

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

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 26, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:12 a.m., Tuesday, May 26, 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

COMMITTEE MEMBERS ABSENT:

Senator James H. Bilbray (excused)

GUEST LEGISLATORS:

Assemblyman James W. Schofield

STAFF MEMBERS PRESENT:

Samuel F. Hohmann, Senior Research Analyst, Science and Technology
Connie S. Richards, Committee Secretary

ASSEMBLY BILL NUMBER 563 (EXHIBIT C)

Ms. Joyce Woodhouse, President, Nevada State Education Association told the committee Assembly Bill No. 563 is the result of a request by the teachers of Nevada to attempt to solve the problem of social promotion in Nevada schools. At the present time, the procedure for the social promotion of a student is first on the recommendation of the teacher to the principal who has the final authority on the matter. Ms. Woodhouse said the problem arises when the parents do not want their child held back a year and the principal backs down. She said if the teacher and the principal must first agree, then discuss the matter with the parents, chances of doing what is best for the child are greater.

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Ms. Woodhouse noted that in cases in which students have been held back in the first grade, the parents have returned to her at a later time to say how glad they were that they had made the decision as their children tend to do better in school. She said parents who have not chosen to let the child stay back have later returned and been sorry. Students should not automatically be advanced if they are not ready and should be held back at the earliest possible time to result in an easier transition for the child.

Senator Kosinski pointed out under this bill, if the principal and the teacher do not agree, the child may not be held back.

Ms. Woodhouse replied that this may sometimes be the case, however, responses from principals have shown that the principal feels he has greater authority behind him if the decision is made both by the teacher and the principal and if this is in the statutes.

Senator Kosinski asked what criteria is used in the determination to hold back a student.

Ms. Woodhouse replied that a child's proficiency in the basic skills is generally the criteria used but added that each child must be considered individually.

Senator Kosinski asked if the bill might not be difficult to enforce in high schools in which it is not clear who the teacher is (in cases where there are many teachers).

Ms. Woodhouse replied that high school students are not actually held back a year if they fail classes; they are required to repeat courses necessary for graduation and must have the specified number of credits in order to graduate.

Mr. John Hawkins, Nevada State School Boards Association spoke in support of Assembly Bill No. 563.

ASSEMBLY BILL NUMBER 662 (EXHIBIT D)

Mr. Ken Partridge, Vice Chancellor, Finance, University of Nevada System told the committee Assembly Bill No. 662 is a clean-up bill, setting the statutes to correspond with the actual practice of the university today. There

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are basically three changes: 1) changes the seat of the University of Nevada, Reno campus to the office of the chancellor (405 Marsh Avenue) which also houses the board of regents, 2) changes the University of Nevada, Las Vegas from a branch of the University of Nevada, Reno to a branch of the University of Nevada, and 3) subpoena power is granted to the presidents of Clark County Community College, Western Nevada Community College, and Truckee Meadows Community College. (This power pertains to personnel matters only.)

Senator Blakemore asked Mr. Partridge what changes were made in the first reprint of the bill.

Mr. Partridge replied that the Clark County Community College was inadvertently left out on the first bill.

ASSEMBLY BILL NUMBER 396 (EXHIBIT E)

Senator Kosinski moved to "Do Pass" Assembly Bill No. 396.

Senator Blakemore seconded the motion.

The motion did not carry. (Senators Neal and Faiss voted "No"; Senator Bilbray was not present.)

Senator Faiss moved to "Amend and Do Pass" Assembly Bill No. 396 by placing a period (.) after the word, "Nevada" in line 9 and deleting the words, "as one element, comprising at least 20 hours, of a required course." on lines 9 and 10.

Senator Blakemore seconded the motion.

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

ASSEMBLY BILL NUMBER 196

The committee reviewed the amendment to Assembly Bill No. 196 as well as a letter from Mr. Frank W. Daykin, Legislative Counsel (Exhibit F).

The committee agreed that the amendments for Assembly Bill No. 196 had been written as prescribed.

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SENATE BILL NUMBER 651

The committee reviewed the amendments written for Senate Bill No. 651.

The committee agreed that the amendments had been written as prescribed.

ASSEMBLY BILL NUMBER 563 (EXHIBIT C)

Senator Getto moved to "Do Pass" Assembly Bill No. 563.

Senator Blakemore seconded the motion.

The motion carried. (Senators Faiss and Bilbray were not present for the vote.)

ASSEMBLY BILL NUMBER 662 (EXHIBIT D)

Senator Blakemore moved to "Do Pass" Assembly Bill No. 662.

Senator Kosinski seconded the motion.

The motion carried. (Senators Faiss and Bilbray were not present for the vote.)

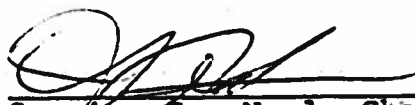
There being no further business, the meeting adjourned at 9:15 a.m.

Respectfully submitted:



Connie S. Richards, Committee Secretary

APPROVED BY:



Senator Joe Neal, Chairman

DATE: June 1, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323

Day Tuesday, Date May 26, Time 8:00 a.m.

A. B. No. 563--Revises procedure for retention of public school pupils in same grade.

A. B. No. 662--Makes assorted changes to provisions relating to University of Nevada.

A. B. No. 396--Requires instruction in American system of free enterprise. WORK SESSION

A. B. No. 196--Provides for regulation of hazardous waste. (Review and approval of amendments.)

S. B. No. 651--Enlarges board of child care. (Review and approval of amendments.)

A. B. 563

ASSEMBLY BILL NO. 563—COMMITTEE ON EDUCATION

APRIL 24, 1981

Referred to Committee on Education

SUMMARY—Revises procedure for retention of public school pupils in same grade. (BDR 34-1775)

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; revising the procedure for retention of pupils in the same grade; 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 392.125 is hereby amended to read as follows:
2 392.125 1. Before any pupil enrolled in a public school may be
3 retained in the same grade rather than promoted to the next higher
4 grade for the succeeding school year, the pupil's teacher [or] and prin-
5 cipal must make a reasonable effort to arrange a meeting and to meet
6 with his parents or guardian to discuss the reasons and circumstances.
7 2. *The teacher and the principal in joint agreement have the final*
8 *authority to retain a pupil in the same grade for the succeeding school*
9 *year.*
10 3. *No pupil may be retained more than one time in the same grade.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 662

ASSEMBLY BILL NO. 662—COMMITTEE ON
GOVERNMENT AFFAIRS

MAY 13, 1981

Referred to Committee on Government Affairs

SUMMARY—Makes assorted changes to provisions relating to
University of Nevada. (BDR 34-2056)

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 University of Nevada; changing the status of the University of Nevada, Reno, to a branch of the University of Nevada System; removing references to divisions of the system; conferring the power of subpoena upon the presidents of community colleges; making administrative changes; 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 396.010 is hereby amended to read as follows:
2 396.010 1. The seat of the state university, as described in section
3 4 of article XI of the constitution of the State of Nevada, is hereby located
4 at the [City of Reno, Washoe County, State of Nevada, and shall be
5 known as the University of Nevada, Reno.] *office of the chancellor of the*
6 *University of Nevada System.*
7 2. [A branch] *The branches* of the University of Nevada [is author-
8 ized in Clark County, Nevada, which branch shall be called the University
9 of Nevada, Las Vegas.] *are the University of Nevada, Reno, and the*
10 *University of Nevada, Las Vegas.*
11 3. Extension instruction on the collegiate level, research and service
12 activities may be conducted throughout the state.
13 SEC. 2. NRS 396.100 is hereby amended to read as follows:
14 396.100 1. The board of *regents* shall hold *at least* four regular meet-
15 ings in each year, and may hold special meetings at the call of the chair-
16 man of the board.
17 2. At all times, the records of all proceedings of the board are open
18 to public inspection except records of a closed meeting which have not
19 become public.
20 SEC. 3. NRS 396.311 is hereby amended to read as follows:

1 396.311 The board of regents shall adopt and promulgate regula-
2 tions establishing a system of probation for the professional employees of
3 the community [college division] colleges of the University of Nevada
4 System. The regulations [shall] must provide for a probationary period
5 of such length as the board deems appropriate.

6 SEC. 4. NRS 396.315 is hereby amended to read as follows:

7 396.315 The board of regents shall adopt and promulgate regula-
8 tions establishing a fair dismissal system for the professional employees
9 of the community [college division] colleges who have completed proba-
10 tion as required by the board pursuant to NRS 396.311. The regulations
11 [shall] must provide that no professional employee who has successfully
12 completed his probationary period is subject to termination or nonrenewal
13 of his contract except for good cause shown. The regulations [shall]
14 must specify what constitutes good cause for such a termination or non-
15 renewal of contract, and [shall] must include provisions for:

16 1. Adequate notice;

17 2. A hearing to determine whether good cause exists, to be held
18 before an impartial hearing officer or hearing committee selected in a
19 manner provided by the board; and

20 3. Opportunity for review of the decision of [such] the hearing offi-
21 cer or hearing committee,
22 in any case involving termination or nonrenewal of the contract of a pro-
23 fessional employee who has completed probation.

24 SEC. 5. NRS 396.323 is hereby amended to read as follows:

25 396.323 1. The board of regents, the chancellor, and the presidents
26 of the University of Nevada, Las Vegas, [and] the University of Nevada,
27 Reno, the [director of the] desert research institute [and director of the
28 community college division shall] , the Truckee Meadows Community
29 College, the Western Nevada Community College, the Northern Nevada
30 Community College and the Clark County Community College have sub-
31 pena power in all instances involving disciplinary hearings of members of
32 the university community.

33 2. Such persons may issue subpoenas requiring the attendance of wit-
34 nesses before them together with all books, memoranda, papers and other
35 documents relative to the matters under investigation or to be heard,
36 administer oaths and take testimony thereunder.

37 3. The district court in and for the county in which any hearing is
38 being conducted by any of the persons named in subsection 1 may compel
39 the attendance of witnesses, the giving of testimony and the production of
40 books and papers as required by any subpoena issued by the person hold-
41 ing the hearing.

42 4. In case of the refusal of any witness to attend or testify or produce
43 any papers required by such subpoena, the person holding the hearing may
44 report to the district court in and for the county in which the hearing is
45 pending by petition, setting forth:

46 (a) That due notice has been given of the time and place of attend-
47 ance of the witness or the production of the books and papers;

48 (b) That the witness has been subpoenaed in the manner prescribed in
49 this chapter;

50 (c) That the witness has failed and refused to attend or produce the

1 papers required by subpoena before the person holding the hearing named
2 in the subpoena, or has refused to answer questions propounded to him in
3 the course of such a hearing,
4 and asking an order of the court compelling the witness to attend and
5 testify or produce the books or papers before such a person.

6 5. The court, upon petition of the person holding the hearing, shall
7 enter an order directing the witness to appear before the court at a time
8 and place to be fixed by the court in [such] the order, the time to be not
9 more than 10 days from the date of the order, and then and there show
10 cause why he has not attended or testified or produced the books or
11 papers before the person holding the hearing. A certified copy of the
12 order [shall] must be served upon the witness. If it appears to the court
13 that the subpoena was regularly issued by the person holding the hearing,
14 the court shall thereupon enter an order that the witness appear before
15 [such] the person at the time and place fixed in the order and testify or
16 produce the required books or papers, and upon failure to obey the order
17 the witness shall be dealt with as for contempt of court.

18 SEC. 6. NRS 396.383 is hereby amended to read as follows:

19 396.383 1. The University of Nevada System accounts payable
20 revolving fund is hereby created. The board of regents may deposit the
21 [moneys] money of [such] the fund in any state or national bank or
22 banks in the State of Nevada.

23 2. The chief business officer of each [division] business center of the
24 University of Nevada System [who is so authorized by the board of
25 regents] shall:

26 (a) Pay from [such] the fund such operating expenses of the univer-
27 sity as the board of regents may by rule prescribe.

28 (b) Submit claims to the state board of examiners for [moneys]
29 money of the University of Nevada System on deposit in the state treas-
30 ury or elsewhere to replace [moneys] money paid from the University of
31 Nevada System accounts payable revolving fund.

32 SEC. 7. NRS 396.385 is hereby amended to read as follows:

33 396.385 The board of regents of the University of Nevada may
34 authorize the chief business officer of each [division] business center of
35 the University of Nevada System to use a facsimile signature produced
36 through a mechanical device in place of his handwritten signature when-
37 ever the necessity may arise, subject to the following conditions:

38 1. [That the] The mechanical device [shall] must be of such a
39 nature that the facsimile signature may be removed from the mechanical
40 device and kept in a separate secure place.

41 2. [That] The use of the facsimile signature [shall] may be made
42 only under the direction and supervision of the chief business officer of
43 the [division.] business center.

44 3. [That the] The registered key to the mechanical device [shall at
45 all times] must be kept in a vault [.] at all times when the key is not in
46 use.

47 SEC. 8. NRS 396.591 is hereby amended to read as follows:

48 396.591 The University of Nevada, Reno, and the University of
49 Nevada, Las Vegas, [and the community college division of the Uni-
50 versity of Nevada System] may each elect to insure members of varsity

1 and freshman athletic teams representing the respective campuses for
2 unlimited medical coverage for injuries incurred while the members of
3 [such] the teams are engaged in organized practice or actual competi-
4 tion or any activity related thereto. Such insurance may be obtained
5 from a private carrier or from the Nevada industrial commission.

6 SEC. 9. NRS 396.795 is hereby amended to read as follows:

7 396.795 To contribute more effectively to the security of the nation
8 and to promote the general welfare of the State of Nevada and its citi-
9 zens through the development of educational and scientific research, the
10 board of regents of the University of Nevada [is authorized to establish
11 an] *may establish for* educational and scientific research [division] *an*
12 *institution of the university [,]* to be known as the desert research insti-
13 tute.

14 SEC. 10. NRS 396.7953 is hereby amended to read as follows:

15 396.7953 1. The board of regents may devise and establish person-
16 nel policies and procedures in connection with the operation of contrac-
17 tual or sponsored research activities of the institute, [separate and]
18 apart from those personnel policies and procedures *which are* established
19 for the professional personnel of other [colleges and divisions] *institu-*
20 *tions of the university.*

21 2. In devising and establishing such personnel policies and procedures,
22 the board of regents [shall] *is* not [be] bound by any of the other provi-
23 sions of this chapter or the provisions of Title 23 of NRS, and none of
24 [the other provisions of this chapter or the provisions of Title 23 of NRS
25 shall be] *those provisions are* applicable to any person employed in con-
26 nection with the operation of contractual or sponsored research activities
27 of the institute except as may be prescribed by the board of regents.

28 SEC. 11. NRS 396.7955 is hereby amended to read as follows:

29 396.7955 1. The board of regents shall devise and establish fiscal
30 policies and procedures in connection with the operation of contractual or
31 sponsored research activities of the institute, [separate and] apart from
32 those fiscal policies and procedures *which are* applicable to other [col-
33 leges and divisions] *institutions of the university.*

34 2. None of the other provisions of this chapter or the provisions of
35 Titles 23 or 31 of NRS or any other statute relating to public officers and
36 employees or public financial administration [shall apply] *applies* to the
37 receipt, investment, management, disbursement, use, expenditure or
38 accounting for any [moneys] *money* or property received by the board
39 of regents pursuant to NRS 396.7952, except as provided in subsection
40 4 of NRS 396.7952.

41 3. Any funds received by or made available to the board of regents
42 for the desert research institute by the State of Nevada, whether pursuant
43 to direct legislative appropriations or otherwise, [shall be] *are* subject to
44 all laws relating to public funds and expenditures.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 396

ASSEMBLY BILL NO. 396—ASSEMBLYMEN RUSK, KOVACS, REDELSPERGER, JEFFREY, DuBOIS, RACKLEY, CRADDOCK, FOLEY, BENNETT, DINI, CHANEY, CAFFERATA, BERGEVIN, PRENGAMAN, PRICE, NICHOLAS, WESTALL, VERGIELS, BRADY AND BARENGO

MARCH 30, 1981

Referred to Committee on Education

SUMMARY—Requires instruction in American system of free enterprise. (BDR 34-620)

FISCAL NOTE: Effect on Local Government: Yes.
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 public high schools; requiring that instruction be given concerning the American system of free enterprise; 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 389.080 is hereby amended to read as follows:
2 389.080 [All teachers in the public schools of this state shall teach,
3 in their respective schools, lessons on the subject of thrift. The lessons
4 shall emphasize:
5 1. The importance of industry, production, earning, wise spending,
6 regular savings, safe investment and government taxes.
7 2. The importance of thrift in time and material.]
8 1. *The economics of the American system of free enterprise must be*
9 *taught in all of the public high schools in the State of Nevada as one ele-*
10 *ment, comprising at least 20 hours, of a required course.*
11 2. *The lessons must:*
12 (a) *Emphasize the benefits of free enterprise as compared to other eco-*
13 *nomie systems;*
14 (b) *Teach the principles of the profit motive and competition and the*
15 *way in which investments generate progress and growth in the economy;*
16 (c) *Introduce pupils to the principles of owning and operating a small*
17 *business; and*

1 (d) Provide instruction in personal finance, including the services avail-
2 able from financial institutions and the methods of obtaining and using
3 those services.

4 3. Administrators and teachers who are charged with providing the
5 instruction required by this section may communicate with persons in the
6 community who are engaged in business, and with labor organizations,
7 chambers of commerce and other service organizations to obtain speak-
8 ers and other assistance in carrying out the requirements of this section.

9 4. The superintendent of each school district in this state shall deter-
10 mine the manner in which the instruction required by this section will be
11 provided in the high schools of his school district.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



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May 25, 1981

EXHIBIT F

Senator Joe Neal, Chairman
Committee on Human Resources and Facilities
Senate Chambers
Carson City, Nevada 89710

Dear Senator Neal:

Section 3 of article 11 of the Nevada constitution requires that all fines collected under the penal laws of the state be used only for educational purposes. The legislature has established the state permanent school fund to carry out the requirements of this constitutional provision. All fines collected under the penal laws of the state are deposited in this fund.

Accordingly in drafting your amendment to Assembly Bill No. 196 (1st Reprint) we have excluded criminal fines from the provision which would require their deposit in the fund for the management of hazardous waste.

Very truly yours,

Frank W. Daykin
Legislative Counsel

By George V. Postrozny
George V. Postrozny
Deputy Legislative Counsel

GVP:smc

Sen. Neal: (as we discussed)

5-24-81

Amendments to AB 196

EXHIBIT F

1. Add subsection 2c to section 13 (page 13):

(c) May delegate responsibilities to qualified local authorities.

2. Add to the end of line 47, page 7;

issued ex parte or, after notice and hearing,

and remove [or] at the beginning of line 48, page 7.

3. Delete sections 36 and 37 entirely. (page 9)

4. Replace section 36 (page 9) with:

Sec. 36. All money received by the director of the department of conservation and natural resources from leases or agreements entered into pursuant to the provisions of section 35 of this act or of fees, interest or civil and criminal penalties arising from hazardous waste activities must be deposited with the state treasurer for credit to the hazardous waste management fund which is hereby created as a special revenue fund. All money in the fund must be used to defray the state's costs of monitoring or otherwise managing hazardous waste. Claims against the fund must be paid as other claims against the state are paid.

omitted from
amt. Sec
letter.

From S.B. 86
(radioactive
waste)

Sec. 5. All administrative penalties assessed by the health division and penal fines imposed in the name of a county for violations of the provisions of NRS 459.010 to 459.160, inclusive, and sections 2 to 6, inclusive, of this act or any regulation or order adopted or issued under them, must be deposited in the trust fund for the care of sites for the disposal of radioactive waste.

1. Most counties have adopted by reference the misdemeanors crimes in NRS. When they prosecute such crimes, they receive the fines, which are used to pay the costs of the prosecutions.

2. In the case of radioactive waste, because of the potentially large fines (up to \$10,000 per shipment), and more importantly, because the trust fund for the care of the site needs money, the underlined provision in Sec. 5 was included in S.B. 86.

3. The fund in S.B. 196 is a special revenue fund to pay operating costs, so there is no apparent justification for taking money from the counties in A.B. 196. 10/11