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MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 3, 1965

Meeting was called to order at 2:15 P.M.

Present: Close, Parsons, Rosaschi, Jacobsen, Kean, Delaney, Swobe, Olsen

Absent: Knisley

AB 408: Amends provisions relating to licensing and regulation of hairdressers and cosmeticians.

Appearing to speak for the bill were Jane Rosenbrach, President of the Nevada State Cosmetology Association and Bernice Randall, Secretary Treasurer of the State Cosmetology Association.

Jane Rosenbrach made the following points in behalf of the bill:

The Association hopes the standards of the profession may be raised by requiring a high school education before training, or an equivalency test.

They would like to have "on the spot citation" to enable them to better enforce sanitation and the protection of the public.

They would like finger printing for the use of the State Board in processing applications for licensing.

They would like the wig control because they feel that a wig cannot be properly cut, styled, etc., for an individual by just a salesman. They feel that this should be done by a licensed beautician.

Mr. Close: Is there a law against this now?

Mrs. Rosenbrach: No. I presume that any one who sells a wig can set it on the customer's head.

They do not want beauty colleges to operate as beauty salons, and so would like to raise the required number of training hours from 250 to 350 before a student can actually practice on a customer.

They would like the State Board of Cosmetology increased to 5 so that better regulating could be done.

Mr. Close: Can you tell us what your thinking is relating to your proposed changes of styling wigs on a person instead of a mannequin? Why this distinction?

Mrs. Rosenbrach: I am not actually prepared to give an adequate presentation on this point. After a wig is placed on the person it becomes a part of that person. It can't be styled for a person when it is on a mannequin.

Mr. Close: Then you have no objection to cutting or styling on a mannequin?

Mrs. Rosenbrach: No reason why, no.

Mrs. Randall: The Attorney General gave an opinion on this. When a wig is

synthetic material and is sold in a store it is a piece of merchandise, but when human hair is styled on a head then it becomes cosmetology.

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Michael Hines, attorney representing Hollywood Beauty Colleges, spoke against the bill. He charged that Mrs. Rosenbrach was representing only a very small percentage of licensed beauty operators and that her material came direct from national headquarters. He said the membership of her association is less than 1% of the licensed operators in the state.

He said that the present law was adopted in 1960 and has proved to be very workable. He pointed out that you cannot legislate foolishness out of kids heads. If they are going to quit high school, they will quit high school, whether or not they can get into a beauty college.

He said this is vocational type training. It requires mechanical skills and ability. Educational requirements of the 10th grade have proven satisfactory. Requiring 350 hours training is not going to help a poor hair dresser who has no ability or aptitude for the field. They get their basic experience from doing work on people. They have to have this experience.

Mr. Hines said that the Board already has the authority to use finger printing if they so desire. They also can ask for an affidavit under oath if they want to. As to a 5-man board, he feels the 3-man board has been functioning very satisfactorily

As to "on-the-spot citation", Mr. Hines felt that it would be a violation of the due process of law. This is only allowed in gaming and liquor, he said. He thinks this provision of the act would be unconstitutional.

Mr. Close: Mr. Hines raised the question of the junior operators. Are they apprentices in counties generally?

Mrs. Rosenbrach: Yes, in most cases. Some of the apprenticeship programs are good, some are bad, but mostly they are bad. This is why we would like to take out the apprenticeship program. When an operator apprentices a member of his or her own family, they usually follow through and see that the apprentice is thoroughly trained. When the apprentice is not a member of the family, they are just cheap labor and are given all the dirty work and not really trained. Records are kept on these programs but many times they are erroneous reports.

John White, of Sierra College of Beauty in Reno, spoke against the bill.

He said that the college does not encourage young people to quit high school. They try to get them to stay in until graduation. They realize that school drop-outs are a state and national problem. But if the colleges are not allowed to take in these drop-outs and teach them a trade, someone is going to have to do it, probably the federal or state government. This will have to be financed by the taxpayer. Wouldn't it be better to let the beauty colleges train the ones that are interested in that field? Some of these drop-outs have aptitudes for beauty work and make very fine students. We should not deny them the right to learn this trade.

Mr. Close: What percentage of your school has less than 12th grade education?

Mr. White replied that he had no accurate figures on this with him but he would say perhaps 50%. 100

Mrs. Goldhammer, Co-Owner of Prater School of Beauty, was the next speaker. She said there are some good things in the bill, but she objects to the high school graduation requirement, also the 350 hours training before student goes to work on people. She believes this is not a realistic approach to the situation. She asked why all the beauty schools should be penalized because the state association feels that a good job is not being done in one or two situations. She said that about 75% of the licensed operators do not have a high school education.

Mr. Close: About how long does it take to get disciplinary action after a citation is issued?

Mrs. Randall replied that sometimes it takes months and requires a great deal of cooperation from the Health Department. She added that they are not concerned with the people who come and go in the beauty shops. They are concerned with the service that the public gets in beauty parlors. They are concerned with sanitation and the protection of the public. She added that the equivalency test takes care of the older people who have not graduated from high school and would like to enter a beauty college.

After these people left AB 408 was considered further by the committee.

Mr. Delaney moved to postpone any further action on the bill.

Mr. Close suggested that the 5-man board might be a good idea. Could we kill the bill except for that?

Mr. Swobe thought it would be easier to just draw a new bill to cover this one thing.

Mr. Close asked what the committee thought about the apprenticeship thing.

Mr. Swobe said if it were passed it would cut out training in smaller communities. He thought perhaps increasing the board to five would enable them to oversee apprenticeship more thoroughly.

Mr. Kean seconded the "no further action" move of Mr. Delaney
Motion passed unanimously.

Mr. Kean suggested the committee give Mr. Close freedom to investigate whether to amend this bill or draw up a new one.

AB 390: Creates commission on peace officer standards and training.

In attendance to speak for the bill were: Elmer Brisco, Reno Chief of Police; Bob Gally, Sparks Chief of Police; Jack Fogliani, Warden of the state prison; C. W. Young, Sheriff of Washoe County, together with his deputy; Francis E. Miller, Chief Officer Parole and Probation.

Chief Elmer Briscoe was asked by the visitors to act as spokesman for the group.

He said that he had been trying for a long time to get support for a bill to raise the standards of our law enforcement officers. He has contacted all the sheriffs on this. He said he has had three men graduate from the training school in Las Vegas and he was very impressed with their training. He pointed out that the bill will aid the smaller communities even more than it will Washoe or Clark, which can handle their own to a degree. 101

He informed the committee that California has 35 colleges and universities giving degrees in police science. The University of Nevada is making a small beginning along these lines. He said that law enforcement is becoming more and more of a profession and the state will benefit greatly if standards are set up.

Mr. Close: Do you know of any law enforcement officers who object to this bill?

Mr. Briscoe replied that he had written to all of them and that he knows of no one who objects.

Mr. Kean: Are there any type of tests given these people to see if they are mentally suited to law enforcement work?

Mr. Briscoe: In the State of Nevada or other places? There are psychology or psychiatric tests that have been given or tried in some communities. We have been thinking along these lines. There is some objection that they are not too practical but some good results have been obtained in some cases.

Mr. Briscoe added that a policeman or a doctor has to be a little sadistic or he cannot do his work. He said the polygraph tests are very helpful in discovering sadistic tendencies.

Bob Gally said that this bill encompasses all agencies of law enforcement in the state of Nevada. It has to do with techniques and standards but would have no direct effect on whether they would cite someone for speeding, etc. The bill would carry its own financial burden. There would be no initial outlay for it by the people or the budget of the state of Nevada. He added that he feels the bill is very fine and he can see nothing but good coming from it, especially for the smaller agencies and areas.

Mr. Jacobsen asked whether this would apply to all agencies all over the state.

Mr. Gally replied that it would. Its main purpose is to get people trained all over the state. Schools might be held in various places.

Mr. Jacobsen: There will be no charge to the man from these smaller areas except his transportation?

Mr. Gally: The money collected would actually reimburse the subdivision represented by 50% of his salary while the man is being trained.

Mr. C. W. Young stated that he has contacted the sheriff's office in Las Vegas and they are not quite as interested in this as they were a few years ago as

they feel their school is adequate for their training.

Mr. Young said that he is authorized to say that the sheriff's association is backing this bill 100%.

Mr. Briscoe said that the bill would provide for part of the expense and would make it more possible to utilize the Las Vegas Academy. It could go on the same as always in Las Vegas.

Warden Fogliani added his endorsement to the bill. He said that four years ago he got enough money to send all his officers for two weeks training in California and it has made a terrific difference for good in the organization.

Mr. Galley reported that the Nevada Peace Officers Association are in favor of the bill.

Mr. Kean said that something should be incorporated in the bill to eliminate the men who are sadistic or who have sadistic tendencies from becoming law enforcement officers. He said the public needs this protection.

Mr. Close said that he did not know whether or not this could be made a part of the bill. This will be put into the standards set up by the commission.

Mr. Swobe said he was against this type of financing. He can't understand why this session is going for it. Can't we set it up with no means of financing specified?

Mr. Close replied that if that were done the Ways and Means Committee would defeat it as there is absolutely no money now to do it with. He added that he can see nothing wrong with taxing criminals. He pointed out that page 3 line 45 provides for proportional payments of expense if amounts collected are not enough.

Mr. Swobe: What if they get more money than they need? We have no estimate of the amount that might be collected.

Mr. Close: We will just have to take another look at it in two years and see what has happened.

Mr. Olsen: How many men will there be to train next year in each area? What is the turn-over in this field? Is there any idea how many men we are thinking of training.

Mr. Close: There are 1,000 peace officers in the state. The estimate is that 600 of these have had no training at all.

Mr. Close read quickly through areas of training covered in the Las Vegas Academy.

Mr. Jacobsen: Is there any way we can find how much money this might bring in?

Mr. Close: I tried to but there was no way to find out.

Mr. Close said that there is a provision in the bill that the administration cost should be minimized and the bulk of the money be used on the training. He added that the per diem allowance of \$12.50 per day would discourage using this trip for training for anything other than what it is designed to do.

Mr. Jacobsen moved Do Pass
Mr. Olsen seconded
Motion passed unanimously

Mr. Kean suggested that Mr. Close write to all these men and tell them it is the intention of the committee that something be done to eliminate the hiring of law people with sadistic tendencies. He added that he thought the course should include something that would teach the policemen how to command respect from the people.

SB 98: Clarifies judge docket book.

Mr. Swobe reported he had talked with two judges and they could see nothing wrong with the bill.

Mr. Olsen moved Do Pass
Mrs. Parsons seconded
Motion passed unanimously

SB 139: Allows courts to reduce required bond for attachment in individual cases.

Decision was to hold over for further checking.

SB 29: Provides for selection of grand jurors by drawing names from trial juror list.

Mr. Delaney moved to kill the bill
Mr. Jacobsen seconded
Motion passed with majority of the committee
Mr. Rosaschi voted no

AB 310: Provides alternative dates for determination of compensation in protracted condemnation cases.

Mr. Swobe reported that he had talked to Russ about the bill and Russ said we might as well kill the bill as to take "solely" out of it. Russ could not think of any wording to change it.

Mr. Close suggested the use of the word "primarily" which would then leave it up to the court to decide who caused the delay.

Mr. Swobe said that the whole point of the bill is to get the case on the court calendar. The state has taken the property and the people want to get their money.

Mr. Close said he would like to talk with Russ on this bill.

AB 491: Provides qualifications for office of justice of the peace.

Mr. Jacobsen said that in smaller communities the man who gets to be JP is not always qualified. There should be some standard of qualification. Mrs. Parsons, Mr. Delaney, and Mr. Olsen agreed.

Mr. Olsen pointed out that except in Washoe and Clark it might be real rough to get people with these qualifications. It might be impossible to get two men to run for the office.

Mr. Jacobsen said the bill has enough merit to keep it alive. It was decided to give more thought to the bill.

Mr. Kean asked if we could use the population factor on this and have attorneys in places of certain population.

Mr. Kean was assigned to study and report on AB 447.

AB 377: Requires the District Attorney's approval before petitions for commitment of mentally ill persons can be filed.

Mr. Jacobsen said he likes the bill. You have to put your faith in some one. There has to be a middle man in there some place.

Mr. Swobe said he thinks the district judge should have power to rule on the petition also.

Mr. Close said he thinks the district attorney will be very cautious in exercising this prerogative because he will not want to be responsible for something happening if the person is not committed.

Mr. Swobe asked if something could be written in to the effect that in the event that a person who filed the verified petition is found to have done it with malice he could be punished.

Mr. Kean: Does the D.A. see the person to be committed?

Mr. Close: He never sees him but sometimes the D.A. can tell from the person wanting to make the commitment that there is something that should be investigated.

Mr. Close stated further that from his experience in these things he would say that one out of three of these commitments are not valid.

Mr. Swobe said he would like to see some safeguards built into the bill.

The meeting was adjourned at 4:25 P.M.