

Committee in Session at 8:46 am on Wednesday, May 16, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Vice-Chairman Joe Neal
Senator Wilbur Faiss
Senator Jim Kosinski

ABSENT: Senator Clifton Young
Senator Rick Blakemore

GUESTS: Mr. Richard Wright, Washoe County School District
Dr. Marvin Picollo, Superintendent, Washoe County
School District
Mr. Robert Petroni, Clark County School District
Mr. Milan Tresnit, Personnel Director, Carson City
School District
Ms. Joyce Woodhouse, Nevada State Education Association

Chairman Ashworth opened the hearing on A.B. 839.

Mr. Richard Wright, Washoe County School District, stated his support of the bill in order to best protect the interests of the students. He stated that teachers are now fingerprinted in order to obtain their certificate at the present time; however, the Federal Bureau of Investigation has indicated that they will not process fingerprints without statutory legislation.

Senator Neal stated that he believed the Federal Bureau of Investigation had terminated all fingerprint checks and it was now necessary to go through the local law enforcement agency. Mr. Wright stated that they utilize the State Crime Commission.

Senator Neal stated that the bill is requiring an applicant to submit a full set of fingerprints. Senator Neal questioned how an applicant could accomplish this unless they utilize the local police department. Mr. Wright stated that the school district's security division presently fingerprints applicants and this is the anticipated procedure. Chairman Ashworth stated that he believed they could go through the local police department as well.

Senator Neal questioned the need for this bill. Mr. Wright stated that there are occasions where children are in isolated situations with employees of the school district. He said that they feel it is important to know something about the background of the individual.

Dr. Marvin Picollo, Superintendent, Washoe County School District, stated that they have had three custodial applications by individuals with past records of child molestations; these applications were received during this past year. He stated that this is the type of situation they are trying to avoid.

Senator Kosinski questioned the school district's policy in relation to other types of offenses. Dr. Picollo stated that it depended upon the crime; he stated that they would not employ individuals with past records of violent offenses.

Senator Faiss questioned if this type of problem is increasing. Dr. Picollo stated that it has more than doubled in the last eight to ten years; however, he was unsure if the increase is continuing at that rate.

Senator Neal questioned if this could be handled through the local police departments. Dr. Picollo stated that the local police departments have to send the information to Washington, D.C. to be processed and the Federal Bureau of Investigation has stated that this is an expensive service; they do not wish to provide this service unless the legislature feels it is important to make it a part of the statutes. Dr. Picollo said that this is not mandatory; rather, allows the district to require fingerprinting if they so choose as a condition of employment.

Chairman Ashworth questioned if the fact that fingerprinting is required may also be a deterrent. Dr. Picollo stated that they believed so.

Senator Neal stated that he has a problem in that it appears the school district is getting involved in police matters. Dr. Picollo stated that this has been the practice for more than 20 years. He said he felt it is very important for the safety of the children.

Senator Kosinski questioned if there is statutory authority for the fingerprinting of teachers. Mr. Picollo stated that there was under certification requirements.

Mr. Robert Petroni, Clark County School District, spoke in support of A.B. 839. He stated that Clark County does not have the State Crime Commission easily accessible so they have been unable to utilize their services. He said that they now intend to and having the law would be of assistance.

Senator Neal questioned if the Privacy Act places any limitations on fingerprinting potential employees. Mr. Petroni stated that the Privacy Act does not apply because the applicant agrees to the fingerprinting and agrees to having his/her record checked.

Mr. Milan Tresnit, Personnel Director, Carson City School District, spoke on behalf of A.B. 839. He stated that they would utilize this procedure as a screening process and would like to have the option of fingerprinting potential employees.

Senator Neal expressed concern regarding the Privacy Act and obtaining information they do not have the right to have. Mr. Petroni stated that as the individual signs a waiver, the provisions of the Privacy Act would not apply.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 839.

A.B. 839 (Exhibit "A")

Senator Neal moved "Do Pass" A.B. 839.

Seconded by Senator Kosinski

Motion carried.

Yeas -- 4

Nays -- None

Absent -- Senators Blakemore and Young

Chairman Ashworth recessed the committee at 9:20 am until 11 am.

Committee in Session at 11:12 am on Wednesday, May 16, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Vice-Chairman Joe Neal
Senator Clifton Young
Senator Rick Blakemore
Senator Jim Kosinski

ABSENT: Senator Wilbur Faiss

Chairman Ashworth opened the hearing on the proposed amendments by the Assembly to S.B. 407.

Mr. Robert Petroni, Clark County School District, stated that the amendments leave the regulations in as to the notice requirement on those items that are listed in NRS Chapter 386.365; it reduces the 30-day notice period to 15 days and allows the adoption of emergency regulations as well as policies.

Ms. Joyce Woodhouse, Nevada State Education Association, stated her support of the proposed amendments.

Senator Young moved to adopt amendment #941 to S.B. 407.

Seconded by Senator Kosinski.

Motion carried.

Yeas -- 4

Nays -- None

Absent -- Senators Blakemore and Faiss

As to A.B. 541, Senator Kosinski submitted Amendment #1137 to the committee (Exhibit "B"). Senator Kosinski stated that an added problem has presented itself regarding the bill. He stated that the bill provides, in the event the developer defaults, the responsibility would be directed to the land rather than the grantee. He said that there is also the possibility that the first lien takes priority over the mortgage lender and this matter will have to be addressed. Senator Kosinski felt the matter would be resolved by the end of the day.

Senator Kosinski reviewed the contents of Amendment #1137 with the committee. Regarding subsection 3, Chairman Ashworth questioned the proposed wording, "or the owner of record." Senator Kosinski stated that the issue was discussed during the subcommittee meeting; however, it was decided that the existing language would be used.

A.B. 541 (Exhibit "C")

Senator Neal moved to "Amend" with Amendment #1137 and "Do Pass" A.B. 541.

Seconded by Senator Young.

Motion carried.

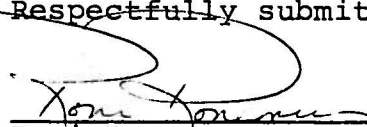
Yeas -- 5

Nays -- None

Absent -- Senator Faiss

Chairman Ashworth adjourned the meeting at 11:33 am subject to the call of the Chair.

Respectfully submitted,



Roni Ronemus
Committee Secretary

Approved:

Chairman
Senator Keith Ashworth

A. B. 839

ASSEMBLY BILL NO. 839—COMMITTEE ON EDUCATION

MAY 9, 1979

Referred to Committee on Education

SUMMARY—Requires fingerprinting of applicants for employment with school districts. (BDR 34-2111)

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 public schools; requiring the fingerprinting of certain applicants for employment with school districts; 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 391.100 is hereby amended to read as follows:
2 391.100 1. The board of trustees of a school district may employ a
3 superintendent of schools, teachers and all other necessary employees.
4 2. The board of trustees of a school district:
5 (a) May employ teacher aides and other auxiliary, nonprofessional
6 personnel to assist certificated personnel in the instruction or supervision
7 of children, either in the classroom or at any other place in the school or
8 on the grounds thereof. Such noncertificated personnel [shall be given
9 direct supervision] *must be directly supervised* by certificated personnel
10 in all duties which are instructional in nature but may perform duties
11 which are not primarily instructional in nature without a certificated
12 person in attendance.
13 (b) Shall establish policies governing the duties and performance of
14 teacher aides.
15 3. *Each applicant for employment pursuant to this section, except*
16 *a teacher certificated by the state board of education, must, as a condi-*
17 *tion to employment, submit to the school district a full set of his finger-*
18 *prints and written permission authorizing the school district to forward*
19 *the fingerprints to the Federal Bureau of Investigation for its report.*
20 4. Notwithstanding the provisions of NRS 252.110, the board of
21 trustees of a school district may [employ] *engage* independent legal
22 counsel when such employment is deemed necessary by the board.
23 [4.] 5. Notwithstanding the provisions of NRS 354.596, not later
24 than 30 days [prior to] *before* the time of filing its tentative budget, each

- 1 board of school trustees of a school district shall submit, or cause to be
2 submitted simultaneously, to the state department of education and the
3 Nevada tax commission a report showing the estimated number of per-
4 sons to be employed whose salaries will be paid from amounts to be
5 included in its tentative and final budgets for the ensuing fiscal year. The
6 report [shall] *must* be made on forms prescribed by the state department
7 of education and [shall] *must* include [, but shall not be limited to:] :
- 8 (a) A schedule showing the estimated number of persons to be
9 employed by account and fund classification and fully funded thereby;
10 and
- 11 (b) A schedule showing the estimated number of persons to be
12 employed by classification who are funded by more than one account or
13 fund.
- 14 (c) The projected salary schedule for the next fiscal year.

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Senate	AMENDMENT BLANK
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	<u>Assembly</u>
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Joint
Date:		Date:		Bill No.	<u>541</u> Resolution No.
Initial:		Initial:		BDR	<u>40-1014</u>
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	<u>Committee on Human Resource</u>
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		<u>and Facilities</u>
Date:		Date:			
Initial:		Initial:			

Amendment No 1137

Resolves conflict with Senate Bill No. 227

Amend section 2, page 1, line 3, after "Sec. 2." by inserting "1.".

Amend section 2, page 1, line 4, by deleting "1." and inserting "(a)".

Amend section 2, page 1, line 6, by deleting "2." and inserting "(b)".

Amend section 2, page 1, line 7, by deleting "the residents of".

Amend section 2, page 1, by inserting between lines 7 and 8:

"2. The term does not include a plant for the treatment of domestic sewage whose capacity is less than 5,000 gallons."

Amend section 3, page 1, lines 13 and 14, by deleting "at least equal responsibility with" and inserting: ":

(a) Responsibility in case of default by".

Amend section 3, page 1, by inserting between lines 16 and 17:

(b) The duty of assessing the lands served as provided in subsection 5."

Amend section 3, page 1, lines 17 and 18, by deleting:

To: E & E
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Bill ✓

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Date 5-13-79 Drafted by DVG:sl

Amendment No. 1037 to Assembly Bill No. 541 (BDR 40-1014) Page 2

"a bond in a form acceptable to it, or the cash equivalent, in an amount sufficient" and inserting "sufficient surety in the form of a bond, certificate of deposit, investment certificate or any other form acceptable to the governing body,".

Amend section 3, page 1, line 20, by deleting "initial issuance of the permit." and inserting "date the plant is placed in operation."

Amend section 3, page 2, line 14 before "availability" by inserting "reasonable".

Amend section 3, page 2, by inserting between lines 19 and 20:

"7. Provision has been made for disposition of the plant and the land on which it is situated after public or municipal sewerage becomes reasonably available."

Amend section 4, page 2, line 21, by deleting "county treasurer to the credit" and inserting "treasurer".

Amend section 4, page 2, line 28, before "available" and inserting "reasonably".

Amend section 4, page 2, by deleting lines 29 through 32.

Amend section 4, page 2, line 33, by deleting "3." and inserting "2.".

Amend section 6, pages 2 and 3, by deleting line 49 on page 2 and lines 1 through 4 on page 3 and inserting:

"Sec. 6. Section 2 of chapter 247, Statutes of Nevada 1979, is hereby amended to read as follows:

Amendment No. 1037 to Assembly Bill No. 541 (BDR 40-1014) Page 3

Sec. 2. NRS 445.133 is hereby amended to read as follows:

445.133 As used in NRS 445.131 to 445.354, inclusive, [and] sections 2 to 5, inclusive, of Assembly Bill 541 of the 60th session of the Nevada legislature, and section 1 of this act, unless the context otherwise requires, the terms defined in NRS 445.134 to 445.196, inclusive, have the meanings ascribed to them in those sections."

Amend the bill as a whole by inserting a new section, to be designated as section 11 following section 10, to read as follows:

"Sec. 11. This act shall become effective upon passage and approval.

Amend the title of the bill, 2nd line, by deleting:

"a bond" and inserting "surety".

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 541

ASSEMBLY BILL NO. 541—ASSEMBLYMEN BEDROSIAN, WAGNER, PRENGAMAN, WESTALL, WEBB, RUSK, COULTER AND BARENGO

MARCH 14, 1979

Referred to Committee on Environment and Public Resources

SUMMARY—Requires standards and licensing to regulate "package" plants for sewage treatment. (BDR 40-1014)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.



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

AN ACT relating to control of water pollution; defining and providing for licensing and regulation of package plants for sewage treatment; requiring a bond and authorizing assessments to ensure continued operation; 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 445 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 SEC. 2. "Package plant for sewage treatment" means any plant which:
4 1. Consists of units or modules designed for construction, assembly,
5 connection and installation at the site for treatment of sewage; and
6 2. Is privately owned and will be operated to treat waste water and
7 sewage for the residents of a limited area.
- 8 SEC. 3. A permit to operate a package plant for sewage treatment
9 may not be issued unless all of the following conditions are met:
10 1. Public or municipal sewerage is unavailable.
11 2. The applicant fully complies with all of the conditions of NRS
12 445.221 to 445.241, inclusive.
13 3. The local governing body cosigns the permit and assumes at least
14 equal responsibility with the builder or developer for the operation and
15 maintenance of the plant in accordance with all of the terms and condi-
16 tions of the permit.
17 4. The applicant furnishes the local governing body a bond in a form
18 acceptable to it, or the cash equivalent, in an amount sufficient to ensure
19 the maintenance and operation of the plant for a period of at least 5 years
20 following the initial issuance of the permit.