

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

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
April 1, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:07 a.m., Wednesday, April 1, 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 Wilbur Faiss  
Senator Virgil M. Getto  
Senator James H. Bilbray

COMMITTEE MEMBERS ABSENT:

Senator Richard E. Blakemore

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 327

Mr. Ben Cowan, Representative, Clark County School District said there are presently 56 severely profoundly physically and mentally handicapped students enrolled at the Variety and Helen J. Stewart Schools. The severity of the handicapped condition of those students requires extensive educational assistance in multiple related services, thus the programs' operating expenses for this category of students far exceeds funding provided for by the State of Nevada. He said the cost for those 56 students is \$516,000; the revenue for that expenditure is \$235,000. Each child's care and education costs \$9,251 while the amount received for each child is \$1,309. He said the bill should be reworded to provide the best benefit as intended.

Senator Kosinski asked where the \$1,309 per student comes from.

Mr. Cowan said the money comes from the state distributive

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school fund. He added that the facilities receive an additional \$18,000 per special education unit of which there are 9.

Senator Kosinski asked whether any personnel is provided by children's behavioral services.

Mr. Cowan said all personnel is provided by the district, though there are some programs at C.B.S. in which the district provides teaching personnel.

Senator Kosinski asked whether they receive any assistance from the division of mental hygiene and mental retardation.

Mr. Cowan replied that the district has complete responsibility for providing educational and related services.

Senator Kosinski asked whether the district has attempted to enter into any cooperative agreements with the state (division of mental hygiene and mental retardation).

Mr. Cowan said they have attempted to work with the department of human resources; some students should remain in the least restrictive environment which would be the rehabilitation center.

Senator Getto asked Mr. Cowan whether he could describe some of the special services the children receive that cause the cost to be so great.

Mr. Cowan said the programs are federally mandated and some of the cost is due to a pupil teacher ratio of 5 or 6 to 1, the use of an aid in addition to the teacher to provide actual physical daily care such as feeding, lifting into and out of the chair, and medical care as necessary.

Senator Getto asked whether there is a nurse or medical technician on the staff.

Mr. Cowan said there is a nurse and a health aid at each of the schools as well as physical therapists.

Senator Getto asked how those students are transported to and from school.

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Mr. Cowan said they are transported to and from school in a special bus which includes special lifts for wheel chairs; children are strapped into their seats by an assistant who also rides the bus with the students.

Senator Getto asked Mr. Cowan to explain the federal law that mandates the special education and other services.

Mr. Cowan said Public Law 94-142 is the law mandating those services be provided. He said he makes an application to the State Department of Education for the program, who in turn makes an application to the federal government. It is based upon the number of students in the special education classes. The funds received from the federal government are in the amount of approximately \$170 per student. He said this year, Clark County is receiving \$1,200,000 (approximately) from the federal government, through the State Department of Education. PL 94-142 states that education shall be provided for children between the ages of 3 and 21, regardless of the handicapped condition, in the least restrictive setting. Mr. Cowan explained that out of \$1,200,000 13 speech therapists, 15 special education programs (which includes teachers for the severely mentally and profoundly handicapped, severely emotionally disturbed, and for the severely learning disabled child), psychological services, and psychotherapy for the children are funded.

Mr. Gerald Myers, Director of Special Education, Washoe County School District explained that the problems facing the Marvin Picollo School in Washoe County are very similar to those facing the Clark County School District. He said the school presently has approximately 120 students, 20 staff members, and additional staff to provide services such as physical therapy, occupational therapy, and orientation mobility. Mr. Myers described a typical classroom in the school as having approximately 10 children ranging in age from 3 to 17, not 1 is ambulatory, all ten are in some sort of vehicle such as a wheel chair or stroller, 8 are unable to maintain their balance, 7 are without hand use, 7 are without head control, 2 are in body casts, 4 are in braces, none of the 10 are toilet trained, none of the children have speech, 7 must be fed, 5 are visually handicapped, 1 is partially sighted, 1 has a severe hearing loss, 4 have seizures, 4 have additional medication at home, 1 has medication at school, 2 are unaware of their

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environment, and 9 have cerebral palsy. Each classroom has 2 teachers and 1 assistant who provide constant care for the children.

Senator Bilbray asked how those severely handicapped children develop in the school setting and asked whether it is worth the money spent.

Mr. Myers said some of the children do very well in learning skills that make the educational situation healthy and enables the parents to adjust better in the home environment. He said some youngsters will eventually hold jobs in the community while some youngsters' handicaps are so severe that it is basically a parental relief situation in which the child goes to school and the teachers do what they can to help the child learn.

Senator Getto asked whether some of the students will reach a point where they are able to take care of themselves.

Mr. Myers said the basic goal for most of the children is the development of "self" skills, but in many cases the additional services aid the child (physical therapy) in this as much as the actual learning in the classroom.

Mr. Ted Sanders, Superintendent of Public Instruction, Nevada Department of Education reiterated what Mr. Cowan and Mr. Myers had stated. Mr. Sanders suggested the responsibility for the handicapped students be left at the district level rather than shifting it to the State Board of the State Department of Education (as far as the actual provision of services) which was the original intent of the bill. He said he felt the bill could be worded somewhat better than it is in its present form.

Senator Getto asked whether any students go out of state to receive educational and other services.

Mr. Sanders said that due to the uniqueness and severity of some students' handicaps, they are sent to another state for placement.

Ms. Ruth Aberasturi, Supervisor of Special Education, Carson City said similar problems exist in Carson City

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as do in Washoe and Clark Counties but on a smaller scale. She said Eagle Valley Childrens Home is a private foundation for severely and profoundly handicapped children. She said the school has 14 school age children, 1 teacher, 2 aids, 1 physical therapist, and 1 speech therapist. Of the 14 children, only 2 are from Carson City, others are placed there from rural areas of the state. She said even though the home is a private foundation, it is required by law to provide the education program. She said the potential for any of the children at the childrens home to live independently is very small and they will probably be required to be institutionalized for the rest of their lives.

The Chairman asked Mr. Cowan, Mr. Myers, Mr. Sanders, and Ms. Aberasturi to work together to write suggested changes for the bill so as to be mutually satisfying.

SENATE BILL NUMBER 328 (EXHIBIT C)

Mr. Chuck Neely, Representative, Clark County School District spoke in support of Senate Bill No. 328. He said the bill would allow school districts to establish a building fund to be used on a "pay as you go" basis. He said at the present time, the motor vehicle privilege tax is broken up among the counties. Clark County receives 31 percent of that tax for general operating expenses; 11 percent goes toward debt services to pay off bond indebtedness for capitol improvements. The remaining portion of the funds are distributed throughout the county. He said the bill would allow that 11 percent to be established in a building fund that would allow the accumulation of money to be used for capitol improvements rather than requiring the district to borrow the money and pay additional interest on that borrowed money.

Mr. George Brighton, Representative, Washoe County School District spoke in support of Senate Bill No. 328. He reiterated Mr. Neely's comments stating that the development of a reserve for capitol improvements that could collect interest rather than requiring the payment of interest on borrowed money would certainly be an asset to the county.

Senator Kosinski asked Mr. Brighton how much money Washoe County receives in the 11 percent.

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Mr. Brighton replied that the county receives approximately \$500,000 per year.

Mr. Neely said Clark County receives approximately \$1,800,000.

Senator Getto moved to "Do Pass" Senate Bill No. 328 and re-refer to the Senate Committee on Taxation.

Senator Bilbray seconded the motion.

The motion carried. (Senator Blakemore was not present for the vote.)

SENATE BILL NUMBER 331 (EXHIBIT D)

Mr. Ben Cowan told the committee that approximately 150 School District students are housed in juvenile detention facilities. He said most of those students are already enrolled in regular public schools. Up until two years ago, those facilities did qualify for special education units but no longer qualify. He said the cost for those students is \$120,000 per year and the county receives no income for that whatsoever. Mr. Neely said he felt that he could work with other county representative to incorporate Senate Bill No. 331 with Senate Bill No. 349 by deleting the words "detained in a detention home," from lines 3 and 4 (S.B. 331). He said this would incorporate the intention of Senate Bill No. 349 into the Senate Bill No. 331.

Mr. Ned Solomon, Representative, Carson City Juvenile Court said the juvenile court agrees with Mr. Cowan's comments concerning Senate Bill No. 331 and Senate Bill No. 349.

Mr. Dick Wright, Representative, Washoe County School District spoke in support of Senate Bill No. 331. He said two teachers, one assistant, and supplies for the Whittenberg Hall Facility amounts to a cost of approximately \$42,500 per year.

Mr. Ted Sanders noted for the committee that under NRS 388.550 reference is made to three different kinds of institutions: detention homes, juvenile forestry camps, and juvenile training schools. He said if the change suggested by Mr. Cowan were made, the girls' school at

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Caliente would be included under the provisions. He mentioned that the girls' school receives funding through the Department of Human Resources.

Mr. Sanders noted that Carson City would derive no benefits from Senate Bill No. 331 if the costs at the facility continue as has been projected across the biennium. He said Whittenberg Hall would derive \$5,382 the first year and \$6,210 the second year. Child Haven in Clark County would derive \$77,370 the first year and \$85,980 the second.

Dr. Clifford Lawrence, Superintendent, Carson City School District reiterated what Mr. Cowan and Mr. Brighton said.

Senator Bilbray moved to "Amend and Do Pass" Senate Bill No. 331 and re-refer to the Senate Committee on Finance.

Senator Faiss seconded the motion.

The motion carried. (Senator Blakemore was not present.)

SENATE BILL NUMBER 349 (EXHIBIT E)

Senator Getto moved to "Indefinitely Postpone" Senate Bill No. 349.

Senator Faiss seconded the motion.

The motion carried. (Senator Blakemore was not present.)

The Chairman presented to the committee a bill draft request from the City of Las Vegas that would give the city a seat on the water board.

Senator Bilbray moved to draft the bill.

Senator Faiss seconded the motion.

The motion carried. (Senator Blakemore was not present.)

The Chairman asked for a committee introduction on the following bill draft request:

BILL DRAFT REQUEST NUMBER 18-1136 (S.B. 487)

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Provides for financial assistance to certain businesses.

Senator Bilbray moved to give a committee introduction.  
to Bill Draft Request No. 18-1136.

Senator Faiss seconded the motion.

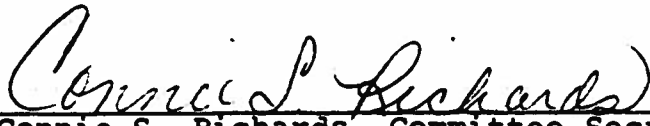
The motion carried. (Senator Blakemore was not present.)

SENATE BILL NUMBER 86

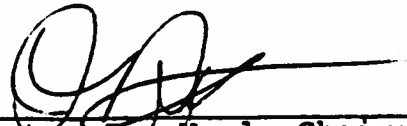
Senator Kosinski said the provisions that Senator Jacobsen successfully removed from the bill required the approval of the legislature prior to the issuance of any additional licenses or leases by the Department of Human Resources, or any extensions of existing leases or licenses. He said there was no time spent in committee for the establishment of standards to guide the executive branch of government when entering into those licenses because the provision for legislative approval was in the bill at that time. He added that the authority it operates under is an old special act passed in 1961, which contained only one limitation: that the lease be not more than 99 years. Senator Kosinski suggested the committee bring the bill back, to consider formulating some standards for the executive branch to follow. He noted for the committee that the department is holding a hearing for the adoption of permanent regulation for third party inspections on April 8. He said there is some question as to whether or not the department presently has statutory authority to require those third party inspections, and the bill contains a specific provision giving it such authority. In summation, he said the department would like to have the bill passed as soon as possible.

There being no further business, the meeting adjourned at 9:21 a.m.

Respectfully submitted:

  
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Connie S. Richards, Committee Secretary

APPROVED BY:

  
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Senator Joe Neal, Chairman

DATE: 4/10/81



SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 .  
Day Wednesday , Date April 1 , Time 8:00 a.m.

S. B. No. 327--Provides for state financing and administration of special education for severely handicapped pupils.

S. B. No. 328--Alters formula for allocating vehicle privilege tax to school districts and requires use of portion of tax for school construction.

S. B. No. 331--Provides for special financial assistance to school districts providing instruction for children in detention homes.



**S. B. 328**

**SENATE BILL NO. 328—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES**

MARCH 2, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Alters formula for allocating vehicle privilege tax to school districts and requires use of portion of tax for school construction. (BDR 34-1021)

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 the financial support of schools; requiring that a portion of the vehicle privilege tax allocated to school districts be used for school construction; altering the formula for allocating that tax from the motor vehicle fund to the 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 387.328 is hereby amended to read as follows:  
2 387.328 1. *The board of trustees of each school district shall estab-*  
3 *lish a building reserve fund for the purpose of constructing or making*  
4 *additions to an elementary school, a junior high school or a high school.*  
5 2. With the approval of the state board of finance, the board of  
6 trustees [of any school district] may accumulate [a] money in the  
7 building reserve fund for a period [of time] not to exceed 10 years [for  
8 the purpose of constructing or making additions to an elementary school,  
9 a junior high school or a high school,] by the levy of an annual special  
10 tax not to exceed 35 cents on each \$100 of assessed valuation of taxable  
11 property within the school district. Any levy of an annual special tax  
12 authorized by this [section shall] subsection must be included within the  
13 tax levy authorized by NRS 387.195.  
14 [2. All money collected from such special tax shall be placed in a  
15 fund with the county treasurer holding the county school district fund to  
16 be designated as the ..... school district build-  
17 ing reserve fund.]  
18 3. *The proceeds from any special tax levied pursuant to subsection*  
19 *2 and that portion of the vehicle privilege tax whose allocation to the*  
20 *school district pursuant to NRS 482.180 is based on the amount of the*

1 *property tax levy attributable to its debt service must be deposited in the*  
2 *county treasury to the credit of the building reserve fund established*  
3 *under subsection 1.*

4 4. No money in the fund at the end of the fiscal year may revert to  
5 the county school district fund, nor may [such] the money be a surplus  
6 for any other purpose than those specified in subsection 1 and for which  
7 [the] any levies were made.

8 SEC. 2. NRS 482.180 is hereby amended to read as follows:

9 482.180 1. The motor vehicle fund is hereby created as an agency  
10 fund. All money received or collected by the department must be  
11 deposited in the state treasury for credit to the motor vehicle fund.

12 2. Any check accepted by the department in payment of vehicle  
13 privilege tax or any other fee required to be collected under this chapter  
14 must, if it is dishonored upon presentation for payment, be charged back  
15 against the motor vehicle fund or the county to which the payment was  
16 credited, in the proper proportion.

17 3. Money for the administration of the provisions of this chapter  
18 must be provided by direct legislative appropriation from the state high-  
19 way fund, upon the presentation of budgets in the manner required by  
20 law. Out of the appropriation the department shall pay every item of  
21 expense.

22 4. The department shall certify monthly to the state board of exam-  
23 iners the amount of privilege taxes collected for each county by the  
24 department and its agents during the preceding month, and that money  
25 must be distributed monthly as provided in subsection 5.

26 5. The distribution of the privilege tax within a county must be  
27 made to local governments, as defined in NRS 354.474, in the same  
28 ratio as all property taxes were levied in the county in the previous fiscal  
29 year, but the State of Nevada is not entitled to share in that distribution.  
30 [The amount attributable to the debt service of each school district must  
31 be included in the allocation made to each county government.] For the  
32 purpose of this subsection, the taxes levied by each local government are  
33 the product of its certified valuation, determined pursuant to subsection  
34 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.-  
35 455, except that the tax rate for school districts is the rate established  
36 pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978.  
37 Local governments, other than incorporated cities, are entitled to receive  
38 no distribution if the distribution to the local government is less than  
39 \$100. Any undistributed money accrues to the county general fund of the  
40 county in which the local government is located. The department shall  
41 make distributions directly to counties, county school districts and incor-  
42 porated cities or towns. Distributions for other local governments within  
43 a county must be paid to the counties for distribution to the other local  
44 governments.

45 6. Privilege taxes collected on vehicles subject to the provisions of  
46 chapter 706 of NRS and engaged in interstate or intercounty operation  
47 must be distributed among the counties in the following percentages:

48	Carson City.....	1.07 percent	Lincoln.....	3.12 percent
49	Churchill.....	5.21 percent	Lyon.....	2.90 percent

1	Clark.....	22.54 percent	Mineral.....	2.40 percent
2	Douglas.....	2.52 percent	Nye.....	4.09 percent
3	Elko.....	13.31 percent	Pershing.....	7.00 percent
4	Esmeralda.....	2.52 percent	Storey.....	.19 percent
5	Eureka.....	3.10 percent	Washoe.....	12.24 percent
6	Humboldt.....	8.25 percent	White Pine.....	5.66 percent
7	Lander.....	3.88 percent		

8 The distributions must be allocated among local governments within the  
9 respective counties pursuant to the provisions of subsection 5.

10 7. As commission to the state for collecting the privilege taxes on  
11 vehicles subject to the provisions of this chapter and chapter 706 of  
12 NRS the department shall retain 6 percent from counties having a popu-  
13 lation of 100,000 or more and 1 percent from counties having a popula-  
14 tion of less than 100,000.

15 8. When the foregoing requirements have been met, and when  
16 directed by the department, the state controller shall transfer monthly to  
17 the state highway fund any balance in the motor vehicle fund.

**S. B. 331**

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**SENATE BILL NO. 331—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES**

**MARCH 2, 1981**

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**Referred to Committee on Human Resources and Facilities**

**SUMMARY—Provides for special financial assistance to school districts providing instruction for children in detention homes. (BDR 34-1471)**

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

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

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**AN ACT relating to public schools; providing that school districts which provide instruction for children detained in detention homes are entitled to special financial assistance; 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 387 of NRS is hereby amended by adding  
2    thereto a new section which shall read as follows:  
3    *Any school district which provides instruction for children detained in*  
4    *a detention home, as provided in NRS 388.550 to 388.570, inclusive, is*  
5    *entitled to special financial assistance for the children so served. The spe-*  
6    *cial assistance is in addition to the basic support for children in that cate-*  
7    *gory provided by NRS 387.1233. The amount of the special assistance*  
8    *per pupil is the difference between the basic support guarantee per pupil*  
9    *for the district and the actual cost per pupil of providing instruction in the*  
10   *detention home, as determined by the superintendent of public instruction.*  
11   *The state board of education shall adopt regulations to carry out the pur-*  
12    poses of this section.

**S. B. 349**

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SENATE BILL NO. 349—COMMITTEE ON  
HUMAN RESOURCES AND FACILITIES

MARCH 3, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires state to provide instructional services at  
Spring Mountain Youth Camp. (BDR 34-1473)

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.

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AN ACT relating to education; requiring the state board of education to provide instructional services at Spring Mountain Youth Camp; 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 388.550 is hereby amended to read as follows:  
2 388.550 With the approval of the juvenile court and the board of  
3 county commissioners, the board of trustees of a school district may  
4 employ necessary legally qualified teachers for the instruction of children  
5 detained in:  
6 1. A detention home which is maintained by the county pursuant to  
7 the provisions of NRS 62.180.  
8 2. A juvenile forestry camp established by the county pursuant to the  
9 provisions of NRS 244.297 [ . ] , *except a camp for which the state board*  
10 *of education is directed by law to provide all instructional services.*  
11 3. A juvenile training school established by the state pursuant to the  
12 provisions of chapter 210 of NRS.  
13 SEC. 2. NRS 388.560 is hereby amended to read as follows:  
14 388.560 Only courses of instruction approved by the state board of  
15 education [shall] *may* be given in such detention homes, juvenile training  
16 schools or juvenile forestry camps. Necessary textbooks, equipment and  
17 supplies [shall] *must* be furnished by the school district [ . ] *except where*  
18 *the state board provides the instruction.*  
19 SEC. 3. The state board of education shall provide, by contract or  
20 otherwise, all necessary instructional services, including textbooks, equip-  
21 ment and supplies, for children detained at Spring Mountain Youth Camp  
22 in Clark County, Nevada.