

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

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 12, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:15 a.m., Tuesday, May 12, 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 Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

GUEST LEGISLATORS:

Assemblyman Robert F. Rusk

STAFF MEMBERS PRESENT:

Janet Wilson, Deputy Legislative Counsel
Connie S. Richards, Committee Secretary

* SENATE BILL NUMBER 565 (EXHIBIT C)

Ms. Janet Wilson, Deputy Legislative Counsel told the committee *Senate Bill No. 565 deals with section 391.355 of the Nevada Revised Statutes, concerning the suspension or revocation of teacher's certificates. The problem is in subsection 4. Currently, NRS provides that there be a hearing held on the issue of any suspension or revocation of a teacher's certificate and requires that the findings of fact in conclusions of law and recommendations be reported back to the state board of education. The following sentence provides that the state board shall notify the teacher of the hearing officer's decision; these are in conflict because the first states the board will "recommend", and the second states that the state board may pass on the decision of the hearing officer only. The ambiguity, she said, came from a bill from the sixtieth session of the Nevada State Legislature

*Assembly Bill 565 (see agenda)

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which made considerable changes in NRS chapter 391. At that time, there was some question as to whether the hearing officer's decision shall be binding or not, that issue went back and forth in that bill and the ambiguity contained in the current law was the final result. Ms. Wilson asked the committee to consider favorably Senate Bill No. 575 which reverts the language to the form it was in prior to the sixtieth session of the Nevada State Legislature (provides that the state board of education accepts the recommendation of the hearing officer and makes its own decision).

Mr. Wendell Newman, Department of Education spoke in support of *Senate Bill No. 565 to restore the authority to the board.

ASSEMBLY BILL NUMBER 299 (EXHIBIT D)

Mr. Joe Denny, Clark County spoke in support of Assembly Bill No. 299. He told the committee the words "solid waste management" should be used in place of the word "sanitary" on line 14, section 4, page 2 of the bill. He said the use of those words makes the bill address the issue it was designed to address.

Mr. Carl Cahill, Washoe County District Health Department asked the committee to support Assembly Bill No. 299.

ASSEMBLY BILL NUMBER 227

Assemblyman Bob Rusk spoke in support of Assembly Bill No. 227. He told the committee the bill was designed to address the problem of drug and alcohol abuse by allowing those individuals presumed under the influence of alcohol or a controlled substance and who undergo a test for the presence of such substance in the body, to pay for the cost of administering the test. The tests range in price from \$18.25 for a blood alcohol test at Washoe Medical Center, to \$40.00 for a test for barbiturates. He suggested the committee also consider an amendment for the bill that requires the offender to pay for tests run on items actually found in the possession of the offender when such tests are positive.

The Chairman asked Assemblyman Rusk why the bill was drafted.

Assemblyman Rusk responded that it is the responsibility of an individual who breaks the law by driving under the influence

*Assembly Bill 565

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of a controlled substance, to pay for tests incurred because of the infraction. He said the impact of such tests, should not be borne by the taxpayers of the state as the estimated impact is over \$100,000 per year.

The Chairman asked Assemblyman Rusk how the bill might affect people who are addicts, either to alcohol, or another controlled substance.

Assemblyman Rusk replied that the bill would also require the addict to pay for costs incurred by the tests if the individual is found driving under the influence of such substances. He added that he hopes Nevada will, in the future, acquire detoxification centers to handle such addicted individuals.

Mr. Enrico Togneri, Director, Washoe County Sheriff's Office, Crime Lab briefly explained some of the tests that may be made to determine whether or not a person is actually driving under the influence of alcohol or a controlled substance.

Senator Kosinski expressed a concern that the cost for administering the bill, may be more than the recoverable cost for the test as it may be difficult to collect, once the test has been administered and the cost determined.

Mr. Togneri replied that the State of California has a law similar to Assembly Bill No. 227 in which a flat fee is charged for any testing of the blood that is run on an individual. The fee is attached at the time of sentencing.

Senator Kosinski remarked that the fee could be collected at the time of sentencing, whether the fee is a flat fee, or charge for actual costs incurred. He asked why the drafters of the bill chose to place a lien on personal property rather than real property of persons whose body the alcohol or controlled substance is found.

Assemblyman Rusk said the intent of the committee was to place the lien on tangible items belonging to the individual.

Senator Kosinski commented that if it is provided that the fee be levied at the time of sentencing, the lien may be removed or expanded to real property.

Assemblyman Rusk replied that such provisions would be acceptable to him.

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Senator Kosinski referred to line 5, "sufficient amount of alcohol in his body to raise the presumption..." and to line 7, "a controlled substance, the presence of which raises a presumption...", he asked if there is any reason why the words "in his body" may not be used in line 7 to describe the controlled substance.

Mr. Togneri replied that the language should specifically indicate that the controlled substance is present "in his body" and not in the trunk of his car or any other place where the controlled substance may be present.

Mr. Togneri told the committee tests run on actual controlled substances which are found in the possession of individuals cost the State of Nevada (for Northern Nevada alone) approximately \$48,000 last year and will probably increase some this year. He said the cost in Southern Nevada was approximately \$32,000 last year and will probably increase this year also. He urged the committee to consider amending the bill to provide that possessors of such controlled substances pay for the tests run on the substances themselves.

Senator Kosinski referred to lines 7 through 8, "...which raises a presumption that he is under the influence of the substance or is an addict...". He asked what kind of a presence would determine one to be an addict.

Mr. Togneri replied he is not a toxicologist, and therefore cannot answer that question.

Senator Kosinski asked Assemblyman Rusk if he knows why that language is present in the bill.

Assemblyman Rusk responded that he does not.

Senator Kosinski asked whether the removal of that language would hurt the bill.

Assemblyman Rusk replied that he did not know and said perhaps a person who is an addict is always under the influence of the substance addicted to.

The Chairman referred to line 5, "presumption". He asked if the presumption refers to .10 alcohol in the bloodstream.

Mr. Togneri said that reference is correct.

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The Chairman asked whether the bill also presupposes the individual is operating an automobile.

Assemblyman Rusk said the intent of the bill is only for those persons driving under the influence of alcohol or the controlled substance and not for the "drunk on the street".

The Chairman said the bill does not affect drivers by placing it in Chapter 458 of the Nevada Revised Statutes and if it is to affect only persons driving under the influence, should be placed in chapter 484.

Mr. Leonard Winkelman, Chief, Administrative Services, Department of Motor Vehicles expressed a concern over the administration of the bill. He said the Department of Motor Vehicles and the Highway Patrol are required to have the tests conducted; he told the committee the bill should spell out when the fee will be collected, by whom it will be collected, and how the fee will be returned to the entity required to pay the bill in the first place. He said laboratories and hospitals will not wait until a person is sentenced to pay the cost of the tests but will require payment immediately, probably from the Department of Motor Vehicles.

Senator Kosinski said he doesn't have any doubt that the department will have to pay the bill, continuing present practices, keeping on file a copy of the invoice for the test. If the person is convicted, the judged would then include that fee.

ASSEMBLY BILL NUMBER 565 (EXHIBIT C)

Senator Blakemore moved to "Do Pass" Assembly Bill No. 565.

Senator Faiss seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NUMBER 299 (EXHIBIT D)

Senator Faiss moved to "Amend and Do Pass" Assembly Bill No. 299 with the amendment suggested by Mr. Denny (page 2).

Senator Bilbray seconded the motion.

The motion carried unanimously.

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SENATE BILL NUMBER 313

Mr. B. Cooper, Executive Director, Nevada Interscholastic Activities Association briefly reviewed the amendments to the bill. He said they are not the amendments approved by the committee. Relative to the report given by Mr. Scott and Mr. Cadwallader at the previous hearing of Senate Bill no. 313 on March 17, 1981 in which the Nevada Interscholastic Activities Association (NIAA) board asked for time to meet and appoint a committee to study the reorganization of the board and reorganize themselves by July of next year, Mr. Cooper said the board has come up with a formation of a committee on the recommendation of superintendents and the school trustees association. The composition of that committee would be two members of the Nevada Schools Administrators, appointed by that group, a "triple A" principal and a "double A" principal, one legislator, one superintendent, and one NIAA board member. Such a committee would meet during the year, and come up with a reorganization of the NIAA board by June of next year. Mr. Cooper said Mr. Caldwell has said the Clark County School District will probably withdraw their bill.

Senator Bilbray said he has spoken with Mr. Perkins who said he wants to go forward with the bill because they feel that the board has gotten worse rather than better in the treatment they have received in the last month or so, in which the dues were raised 25 percent (of which Clark County pays the "Lion's Share") even though Clark County told them they could not afford an increase due to budget cuts. They feel the state board "could not care less".

Senator Bilbray asked how much Clark County pays in dues.

Mr. Cooper said Clark County pays about \$16,400 or 35 percent of the total of about \$49,000. He said the association has not raised dues since 1974 even though they have been advised to do so. He said the superintendents approved the raise with just three "No" votes (Dr. Perkins, Dr. Lawrence, and the Pershing County Superintendent).

Senator Bilbray said the proposed amendments create two bodies, one of which is equal, the other of which is based on population. He said that seems like an equitable formula that gives a proportional representation to the large school district yet gives the small districts the clout they need

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on the other board.

Senator Kosinski said the study seems to be a good idea in view of the controversy.

Senator Bilbray said he feels the bill is a waste of two years.

SENATE BILL NUMBER 611 (EXHIBIT E)

The committee briefly reviewed the amendment drafted for Senate Bill No. 611. The Chairman told the committee the Department of Education had been consulted in the drafting of the amendment and the amendment was the result.

Senator Blakemore noted the indian students from Schurz had said they were paying costs of transportation to and from school themselves. He asked if that would continue and whether any financial burden would be placed on Mineral County if the bill as amended passed out of the committee.

Mr. Wendell Newman, Department of Education replied that funds will stay with the county where the student is enrolled. That county would be required to pay tuition to the second district and transportation costs to the second schools upon agreement of the two counties. He explained that it will be a "cash in - cash out" situation for Mineral County.

Senator Kosinski requested that the committee receive a letter from Mr. Ted Sanders, Superintendent of Public Instruction, Department of Education stating that Senate Bill No. 611 will not require Mineral County to pay any amount of money greater than what is received from the distributive school fund for the education of those students.

Mr. Newman said he would ask Mr. Sanders to provide such a letter.

Senator Getto moved to "Amend and Do Pass" Senate Bill No. 611.

Senator Kosinski seconded the motion.

The motion carried unanimously.

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SENATE BILL NUMBER 612 (EXHIBIT F)

The committee reviewed the amendment drafted for Senate Bill No. 612.

Senator Kosinski moved to "Amend and Do Pass" Senate Bill No. 612.

Senator Blakemore seconded the motion.

The motion carried unanimously.


There being no further business, the meeting adjourned at 9:26 a.m.

Respectfully submitted:



Connie S. Richards, Committee Secretary

APPROVED BY:



Senator Joe Neal, Chairman

DATE: May 21, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323
Day Tuesday, Date May 12, Time 8:00 a.m.

A. B. No. 227--Requires arrested person to pay costs of positive test for alcohol or controlled substance.

A. B. No. 565--Clarifies procedures for suspension or revocation of certificates by state board of education.

A. B. No. 299--Authorizes district health officers to issue citation for certain violations.

FOR REVIEW AND CONSIDERATION:

- S. B. No. 313--Requires that representation on board of association for interscholastic activities be in proportion to pupil enrollments.
- S. B. No. 611--Permits pupils who reside on Indian reservations which are in more than one county to attend closest schools.
- S. B. No. 612--Requires that court order for involuntary admission to mental health facility be based on clear and convincing evidence.

A. B. 565

ASSEMBLY BILL NO. 565—COMMITTEE ON EDUCATION

APRIL 24, 1981

Referred to Committee on Education

SUMMARY—Clarifies procedures for suspension or revocation of certificates by state board of education. (BDR 34-1940)

**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 state board of education; clarifying provisions on procedures for the suspension or revocation of certificates of teachers, administrators and other educational 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 391.355 is hereby amended to read as follows:
2 391.355 1. The state board of education, with the assistance of the
3 attorney general, shall develop and the board shall adopt rules of pro-
4 cedure for the conduct of hearings involving suspension or revocation of
5 certificates of teachers, administrators and other educational personnel.
6 2. The rules of procedure must provide for boards of trustees of
7 school districts or the superintendent of public instruction or his designee
8 to bring charges, when cause exists.
9 3. The state board of education may issue subpoenas to compel the
10 attendance of witnesses and the production of books, records, documents
11 or other pertinent information to be used as evidence in hearings for sus-
12 pension or revocation of certificates.
13 4. A hearing officer, selected under NRS 391.3161 and selected
14 according to the provisions of NRS 391.3191 and 391.31915 shall con-
15 duct the hearing and report findings of fact and conclusions of law, along
16 with recommendations, to the state board of education. The state board
17 *may accept or reject the recommendations or refer the report back to the*
18 *hearing officer for further evidence and recommendation, and shall notify*
19 *the teacher, administrator or other certificated person in writing of [the*
20 *hearing officer's] its decision.*
21 SEC. 2. This act shall become effective upon passage and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 299

**ASSEMBLY BILL NO. 299—COMMITTEE ON
HEALTH AND WELFARE**

MARCH 5, 1981

Referred to Committee on Health and Welfare

SUMMARY—Authorizes district health officers to issue citations for certain violations. (BDR 40-882)

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 health; authorizing governing bodies and health officers to designate employees to issue citations for certain violations; expanding the definition of "solid waste management system"; 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 444.500 is hereby amended to read as follows:
2 444.500 "Solid waste management system" means the entire process
3 of storage, collection, transportation, processing and disposal of solid
4 waste. [by any person engaging in such process as a business or by any
5 municipality or by any combination thereof.]
6 SEC. 2. NRS 444.620 is hereby amended to read as follows:
7 444.620 1. No plan for a solid waste management system adopted
8 pursuant to NRS 444.440 to 444.610, inclusive, [shall apply] *applies*
9 to any agricultural activity [.] *or agricultural waste.*
10 2. No provision of NRS 444.440 to 444.610, inclusive, [shall be
11 construed to prevent] *prevents* a mining operation from dumping waste
12 from its operation on its own lands.
13 SEC. 3. NRS 444.630 is hereby amended to read as follows:
14 444.630 1. As used in this section, "garbage" includes [any or all
15 of the following: garbage,] swill, refuse, cans, bottles, paper, vegetable
16 matter, carcass of any dead animal, offal from any slaughter pen or
17 butcher shop, trash or rubbish.
18 2. Every person who places, deposits or dumps, or who causes to
19 be placed, deposited or dumped, or who causes or allows to overflow,
20 any sewage, sludge, cesspool or septic tank effluent, or accumulation of
21 human excreta, or any garbage, in or upon any street, alley, public high-
22 way or road in common use or upon any public park or other public

1 property other than property designated or set aside for such a purpose
2 by the governing [board or] body having charge thereof, or upon any
3 private property into or upon which the public is admitted by easement,
4 license or otherwise, is guilty of a misdemeanor.

5 3. [Every] *All health officers*, state fish and game [warden,]
6 *wardens*, police officers of [incorporated] cities and towns, sheriffs and
7 their deputies, and other peace officers of the State of Nevada, *shall*,
8 within their respective jurisdictions, [shall] enforce the provisions of this
9 section.

10 4. *A district health officer or his deputy may issue a citation for any*
11 *violation of this section which occurs within his jurisdiction.*

12 SEC. 4. NRS 171.17751 is hereby amended to read as follows:

13 171.17751 1. Any board of county commissioners or governing
14 body of a city may designate certain of its building, housing, *sanitary* and
15 licensing inspectors, animal control officers and traffic engineers to pre-
16 pare, sign and serve written citations on persons accused of violating a
17 county or city ordinance. [A designated employee:

18 1.] 2. *The state health officer and the health officer of each county,*
19 *district and city may designate certain of his employees to prepare, sign*
20 *and serve written citations on persons accused of violating any law, ordi-*
21 *nance or regulation of a board of health which relates to public health.*

22 3. *An employee designated pursuant to this section:*

23 (a) May exercise the authority to prepare, sign and serve citations only
24 within the field of enforcement in which he works;

25 [2.] (b) May prepare, sign and serve a citation only to enforce an
26 ordinance of the city or county by which he is employed; and

27 [3.] (c) Shall comply with the provisions of NRS 171.1773.

S. B. 611

**SENATE BILL NO. 611—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES**

APRIL 28, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Permits pupils who reside on Indian reservations which are in more than one county to attend closest schools. (BDR 34-2051)

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 pupils in public schools; permitting pupils who reside on Indian reservations which are in more than one county to attend the schools closest to their residences; 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 392.010 is hereby amended to read as follows:
2 392.010 1. The board of trustees of any school district may, with the
3 approval of the superintendent of public instruction:
4 (a) Admit to the school or schools of the school district any pupil or
5 pupils living in an adjoining school district within this state or in an
6 adjoining state when the school district of residence in the adjoining state
7 adjoins the receiving Nevada school district; or
8 (b) Pay tuition for pupils residing in the school district but who attend
9 school in an adjoining school district within this state or in an adjoining
10 state when the receiving district in the adjoining state adjoins the school
11 district of Nevada residence.
12 2. *The board of trustees of a school district shall, upon application,*
13 *admit to a school in its district any pupil who resides on an Indian reser-*
14 *vation located in two or more counties if the school is the nearest school*
15 *to the pupil's residence, without regard to the school district in which the*
16 *pupil's residence is located.*
17 3. With the approval of the superintendent of public instruction, [an
18 agreement shall be entered into between] the board of trustees of the
19 school district in which the pupil or pupils reside and the board of trustees
20 of the school district in which the pupil or pupils attend school [.] shall
21 enter into an agreement providing for the payment of such tuition as may
22 be agreed upon, but transportation costs must be paid by the board of
23 trustees of the school district in which the pupil or pupils reside:

1 (a) If any are incurred in transporting a pupil or pupils to an adjoin-
2 ing school district within the state; and

3 (b) If any are incurred in transporting a pupil or pupils to an adjoin-
4 ing state, as provided by the agreement.

5 **[3.]** 4. In addition to the provisions for the payment of tuition and
6 transportation costs for pupils admitted to an adjoining school district as
7 provided in subsection **[2.]** 3, the agreement may contain provisions for
8 the payment of reasonable amounts of money to defray the cost of opera-
9 tion, maintenance and depreciation of capital improvements which can
10 be allocated to such pupils.

11 *5. If the boards of trustees of school districts in which an Indian*
12 *reservation is located are unable to reach an agreement for tuition and*
13 *the costs of transportation of pupils who reside in one school district and*
14 *attend school in another, the superintendent of public instruction shall*
15 *determine the method of paying for the tuition and costs.*

S. B. 612

**SENATE BILL NO. 612—COMMITTEE ON
HUMAN RESOURCES AND FACILITIES**

APRIL 28, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires that court order for involuntary admission to mental health facility be based on clear and convincing evidence. (BDR 39-560)

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 involuntary court-ordered admissions to mental health facilities; providing that an order for involuntary admission of a person must be based on clear and convincing evidence; 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 433A.310 is hereby amended to read as follows:
2 433A.310 1. If the district court finds, after proceedings for invol-
3 untary court-ordered admission [, that] :
4 (a) *That there is not clear and convincing evidence that the person with*
5 *respect to whom [such] the hearing was held [:*
6 (a) *is not] is mentally ill [,] or [if mentally ill, does not exhibit]*
7 *exhibits* observable behavior that he is likely to harm himself or others
8 if allowed to remain at liberty, or [is not] *that he is* gravely disabled,
9 the court shall enter its finding to [such] *that effect and the person*
10 [shall] *must not be involuntarily detained in a mental health facility.*
11 (b) [Is] *That there is clear and convincing evidence that the person*
12 *with respect to whom the hearing was held is* mentally ill and, because of
13 that illness, is likely to harm himself or others if allowed to remain at
14 liberty, or is gravely disabled, the court may order the involuntary admis-
15 sion of the person for the most appropriate course of treatment.
16 2. An involuntary admission pursuant to [paragraph (b) of] sub-
17 section 1 automatically expires at the end of 6 months [if not terminated
18 previously by] *unless the medical director [of the mental health facility*
19 *as provided for in subsection 2 of NRS 433A.390.] authorizes an earlier*
20 *release.* At the end of the court-ordered treatment period, the [division
21 or any nondivision mental health facility] *administrative officer* may
22 petition to renew the detention of the person for additional periods of
23 time not to exceed 6 months each. For each renewal, [such petition

1 shall] *the petition must* set forth to the court specific reasons why fur-
2 ther treatment would be in the person's own best interests.
3 3. Before issuing an [order pursuant to paragraph (b) of subsec-
4 tion 1 or a renewal pursuant to subsection 2,] *order for involuntary*
5 *admission or a renewal thereof*, the court shall explore other alternative
6 courses of treatment within the least restrictive environment as suggested
7 by the [division] *division's* evaluation team or other qualified mental
8 health professionals which the court believes [will] *may* be in the best
9 interests of the person.

