

COMMITTEE ON EDUCATION, HEALTH
WELFARE AND STATE INSTITUTIONS

FEBRUARY 28, 1977

The meeting was called to order at 9:30 a.m. in Room 323 on Monday, February 28, 1977, with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield
Vice-Chairman Joe Neal
Senator William Raggio
Senator Richard Blakemore
Senator Wilbur Faiss
Senator William Hernstadt

GUESTS: Orville Wahrenbrock, Department of Human Resources
Frank Daykin, Legislative Counsel Bureau
John Gamble, Department of Education
Jim Costa, Department of Education

A.B. 145

Mr. Orville Wahrenbrock of the Department of Human Resources said that the change in law with this bill is in Sec. 1, Lines 3-7. The current law allows the warden of the prison to transfer with the consent of the superintendent a young man who has been committed to the prison, to the Elko Youth Training Center, for treatment and rehabilitation. The purpose of this bill is to allow a reciprocal program with those youths who are violent or habitual run-aways. These types are now sent out of state to the California Youth Authority, with the consent of the committing court. And the Jean, Nevada facility is considered to be for the young offender, so, when it has been determined that the program would be beneficial, and the warden agrees and the superintendent agrees, and the committing court agrees, then that person could be transferred to the facility at Jean.

Senator Blakemore commented that Warden Charles Wolff of the Nevada State Prison System had submitted a letter (Exhibit "A") to the Committee suggesting that the reference to Southern Nevada Correctional Center be eliminated, and that the assignment of inmates as to location should be left to the jurisdiction of the warden alone. Mr. Wahrenbrock said it could be changed to the 'Department of Prisons'. Mr. Wahrenbrock said that he thought that the juvenile delinquent would still be under the custody of the superintendent of Elko, but would be placed with the Warden for care and treatment. Senator Raggio disagreed with this and said that the law indicates that the Warden is responsible for all the inmates within his system. Senator Raggio also expressed his concern with the change to this new concept that a youth can be prosecuted through the Juvenile Court system and then committed to an adult penal system without the 'benefit' of adult due process. Senator Blakemore concurred with Senator Raggio that he was legally correct, however, there

would be safeguards, as it takes all three entities to make the commitment to Jean.

Senator Raggio still felt that there is a negative stigma attached to being in a prison, that is not attached to a Youth Training Center. Senator Blakemore stated that he still felt that the jurisdiction remains with the Juvenile Court.

Senator Hernstadt asked what happens to the youth who is 18 years of age and commits an extremely heinous crime? Mr. Wahrenbrock said that currently he is prosecuted under the Juvenile Court system, where they have the right to commit him for another three years (until age 21), either to one of our facilities for youths, or to the California Youth Authority (approximately three/year), and at 21 years of age the youth is set free, without a record. Mr. Wahrenbrock said that this bill would allow the courts to send the youth to a Nevada facility only.

Senator Raggio asked why does this apply to male youths only? Mr. Wahrenbrock answered that in the last eight years, he has only known of three girls that were sent to California, and there is not such a problem with the females.

The Senators engaged in a discussion of the philosophical difference between the manner in which adults and youths are tried, and the benefits, pro and con. Senator Faiss asked if this could become a constitutional question? Senator Raggio stated that conceivably an inmate could file a writ with a federal court, that he did not receive an adult trial by jury, and yet is sentenced to an adult prison.

At the request of the Committee, Mr. Frank Daykin of the Legislative Counsel Bureau was asked to make a statement on the legality of commitment to a prison without adult due process. Mr. Daykin remarked that in Ohio, the Supreme Court ruled that a commitment made by the court without trial by jury to any facility, whether it be a hospital for the insane, a prison, or whatever, if given for an indefinite commitment is invalid. Mr. Daykin said that theory of juvenile commitment is rehabilitation, and the theory of adult commitment is confinement, and in that case the individual should not be switched from rehabilitation to confinement without due process. Mr. Daykin said yes, there is a possibility of litigation, and it would take the Nevada Supreme Court to decide what is correct.

This bill was held by the Committee for further consideration.

S.B. 165

The Chairman explained to Mr. John Gamble that on the Senate Floor, there had been some question as to why the Superintendent's term of office had been set for three (3) years. Senator Raggio asked if this was uniform with other terms in State positions? Mr. Gamble said that the three (3) year term was set in order to alternate with the terms of the State Board members. There are nine Board members who serve five (5) year terms, that are staggered for re-election four members one election, and five the next. This would cause the Superintendent to be appointed in an odd year, and then again in an election year. This bill was Do Pass out of the Committee on February 4, 1977, and was being held on the Secretary of the Senate's desk.

Chairman Schofield asked for an explanation from the Board for the reason for the term, so it could be explained to the other Senators in General Session.

A.B. 88 (Exhibit "B")

Mr. Wahrenbrock explained that this bill allows the funds currently in Welfare to be transferred to the Youth Services under the Department of Human Resources, as stated in the Executive Budget, Page 474.

Senator Hernstadt: Motion for Do Pass
Senator Blakemore: 2nd the Motion

The Motion passed. (Senator Faiss-Absent)

S.B. 115 (Exhibit "C")

Senator Raggio: Motion to Kill
Senator Blakemore: 2nd the Motion

There was a general discussion of the need for this legislation if there has not been a problem with door-to-door hearing aid salesmen.

The Motion passed. (Senator Neal voted
"NO"; Senator Hernstadt
"ABSTAIN")

A.B. 109 (Exhibit "D")

Senator Blakemore: Motion for Do Pass
Senator Hernstadt: 2nd the Motion

The Motion passed.

A.B. 105 (Exhibit "E")

Senator Hernstadt: Amend and Do Pass to retain on Page One, Line 3 and Line 19 the word "shall" and bracket out "may".

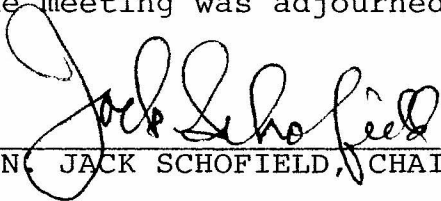
Senator Blakemore: 2nd the Motion.

The Motion passed.

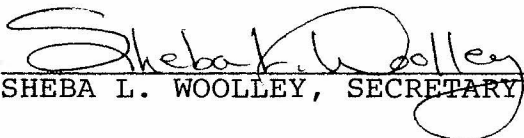
S.B. 118

Mr. Jim Costa submitted a statement in regards to the fingerprinting part of this bill, (Exhibit "F"), which explained that at the cost to the teacher, fingerprints could be processed through the F.B.I. if it was a statutory requirement. This bill is being held on the Secretary of the Senate's desk, and the amendments will be taken and then the bill will be reconsidered in General Session.

The meeting was adjourned at 10:47 a.m.



SEN. JACK SCHOFIELD, CHAIRMAN



SHEBA L. WOOLLEY, SECRETARY

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NEVADA STATE PRISONS

BOARD OF PRISON COMMISSIONERS
 MIKE O'CALLAGHAN, GOVERNOR
 ROBERT LIST, ATTORNEY GENERAL
 D. SWACKHAMER, SECRETARY OF STATE



CHARLES L. WOLFF, JR.
 WARDEN
 P.O. BOX 607
 CARSON CITY, NEVADA 89701

NEVADA STATE PRISON
 P.O. BOX 2247
 CARSON CITY, NEVADA 89701

NEVADA WOMEN'S
 CORRECTIONAL CENTER
 P.O. BOX 2247
 CARSON CITY, NEVADA 89701

NORTHERN NEVADA
 CORRECTIONAL CENTER
 P.O. BOX 97
 STEWART, NEVADA 89437

SOUTHERN NEVADA
 PRE-RELEASE CENTER
 301 SOUTH HIGHLAND DRIVE
 LAS VEGAS, NEVADA 89103

January 28, 1977

Committee on Health and Welfare
 Legislative Building
 Carson City, Nevada

Attention: Chairman Chaney


Dear Chairman Chaney and Committee Members:

The Prisons wishes to express concern over the wording of AB 145. Specifically the reference to "the Southern Nevada Correctional Center" on Line 4 of the Bill. The intent and purpose of AB 145 is acceptable to the Prisons. However, the inclusion of reference to a specific institution within the Prisons system causes concern.

The Warden of the Prisons system is charged with the responsibility for assignment of inmates within the system by N.R.S. Chapter 209. Specific reference to inmate assignment, however noble the intent, deletes the Warden's ability to protect and secure the Prisons through assignment of inmates. Therefore, the Prisons requests your Committee consider amending AB 145 to delete the reference to Southern Nevada Correctional Center. Perhaps AB 145 could reference the "minimum custody institutions and honor camps of the Prisons" as an acceptable substitution.

Please contact this office should you require our testimony or further clarification of the Prisons position.

Sincerely,


 Charles L. Wolff, Jr.
 Warden

CLW/MLM/lm

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 88

ASSEMBLY BILL NO. 88—COMMITTEE ON
HEALTH AND WELFARE

JANUARY 19, 1977

Referred to Committee on Health and Welfare

SUMMARY—Relieves welfare division of responsibility for foster home care of children paroled from correctional institutions. (BDR 38-153)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public child welfare services; relieving the welfare division of the department of human resources from responsibility for foster home care of children paroled from correctional institutions; requiring the division to provide certain child welfare services; 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 432.020 is hereby amended to read as follows:
 2 432.020. The welfare division [is hereby authorized and empow-
 3 ered;] shall:
 4 1. [To provide] Provide maintenance and special services to:
 5 (a) Unmarried mothers and children awaiting adoptive placement.
 6 (b) Handicapped children who are receiving specialized care, train-
 7 ing or education.
 8 (c) Children who are placed in the custody of the welfare division,
 9 and who are placed in foster homes, homes of relatives other than
 10 parents, group care facilities or other care centers or institutions, but
 11 payment for children who are placed in the northern Nevada children's
 12 home or the southern Nevada children's home shall be made in accord-
 13 ance with the provisions of NRS 423.210.
 14 [(d) Children under the jurisdiction and in the custody of the Nevada
 15 youth training center or the Nevada girls training center who are
 16 referred to the welfare division as requiring foster home care upon being
 17 paroled from such school.
 18 2.] If any child is placed in the custody of the welfare division, pur-
 19 suant to any court order or request, such order or request shall be
 20 issued or made *only* after an opportunity for a hearing has been given

S. B. 115

SENATE BILL NO. 115—COMMITTEE ON EDUCATION,
HEALTH AND WELFARE AND STATE INSTITUTIONS

JANUARY 21, 1977

Referred to Committee on Education, Health and Welfare and
State Institutions

SUMMARY—Regulates trade practices of hearing aid specialists. (BDR 54-98)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to hearing aid sales; requiring hearing aid specialists to give purchasers on informational statement; providing for rescission of such sales under certain conditions; 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 637A of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 SEC. 2. 1. *A hearing aid specialist shall not sell a hearing aid to*
4 *any person unless he has exhibited to the person a written statement,*
5 *and the person has read and signed the statement, containing the follow-*
6 *ing information:*
- 7 (a) *The hearing aid specialist's name and business address;*
 - 8 (b) *The make, model and serial number of the hearing aid and*
9 *whether it is new, used or reconditioned;*
 - 10 (c) *The terms of any guarantee or warranty;*
 - 11 (d) *The address of the board of hearing aid specialists; and*
 - 12 (e) *This caution, in boldface letters:*
- 13 *It is desirable that a person seeking help with his hearing problem*
14 *consult a physician and obtain a clinical hearing evaluation.*
15 *Although hearing aids are often recommended for hearing prob-*
16 *lems, another form of treatment may be necessary.*
- 17 2. *A copy of the statement shall be furnished to the purchaser and*
18 *the original shall be retained by the hearing aid specialist. The board of*
19 *hearing aid specialists may, at any reasonable time, examine any such*
20 *statement and signature in the business files of a hearing aid specialist.*
- 21 SEC. 3. 1. *Any person who purchases a hearing aid from a hearing*
22 *aid specialist may, within 45 days after the date of the purchase, rescind*
23 *the transaction if:*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 109

ASSEMBLY BILL NO. 109—COMMITTEE ON EDUCATION

JANUARY 20, 1977

Referred to Committee on Education

SUMMARY—Changes office at which degree-granting institutions are required to file certain information. (BDR 34-120)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.



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

AN ACT relating to education; changing the office at which institutions granting academic or professional degrees are required to file certain information; 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 394.620 is hereby amended to read as follows:
- 2 394.620 As used in NRS 394.630 to 394.670, inclusive:
- 3 1. "Degree" means any statement, diploma, certificate or other writ-
- 4 ing in any language which indicates or represents, or which is intended to
- 5 indicate or represent, that the person named thereon is learned in or has
- 6 satisfactorily completed the requirements of an academic or professional
- 7 program of study in a particular field of endeavor beyond the secondary
- 8 school level as a result of formal preparation or training.
- 9 2. ["Degree-granting institution" means a school, academy, insti-
- 10 tute, junior college, college, university or other educational organization
- 11 or entity located in the State of Nevada or operating from a place of busi-
- 12 ness in this state which offers courses of instruction or study wherein
- 13 credits may be earned toward an academic or professional degree in any
- 14 field of endeavor beyond the secondary school level, and:
- 15 (a) Is accredited by an accrediting association recognized by the Office
- 16 of Education of the United States Department of Health, Education and
- 17 Welfare; or
- 18 (b) Has filed and kept current with appropriate amendments, in the
- 19 office of the superintendent of public instruction pursuant to regulations
- 20 adopted by the state board of education, an affidavit by the president of
- 21 the institution stating that the majority of the course credits offered by
- 22 the institution are generally acceptable or transferable to at least one col-
- 23 lege or university accredited by an accrediting association recognized by

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 105

ASSEMBLY BILL NO. 105—COMMITTEE ON EDUCATION

JANUARY 20, 1977

Referred to Committee on Education

SUMMARY—Revises licensing procedures under Postsecondary Educational Authorization Act. (BDR 34-197)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Postsecondary Educational Authorization Act; removing authority for an educational institution to continue in operation pending approval of its application for a license; clarifying provisional licensing procedure; 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 394.460 is hereby amended to read as follows:
 2 394.460 1. Each postsecondary educational institution desiring to
 3 operate in this state [shall] *may* apply to the commission, upon forms
 4 to be provided by the commission. The application shall be accompanied
 5 by a catalog or brochure published or proposed to be published by the
 6 institution containing the information specified in paragraph (d) of sub-
 7 section 1 of NRS 394.450, including information required by regulations
 8 of the commission. The application shall also be accompanied by evi-
 9 dence of the surety bond and payment of fees specified in NRS 394.540.
 10 2. After review of the application and any other information
 11 required by the commission and an investigation of the applicant, if nec-
 12 essary, the commission shall grant or deny a license to the applicant.
 13 3. The license shall state in clear and conspicuous manner at least
 14 the following information:
 15 (a) The date of issuance, effective date and term of the license.
 16 (b) The correct name and address of the institution.
 17 (c) The authority for approval and conditions of operation.
 18 (d) Any limitation considered necessary by the commission.
 19 4. The term for which the license is given [shall] *may* not exceed 2
 20 years. A provisional license may be issued for a shorter period of time,
 21 *and may include limitations considered necessary by the commission,*
 22 *if the commission finds that the applicant has not fully complied with the*
 23 *standards established under NRS 394.450.*

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE
SENATE COMMITTEE ON EDUCATION, HEALTH, WELFARE AND STATE INSTITUTIONS

Tuesday, February 22, 1977
Room 323, 8:00 a.m.

Supplement to S.B. 118 - Relating to certification of public school teachers

The Department has been informed by the Nevada Commission on Crime that the policy statement from the Federal Bureau of Investigation, given to this Committee at an earlier date, has been modified. Governmental agencies with a statutory requirement to secure fingerprint reports may become eligible for such service by citing the statute to and receiving a user number from the Commission on Crime. All fingerprint cards must then be submitted through the Commission to the FBI.

As a result of this new information, the Department respectfully requests the following amendments to S.B. 118:

Amend the short title by deleting the phrase "deleting the requirement that applicants for a teacher's certificate submit fingerprints;".

Amend Section 5, page 2, line 47, add a bracket after "education."

Amend Section 5, page 3, line 5, delete the bracket after "applicant."