H. Baepler, Chancellor
James L. Buchanan, Board of Regents
John R. McBride, Board of Regents
John Tom Ross, Board of Regents

Senator Glaser
Paul Page, UNR Faculty Senate
Paul T. Swartz, Clark County Community College
William Christopher, Clark County Community College
John Rosich, Clark County Community College
Paul Kreider, Clark County Community College

Chairman Horn called the meeting to order at 3:08 p.m. and informed the committee that they would hear AB 648 first.

AB 648: Prohibits change in candidate's political affiliation under certain circumstances.

Mr. Barengo explained that as the law reads now if a candidate has changed his party designation after September 1st, he can not run for that party. He said that instances occurred in the last election where candidates who had not voted in the last election changed their party affiliation on the last day of filing and then filed for office in that party and due to the fact that they had not voted in the last election their registration was no longer valid allowing them to do this. He said that he felt this was an attempt to circumvent the intent of the law and the new language added in AB 648 would prevent this from happening.

Since there was no further testimony on AB 648, Mr. Horn said the committee would now hear testimony on SJR 12.

SJR 12: Proposes constitutional amendment providing for appointment of University of Nevada regents and community college trustees.

Mr. Horn explained that Mr. Harmon had asked to be excused because of the conflict of interest in that his father-in-law is a member of the Board of Regents.

Senator Norman Glaser, Northern Nevada Senatorial District, said that he understood and was happy to excuse Assemblyman Harmon.

Senator Glaser commented that he had introduced similar legislation in the Assembly in 1969 and gave the background of that introduction. He explained that in researching this bill it was found that approximately two-thirds of the states have some sort of appointment and confirmation procedure for regents. He indicated that in 1969 the bill passed the Assembly Education Committee, the floor of the Assembly, the Senate Education Committee, but was defeated by one vote on the floor of the Senate. He felt that if he had lobbied for the bill at that time it would have passed.

Senator Glaser continued by saying that because of several circumstances within the University System he felt this legislation was again viable. He added that running for election to the Board of Regents was an expensive, time consuming process which would preclude the average individual no matter how talented from pursuing this office. He said that he felt that Nevada should look at the possibility of having an appointed board.

Senator Glaser pointed out that lines 11 and 12 of SJR 12 state that the legislature shall provide for the appointment of a board of regents for the University of Nevada and if this constitutional amendment passed two sessions of the legislature and the vote of the people, the enabling legislation would come out of the legislature. He added that confirmation could be by the Senate, the entire legislature or the Legislative Commission, or perhaps some sort of nomination procedure could be adopted. He felt that the Governor would be in a position to nominate persons of considerable talent, interested in education, interested in the welfare of the University System enabling Nevada to join the growing list of states who employ an appointment and/or confirmation system.

When Mr. Hickey questioned that there were no specifics on how to make the selection, Mr. Glaser replied that rather than encumber the constitution with the mechanics it was felt that this should be left up to the legislature in five years. He explained that SJR 12 would simply be an enabling clause in the constitution that would allow the Governor to appoint by whatever method would be designed by the legislature.

When Mrs. Cavnar asked what the difference was between a campaign for the Senate or Assembly and the Board of Regents, Mr. Glaser replied that it was the level of visibility, that with so many names on the ballot the voter loses sight of who he is voting for at a certain level and that party candidates receive more publicity because of stands on issues.

When Mr. Hickey asked if it would be acceptable to amend this bill to retain the present districts for the Board of Regents, Mr. Glaser responded that anything that was constitutionally correct according to the one man, one vote concept was acceptable but he felt this should be done by statute.

Mr. Hickey stated that he wanted to protect his district which now was represented by a regent. 292

When Mr. Horn asked to have the progression of this bill through the Senate outlined, Mr. Glaser said that he had introduced SJR 12 and a companion bill, SJR 13, which provided for appointment of a separate Board of Regents for the Community Colleges, and that he had found people much more receptive to SJR 12 and that SJR 12 had passed the Senate by a nearly unanimous vote.

Since there were no other proponents of SJR 12, Mr. Horn asked the opponents to testify.

John Tom Ross, Vice Chairman of the Board of Regents, said he was representing Robert Cashell, Chairman, and distributed a copy of an editorial which appeared in the Nevada State Journal which is attached to these minutes as Exhibit A. He explained that an identical editorial appeared in the Las Vegas Review Journal. Mr. Ross then introduced Chancellor Donald Baepler.

Dr. Donald Baepler, Chancellor of the University of Nevada System, stated that Senator Glaser was correct in saying that around the country there were both elected and appointed boards. He said that it was difficult to tell the difference between the two systems in the terms of functions, that both systems had great schools. He explained that he had the experience of working for eight years in the State of Washington under an appointed board and the experience of working for eleven years in the State of Nevada under an elected board. He said that the critical difference between the two was basically that the appointed board or trustees thrust the executive branch of government directly into the system of higher education. He indicated that it was demonstrable in several states that higher education has suffered under anti-education governors, as well as flourished under pro-education governors. He stated that he personally liked the concept of the Board of Regents being elected on a per capita basis by the people that they represent and that in his opinion this gave the higher education system the appropriate buffering required from the executive branch. He added that persons from outside the state seeking positions in this state very definitely feel that the elective process has certain strength and advantages over the appointive process. He commented that having had very extensive experience with both types, his experience in Nevada has been distinctly better with respect to the board than his experience in the State of Washington.

James Buchanan, Board of Regents, said that during the last four years when he was Chairman of the Board of Regents he and Senator Glaser had many differences of opinion centered around the Elko Community College Advisory Board and its function. He explained that Senator Glaser and some of the people in that area felt that the Board of Regents were not concerned with the community colleges, that the Board of Regents should be appointed, that they should not have control of the community colleges and felt that the community colleges were being slighted. He added that during his term as Chairman some changes were made and he felt that at present the Advisory Board and people in the Elko area were content

Date: APRIL 24, 1979

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with the way that the Board of Regents were handling the situation as elected officials and the way the school is progressing. He commented that he did not feel there was any dissatisfaction with the Board of Regents either as a head of the community colleges, particularly in Elko, or the way that they are elected and represented. He stated that as he traveled around the country he found that most people would give their eye teeth to have elected regents as we do in Nevada. He said that he found that because they are appointed by the governor they have pressure put on them and cannot function freely because they feel obligated to the governor. He pointed out that if the board were appointed by the governor, he would have control of the budget which would then become an executive budget and the system as it is now is a check and balance between the governor, the regents and the legislature. He commented that in regard to the expense of a campaign he has found people very willing to contribute not so much because they can put pressure on the candidate but because they are concerned with education and feel the elective system works. He indicated that at one time when he was considering resigning his position as a member of the Board of Regents people were clamoring to be appointed by the governor. He said that he felt that it would not be the average person who would be appointed but those who were indebted to the governor or helped in his campaign. He said that the Board of Regents as it is now are very representative of the people, a good cross section of the state who fight for their districts. He pointed out that the University under the system of elected regents over the last 120 years has progressed very greatly and that with reapportionment which increased southern representation to five members UNLV began getting equal representation and at present has more students than UNR. He concluded by saying that the system works as an elective board, the people who run for election take time to do it and are dedicated to the best interests of the people and the university. He recommended that the committee not pass this bill.

Mr. Hickey stated that there was some concern that the regents were not looking at the university and community college picture as a whole for the state and were sectionalizing. He indicated that he felt the regents should have a good working relationship with the legislature and should not become political.

When Mr. Horn referred to his comment that the governor's appointments would be those who helped in his campaign and contributed the most money, Mr. Buchanan replied that he thought the governor would be most inclined to appoint those people who he was politically indebted to and pointed out that in California William Randolph Hurst and other in the mainstream of politics were appointed as regents. He added that he did not feel that these people were not as responsive to the average person as an elected regent would be.

Mr. Ross introduced Mr. Jack McBride, the newest member of the Board of Regents, who read his prepared testimony which is attached to these minutes as Exhibit B.

Mr. Ross said that in closing the regents comments he would like to make the observation that at present the budgets progress from the bottom up, from the classroom teacher to the regents, and he felt that if the regents were appointed by the governor or by the legislature in the interest time the budget could be rushed through without concern for need or program development. He added that he thought that the regent served as an extremely effective arm for the legislature in auditing and monitoring budgets and updating programs which is subsequently done again by the legislature. He commented that despite the large turnover in personnel he felt that a good job had been done.

When Mr. Horn questioned the motivation for SJR 12, Mr. Ross replied that he personally felt that if Elko had representation this bill would never have been introduced.

Mr. Ross commented that the Ways and Means Committee has given the University of Nevada System more money than the executive budget and if the regents were appointed by the governor, the legislature would not have figures available for intelligent consideration.

William Christopher, Chairman of the Faculty Senate at Clark County Community College, stated that in discussing appointive as opposed to elective regents the Senate members agreed that they felt comfortable with the regents as elected officials representing the people and could speak openly with them either on or off campus. He added that the present Board of Regents was very receptive to Clark County's needs and he felt that some of the problems that have arisen in the past were due to the fact that the regents were not provided enough information. He commented that the regents visited the campus to become informed and he questioned whether an appointed board would take as much interest. He stated that he supported the present system of elected officials.

John Rosich, immediate past President of the Faculty Senate of Clark County Community College, thanked Mr. Horn for the invitation and opportunity to come before the committee. He stated that they supported elected regents because they felt that elected regents were accountable to a constituent group. He added that if the board did become appointive, they agreed that there should be some sort of regional representation.

Paul Swartz, representing the Faculty Senate for the years 1975-1976, stated that the group that he represented at that time were for the elective process and would still support that process. He commented that at that time they were trying to transfer too much money across the board but that he felt the board acted in a very reasonable manner in questioning the actions. He added that since that time in attending regents' meetings, he felt that the Community College was receiving more cooperation and recognition from the regents.

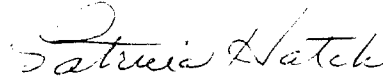
Paul Page, Chairman of the University of Nevada, Reno Faculty Senate read his prepared testimony which is attached as Exhibit C.

Since there was no further testimony on SJR 12, Mr. Horn asked the committee if they wished to take action on AB 648.

Mr. Malone moved DO PASS AB 648, seconded by Mrs. Cavnar and carried unanimously by the members present with Mr. Harmon absent.

Mr. Horn requested Mr. Barengo to handle AB 648 on the floor of the Assembly, and since there was no further business he adjourned the meeting at 4:05 p.m.

Respectfully submitted,



Patricia Hatch
Assembly Attache

60th NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE APRIL 24, 1979

SUBJECT AB 648: Prohibits change in candidate's political affiliation under certain circumstances.

MOTION: DO PASS

Do Pass XX Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved BY Mr. Malone Seconded By Mrs. Cavnar

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

MOTION

AMEND

AMEND

VOTE:

Yes No Yes No Yes No

BEDROSIAN	<u>X</u>	_____	_____	_____	_____	_____	_____
BARENGO	<u>X</u>	_____	_____	_____	_____	_____	_____
CAVNAR	<u>X</u>	_____	_____	_____	_____	_____	_____
HARMON	<u>absent</u>	_____	_____	_____	_____	_____	_____
HICKEY	<u>X</u>	_____	_____	_____	_____	_____	_____
MALONE	<u>X</u>	_____	_____	_____	_____	_____	_____
HORN	<u>X</u>	_____	_____	_____	_____	_____	_____

TALLY: 6 0

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes April 24, 1979

Opinion

Nevada State Journal

109th Year—No. 139

Winner of The Pulitzer Prize for Editorial Writing

Warren L. Lerude Publisher
 Robert W. Ritter Executive Editor William M. Clemens Controller
 Frank H. Delaplane Managing Editor Lynne A. Frantz Advertising Director
 Jay A. Johnson News Editor Robert L. Kuptz Circulation Director
 Susan A. Stookey Editorial Page Editor Eugene Moni Production Director
 James P. Rowley Marketing Director

4—Tuesday, April 10, 1979

Editorials

Regent appointments

We would be the first to agree the elective process has not produced the best of all possible Boards of Regents for the University of Nevada System.

But we would be the last to go along with a resolution passed by the Nevada Senate last week calling for an appointed board to take the place of the elected one.

Yes, we have criticized individual board members for their handling of an important job. We have thought, on many occasions, the people of Nevada could be better represented.

But by making the board appointive, the door is opened to political favoritism and abuse of power. Occasionally, vacancies occur on the board, and the governor appoints someone to fill the job. Because of the prestige and popularity of the office, lobbying for such vacancies is often vigorous. It is not uncommon for a governor to use appointments to boards as a reward for political patronage.

We would not like to see that happen with to the Board of Regents.

A regent's job can be difficult and time consuming. The board oversees a multi-million dollar budget, and the growing pains of two state universities and four community college campuses. More than ever, Nevadans deserve devoted, conscientious board members who will guide their higher educational institutions through the troubles of inflated costs and fluctuating enrollments.

It is reassuring to know that voters have the option of trimming dead weight from the board at the next election. We are not as convinced that would be the case if all board members were appointed by the governor.

As Nevada's higher educational institutions continue to grow, the voters and the media must increasingly monitor the performance of the board. Persons of talent must also be encouraged to run for the board.

We believe the performance of regents can be improved through increased interest of the voters.

We don't want to see a regent's seat become just another political plum.

TESTIMONY BEFORE COMMITTEE ON ELECTIONS
NEVADA STATE ASSEMBLY -- APRIL 24, 1979

THANK YOU, MR. CHAIRMAN, FOR INVITING ME TO APPEAR BEFORE YOUR COMMITTEE TO TESTIFY ON SJR 12.

MY NAME IS JOHN R. MCBRIDE. I WAS ELECTED THIS PAST NOVEMBER FROM SUB-DISTRICT E IN LAS VEGAS AS A UNIVERSITY REGENT FOR A TERM OF SIX YEARS. MY DISTRICT CONTAINS APPROXIMATELY 80 THOUSAND RESIDENTS AND IS REPRESENTED BY FIVE NEVADA STATE ASSEMBLYMEN. GEOGRAPHICALLY, IT EXTENDS FROM THE NORTH LAS VEGAS CITY LIMITS SOUTH TO DESERT INN ROAD, FROM BOULDER HIGHWAY AND MOJAVE ROAD ON THE EAST TO TONOPAH DRIVE ON THE WEST. LIKE MOST OF YOU, I DID AN AWFUL LOT OF WALKING AND RINGING DOORBELLS FROM JULY UNTIL NOVEMBER. ALTHOUGH IT WAS MY FIRST TRY FOR PUBLIC OFFICE, I BELIEVE I KNOW WHAT A CANDIDATE MUST DO TO GET ELECTED. MY CAMPAIGN COSTS WERE PROBABLY CHEAP, COMPARED TO SOME, BUT THEY WERE STILL IN EXCESS OF \$10,000. I WANT TO GIVE YOU THIS INFORMATION JUST FOR BACKGROUND, FOR THE ISSUE, AS I SEE IT, IS SOLELY THAT OF WHETHER REGENTS SHOULD BE ELECTED OR APPOINTED BY THE GOVERNOR AND WHICH SYSTEM IS BEST. I MIGHT ADD THAT FOR A WHILE, I HAD MY DOUBTS AS TO WHETHER THIS WAS REALLY THE ISSUE, SINCE SJR 12, TOGETHER WITH A NUMBER OF OTHER BILLS INTRODUCED IN THE SENATE BY THE SAME GENERAL SPONSORS, WERE ALL AIMED AT THE UNIVERSITY REGENTS. SUCH ACTION SUGGESTS TO ME THAT FOR SOME REASON OR OTHER, CERTAIN REGENTS MAY HAVE INCURRED THE IRE OF THE LEGIS--

LATURE, AND THAT A BETTER QUALITY REGENT CAN BE OBTAINED THROUGH THE APPOINTMENT PROCESS, RATHER THAN BY THE CHOICE OF THE ELECTORATE.

I, PERSONALLY, DO NOT BELIEVE THIS TO BE THE CASE. I THINK THAT A WELL INFORMED ELECTORATE CAN RECOGNIZE A BUMBLING OR INCOMPETENT POLITICIAN AND REPLACE HIM AT ELECTION TIME. AND OF COURSE, IN EXTREME CASES, THE RECALL PETITION PROCESS IS AVAILABLE TO REMOVE A PERSON FROM OFFICE. I BELIEVE THAT THE FRAMERS OF OUR STATE CONSTITUTION WERE WISE IN THEIR ESTABLISHMENT OF THE HIGHER EDUCATION SYSTEM OUTSIDE THE EXECUTIVE BRANCH OF GOVERNMENT. BY THIS ACTION AND SUBSEQUENT ACTION BY THE LEGISLATURE, THE REGENTS, IN EFFECT, ARE ACCOUNTABLE DIRECTLY TO THIS BODY. SUCH WOULD NOT BE THE CASE IF REGENTS WERE APPOINTED BY THE GOVERNOR. THE REGENTS WOULD BE THE AGENTS OF THE GOVERNOR AND YOU WOULD HEAR ONLY WHAT THE GOVERNOR WANTED YOU TO HEAR. IF I WERE IN THE LEGISLATURE I WOULD PREFER DEALING DIRECTLY WITH THE REGENTS AND UNIVERSITY AND COLLEGE OFFICIALS.

I AM CONVINCED THAT, RATHER THAN BASE OUR HOPES OF GETTING A BETTER QUALITY REGENT THROUGH THE ADOPTION OF SJR 12, WHAT WE REALLY NEED TO DO, AS REGENTS, IS TO OPEN BETTER LINES OF

COMMUNICATION WITH THE LEGISLATURE, THE GOVERNOR, THE MEDIA AND THE PUBLIC. I ASSURE YOU THAT I WILL DO MY PART TO IMPROVE OUR RELATIONSHIP IN ANY WAY I CAN. I HAVE APPEARED BEFORE SEVERAL COMMITTEES OF BOTH THE SENATE AND ASSEMBLY ON MATTERS DEALING WITH THE UNIVERSITY OF NEVADA SYSTEM AND I WILL CONTINUE TO MAKE MYSELF AVAILABLE AS NEEDED. FOR, AS THE CONSTITUTION STATES, THE REGENTS ARE RESPONSIBLE FOR THE "CONTROL AND MANAGEMENT OF THE AFFAIRS OF THE UNIVERSITY AND THE FUNDS OF THE SAME UNDER SUCH REGULATIONS AS MAY BE PROVIDED BY LAW."

IF SIX YEARS FROM NOW, I HAVE NOT CONTRIBUTED ANYTHING TO THE OFFICE OF REGENT, THEN WHETHER I AM UP FOR RE-ELECTION OR APPOINTMENT, I SHOULD BE REPLACED.]

IN CLOSING, I WANT TO STATE THAT MY COMMENTS REGARDING THE GOVERNOR'S APPOINTMENT OR OVERSIGHT OF REGENTS SHOULD NOT BE CONSTRUED AS REFLECTION ON EITHER OUR PAST OR PRESENT GOVERNORS. BUT MY CONCERN IS THAT I DON'T KNOW WHO WILL BE GOVERNOR IN 1987 AND THAT WILL BE WHEN SOME OF THE REGENTS WOULD BE UP FOR APPOINTMENT IF SJR 12 IS ADOPTED.

THANK YOU VERY MUCH FOR ALLOWING ME TO APPEAR.

ASSEMBLY ELECTIONS COMMITTEE

MR. NICK HORN, CHAIRMAN

APRIL 24, 1979

My name is Paul Page and I am chairman of the UNR Faculty Senate. I would like to discuss with you several concerns that have been expressed to me by members of the faculty.

1. The move to provide for an appointive board of regents appears to be a response to several actions taken by a previous board of regents. The benefits of changing a long-standing policy, which has worked well in the past because of a few recent problems, is questionable. The present board has functioned very effectively and has certainly been responsive to the concerns of the State and the UNS System.
2. There are examples of appointive boards that have not functioned well. Ultimately the members of a board, whether appointed or elected, determine how well that particular board works. If you have responsive members, you will have a strong and capable board. The proposal before you is analogous to the question of whether members of the judiciary should be appointed or elected. There are strong arguments on both sides of this question, many of which are applicable here.
3. If you do decide to support an appointive board of regents, it is imperative that specific and detailed guidelines be developed concerning how members are appointed. I would suggest a committee be established which would review applicants, and that such a committee would make recommendations concerning potential candidates to the appointive officer. If such protections are not established, the risk of politicizing the University would be greatly increased.

I would, therefore, be opposed to the present resolution in the absence of explicit guidelines to appointment procedures that would mandate the application of appropriate selection criteria.