

EDUCATION, HEALTH, WELFARE AND
STATE INSTITUTIONS

FEBRUARY 4, 1977

The meeting was called to order at 8:10 a.m. in Room 323 on Friday, February 4, 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 H. Hernstadt

GUESTS: Charles Wolff, Warden, Nevada State Prison
Michael Medema, Nevada State Prison
Jim Costa, Department of Education
Robert Best, Nev. School Boards Association
Shirley Wedow, State Board of Education
Joseph Newlin, Nev. State Education Association
Frank Daykin, Legislative Counsel Bureau
Jerry Nielsen, Department of Education
Betty Carlson, Dillworth Community School
Joan Kenney, State Board of Education
Richard Wright, Washoe County School District
Neldon Mathews, Lincoln County School District
Assemblyman William A. Kissam

Chairman Schofield opened the meeting by asking the Committee to consider the Amendments 28A and 26A that were written for S.B. 116 (See Exhibit "A").

Warden Wolff said that the Agency concurred with the amendments.

Senator Raggio: Amend with amendments
28A and 26A (Exhibits "B" and "C") and Do Pass
Senator Faiss: 2nd the Motion

The Motion passed.

Warden Wolff interjected that the Department of Mental Health requested that Lines 6, 7, 8, Sec. 33 of Page 6 of S.B. 116 be deleted, and the Prison administration concurred with this request.

Senator Raggio: Rescind the previous motion
and further amend (the above requested deletion)
and Do Pass
Senator Neal: 2nd the Motion

The Motion passed.

S.B. 118 (See Exhibit "C", Feb.2, 1977 Minutes)

The Committee then considered the submitted amendment to S.B. 118 presented by Mr. Jim Costa of the Department of Education. (Exhibit "D")

Senator Blakemore questioned if this addition was acceptable to meet the needs of the small counties. Mr. Robert Best said this would be acceptable.

Senator Hernstadt: Amend and Do Pass
Senator Raggio: 2nd the Motion

The Motion passed.

S.B. 138 (See Exhibit "E", Feb.2, 1977 Minutes)

Chairman Schofield submitted the prepared amendment 39A for S.B. 138 to the Committee for consideration.

Senator Raggio: Amend (Exhibit "E") and
Do Pass

Senator Blakemore: 2nd the Motion

The Motion passed.

S.B. 165 (Exhibit "F")

Mr. Jim Costa read his submitted statement to the Committee on S.B. 165 (Exhibit "G").

Senator Neal asked if this particular wording meant that this individual could not be removed from the Office of Superintendent of Public Instruction prior to the time the year period was up. Mr. Costa said that the individual would be a member of the "un-classified" service, and would be subject to removal for due cause. Senator Raggio asked if this was really true to be able to remove an individual from "un-classified" service. Mr. Costa said that the Attorney General supplied the Board of Education with some guidelines in regards to this problem of replacement in the "un-classified" service. Senator Raggio requested an opinion from Mr. Frank Daykin of the Legislative Counsel Bureau on this issue.

While the Committee was awaiting the arrival of Mr. Daykin, the Chairman asked the opinion of Ms. Shirley Wedow of the State Board of Education, Mr. Joseph Newlin of the N.S.E.A., and Mr. Robert Best of the Nev. School Boards Association in regards to the bill being discussed. Each representative gave their approval of S.B. 165.

Senator Blakemore questioned the use of the word 'term' on line 6 of Page One of S.B. 165. The Senator felt that this should be replaced with the word 'period'.

Senator Raggio presented his concern with the "un-classified" term of office to Mr. Daykin. Mr. Daykin said that in the "classified" service there is a great set-up of due process for removal of employees, and in the "un-classified" some individuals serve at the pleasure of the appointing authority. Mr. Daykin said that generally the law does not provide for removal of "un-classified" employees, it merely remains 'silent' on the matter. However, since in this situation a term is specified, there would have to be cause for removal within the term. Senator Raggio remarked that a parallel would be the members of the Gaming Board who serve a term of office, and are un-classified. Mr. Daykin also remarked to Senator Blakemore's concern with the use of the word 'term', and said this is the language used in the Constitution.

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

The Motion passed.

S.B. 164 (Exhibit "H")

Mr. Costa read his submitted statement to the Committee on S.B. 164 (Exhibit "I").

Senator Raggio remarked that this bill if approved by this Committee would have to be forwarded to the Finance Committee. Senator Hernstadt asked if this was included in the Executive Budget? Mr. Costa said no.

Senator Raggio and Senator Hernstadt were concerned about the definition of "community education". Mr. Jerry Nielsen of the Department of Education explained that this is a 'process' rather than a 'program', and it was an effort to coordinate educational and recreational activities that have an impact on each individual community. Mr. Nielsen said this was being done in Sparks at Dillworth Community School. Senator Raggio wanted to know who paid the cost of the operation for Dillworth. Mr. Nielsen said Washoe County School District, the City of Sparks, and fees charged for admission.

Mr. Costa said that a law was necessary because if the legislature was silent on these programs, there would be no requirement for the Department to conceive these "pilot" programs. Chairman Schofield expressed his feelings that this type of program was beneficial to the Community.

Senators Raggio and Neal questioned why the funds had to be specifically allocated with limited amounts to each grant application? Mr. Nielsen said this is the funding for each of the five available coordinators.

Senator Blakemore asked if these programs would be centered in the Community College system. Mr. Nielsen said that they would be centered in the Department of Education.

Ms. Betty Carlson spoke as a participant of the Dillworth Community School in Sparks. She said that their program involved all age groups, and provides learning in the areas of a Health Clinic, Income Tax Preparation, Photography, Ju-Jitsu, Upholstering, Adult Basic Education, etc.

Senator Hernstadt was concerned with referring to recreational and hobby programs as "education". Mr. Costa said that education was a life-learning process that doesn't always take place inside a building.

Mr. Richard Wright said that the Washoe County School District has given one-half ($\frac{1}{2}$) a teacher allocation for the program at Dillworth.

Ms. Wedow and Ms. Kenney both expressed support for this bill, and said that education is a total learning experience and that these programs would make use of the buildings that otherwise are idle so many months of the year.

Mr. Richard Wright expressed his concern that any funding required for this program not be deleted from the Department's Distributive School fund.

Mr. Neldon Mathews of the Lincoln County School District said this type of program was already active in his area, and centered through his District. Mr. Mathews said that they needed this coordinator in order to continue the program which included gourmet cooking, cake decorating, photography, flight ground school, college credit courses, child care instruction, dance, gymnastics, upholstering, etc. Mr. Mathews said that his funding comes from the school district (\$2500), the Brigham Young University matches this funding, so the intern receives a total of \$4500, plus travel. Mr. Mathews said that his only concern was that there might be some specific wording in regard to geographic distribution for these coordinators, as the smaller counties had trouble competing with Clark and Washoe counties in formulating grant applications.

Mr. Joseph Newlin of N.S.E.A. said they had some questions about this bill. The Association felt that this would be competition with the Community College programs, and would also be a problem if the school districts were asked to make a contribution beyond the use of the facility. Mr. Newlin also wanted to know who was going to set the

guidelines for the evaluation of a coordinator.

Mr. Robert Best said that the Nevada State School Boards Association endorses the idea of Community Education, but does not want to diminish the Distributive School fund in order to fund these programs. Mr. Best said this would have to be in addition to the Distributive School Fund.

Mr. Costa remarked that since this would be for the entire community, the Department would also ask funding assistance from other local agencies.

Senator Neal: Motion to amend by deleting the items in parentheses (Lines 15 & 16, Page Two) in order not to limit the grant allocations, Do Pass and re-refer to the Senate Committee on Finance.

Senator Faiss: 2nd the Motion

The Motion passed. (Senator Hernstadt voted "NO")

B.D.R. 40-114

Senator Blakemore: Motion to introduce as Committee legislation.

Senator Faiss: 2nd the Motion

The Motion passed.

Chairman Schofield asked the Committee to review the minutes. Senator Raggio asked that the following wording be added to his statement regarding 'Sunset' legislation on Page Three of Jan. 28, 1977: "unless continued existence can be justified."

Senator Raggio: Motion to approve the minutes with the above mentioned addition.

Senator Hernstadt: 2nd the Motion

The Motion passed.

Chairman Schofield asked that the members of the Committee remain for a discussion with Warden Wolff in regards to the Prison. Chairman Schofield testified that during the Committee's tour of the prison, he observed the great need for programs oriented toward rehabilitation. Senator Schofield said he observed the need of a library, structured physical education programs, and further development of work-ethic programs to meet vocational needs.

Senator Schofield proposed a program similar to the one he had experienced in a Squadron Officer's Course where the officers were divided into a group of twelve people, composed of various ethnic backgrounds relative to the proportion of

ethnic groups in the entire squadron. These groups met for one-half a day for academic instruction, and one-half a day for athletic activities. Senator Schofield said that the groups in the Prison could be composed of any number of inmates, and their day could be divided into activities which included academics, athletics and vocational training.

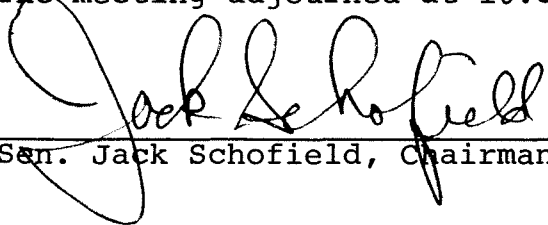
Senator Blakemore suggested that the Committee support the idea, and try to get funding for a Prison Board of Education. Warden Wolff said that the teachers currently at the Prison have certificates, but the courses taught are not certified, and he knew that in other states legislation has been passed to establish the prison as its own school district.

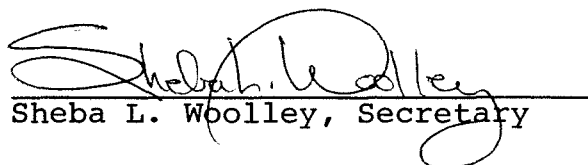
Senator Blakemore said that he felt the Warden was probably very aware of the needs in this area at the Prison, and would mainly be in need of funding for these programs. Michael Medema, Financial Director of the Prison, said the educational program in the Prison received about a 25% increase since the last Biennium, and that the program makes up approximately 5.5% of their total executive budget.

Warden Wolff said that the Prison's main area of concern in dealing with rehabilitation, is the increasing population of inmates that cannot be controlled, and are assigned by the courts. With this crowding of conditions, the need for activity was great, but the funding was not available.

Warden Wolff told the Committee and Chairman Schofield that he would be very happy to meet with them and discuss the arrangements for such a proposal.

The meeting adjourned at 10:36 a.m.


Sen. Jack Schofield, Chairman


Sheba L. Woolley, Secretary

S. B. 116

**SENATE BILL NO. 116—COMMITTEE ON EDUCATION, HEALTH
AND WELFARE AND STATE INSTITUTIONS**

JANUARY 21, 1977

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

SUMMARY—Establishes the department of prisons. (BDR 16-198)

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

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

AN ACT relating to corrections; establishes the department of prisons; providing for its organization, administration, powers, duties and functions; providing for the transportation, transfer, custody, care, education and employment of offenders; providing for credits on the term of imprisonment; providing for the release of offenders; providing penalties; 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 209 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 51, inclusive, of this act.
- 3 SEC. 2. *As used in this chapter, unless the context otherwise requires,*
- 4 *the terms defined in sections 3 to 10, inclusive, of this act have the mean-*
- 5 *ings ascribed to them in those sections.*
- 6 SEC. 3. "Board" means the board of state prison commissioners as
- 7 defined by section 21 of article 5 of the Nevada constitution.
- 8 SEC. 4. "Classification" means the process of individual case evalua-
- 9 tion to determine the custody and program needs of the individual
- 10 offender.
- 11 SEC. 5. "Custody" means the level of security restrictions imposed
- 12 on an offender by a classification committee.
- 13 SEC. 6. "Department" means the department of prisons.
- 14 SEC. 7. "Director" means the director of the department of prisons.
- 15 SEC. 8. "Institution" means a prison, community correctional center,
- 16 or other facility operated by the department for the custody, care and
- 17 training of offenders.
- 18 SEC. 9. "Offender" means any person convicted of a felony under
- 19 the laws of this state and sentenced to imprisonment in the state prison.
- 20 SEC. 10. "Superintendent" means the administrative officer in charge
- 21 of an institution.
- 22 SEC. 11. 1. The department of prisons is hereby created.
- 23 2. The head of the department is the board of state prison commis-
- 24 sioners.

Original bill is 29 pages long.
Contact the Research Library for
a copy of the complete bill.

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Exhibit "B"

1977 Amendment N^o 28 A

Consistent with Amendment No. 26A

Amend section 1, page 1, line 2, delete "51," and insert "51.5,".

Amend the bill as a whole, insert a new section, to be designated as section 51.5, following section 51 to read:

"Sec. 51.5. 1. Any unauthorized absence from the place of assignment by an offender who is on temporary furlough, participating in a work or educational release program or otherwise in a classification assignment

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Drafted by FWD ~~3/1/77~~ Date 1-26-77

To Journal (3) CFB

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under the provisions of this chapter, constitutes an escape from prison, and the offender shall be punished as provided in NRS 212.090.

2. This section does not apply to offenders released on parole."

Amend section 59, page 12, delete lines 22 through 25 and insert:

"his place of employment or his designated quarters, such absence immediately terminates his enrollment in the work release program."

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Exhibit "C"

1977 Amendment No 26 A

Consistent with Amendment No. 28A

Amend section 56, page 11, line 43, delete the period and insert:
 " , and any restitution to a victim of his offense which has been ordered
 by the court."

Amend the bill as a whole by inserting a new section, to be designated
 as section 64.5, following section 64, to read:

"Sec. 64.5. Chapter 175 of NRS is hereby amended by adding thereto a
 new section which shall read as follows:

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convicted defendant to the claimant of the amount of the loss, or a lesser
 amount if justice so requires.

3. This order may be enforced by execution upon the property of the
 defendant. The entry of such an order does not bar a civil action by
 the claimant against the convicted defendant or any other person for any
 loss suffered by the claimant, but the amount of any restitution actually
 received shall be deducted in entering judgment in any such action, and
 the satisfaction of any such ~~judgment~~ judgment absolves the convicted
 defendant of any further obligation of restitution."

Amend the title of the bill by deleting the 1st line and inserting:

"AN ACT relating to the punishment of crime; establishing the
 department of prisons; providing".

Amend the title of the bill, 5th line insert "providing for restitution
 by convicted offenders;" after "offenders;".

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1. When a judgment of conviction has been entered, the court shall, at the request of the personal representative of any person who was killed, or at the request of any person who was injured or whose property was damaged, destroyed or taken and not returned by the defendant in the course of committing the offense, hold a separate hearing to determine the amount of the loss so incurred. The loss in cases of personal injury or wrongful death is limited to actual expenses and loss of earnings.

2. The claimant and the convicted defendant may offer evidence of value and of the circumstances of the loss. Unless upon this evidence justice otherwise requires, the court shall order restitution by the convicted defendant to the claimant of the amount of the loss, or a lesser amount if justice so requires.

3. This order may be enforced by execution upon the property of the defendant. The entry of such an order does not bar a civil action by the claimant against the convicted defendant or any other person for any loss suffered by the claimant, but the amount of any restitution actually received shall be deducted in entering judgment in any such action, and the satisfaction of any such judgment absolves the convicted defendant of any further obligation of restitution.

Amend the title of the bill by deleting the 1st line and inserting:

"AN ACT relating to the punishment of crime; establishing the department of prisons; providing".

Amend the title of the bill, 5th line insert "providing for restitution by convicted offenders" after "offenses".

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Amend section 4, page 2, line 37, delete "his" and insert "his or her".

Amend section 4, page 2, line 39, delete "He" and insert "He or She".

Amend section 4, page 2, line 39, delete "by the" and insert "in a".

Amend section 4, page 2, line 40, insert immediately preceding "state board of education.", the statement "manner set forth by regulations of the".

Amend section 7, page 3, line 21, delete "he" and insert "he or she".

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ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / SENATE AMENDMENT BLANK
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1977 Amendment N^o 39 A



Amend section 1, page 1, line 3, delete "21" and insert "22".

Amend section 1, page 2, delete line 43 and insert:

"(u) The employment security department.

(v) Private postsecondary educational institutions."

Amend section 6, page 4, line 25, delete "Seven" and insert "Eight".

Amend section 6, page 4, delete lines 26 through 28.

S. B. 165

**SENATE BILL NO. 165—COMMITTEE ON EDUCATION,
HEALTH AND WELFARE AND STATE INSTITUTIONS**

JANUARY 28, 1977

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

SUMMARY—Establishes term of office for superintendent of
public instruction. (BDR 34-116)

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 superintendent of public instruction; establishing a term
of 3 years for his office; 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 385.150 is hereby amended to read as follows:
2 385.150 1. The superintendent of public instruction shall be
3 appointed by the state board of education []; but any person elected to
4 the office of superintendent of public instruction prior to March 6, 1957,
5 shall continue to hold such office until the expiration of the term for
6 which he may have been elected.] *for a term of 3 years.*
7 2. The superintendent of public instruction [shall:
8 (a) Hold office subject to being removed at the pleasure of the state
9 board of education.
10 (b) Be] *is* in the unclassified service as provided by [the provisions
11 of] chapter 284 of NRS.
12 SEC. 2. The term of the superintendent of public instruction incumb-
13 ent on the effective date of this act shall be deemed to have begun on
14 October 15, 1975, and a new term shall begin on October 15, 1978.
15 SEC. 3. This act shall become effective upon passage and approval.

Original bill is on file at
the Research Library.

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

Friday, February 4, 1977

Room 323--- 8 a.m.

S.B. 165 -- Amends NRS 385.150

Establishes a three year term of office for the
superintendent of public instruction.

Prior to 1957 the office of the superintendent of public instruction was elective for a term of four years. By constitutional amendment approved and ratified by the people in the 1956 general election, the office became appointive. The authority to appoint was given by the 1957 Legislature to the state board of education, but the term of office was not specified. Article 15, Section 11 of the Nevada State Constitution states in part:

"The tenure of any office not herein provided for may be declared by law, or, when not so declared, such office shall be held during the pleasure of the authority making the appointment, ..."

Since no term of office was specified, NRS 385.150 presently permits the superintendent to "hold office...at the pleasure of the state board of education."

During the past year, the state board of education has studied the matter of a term of office for the superintendent of public instruction. After reviewing it with the office of the Attorney General, the board, by action in regular meeting, declared that it would seek a term of office for the superintendent in accordance with Article 11, Section 1 of the Nevada Constitution which states in pertinent part:

"The legislature shall...provide for a superintendent of public instruction and by law prescribe the manner of appointment, the term of office and the duties thereof."

The state board of education petitions the legislature through S.B. 165 to carry out the duty placed on it by the Constitution to "provide for... by law...a term of office...", and recommends that the term be three years. The state board further asks that this act not work to the detriment of the incumbent, and that the term provided herein be applicable to him from the initial date of his appointment.

S.B. 165 deletes language which is obsolete and which will no longer be pertinent upon passage and approval.

S. B. 164

**SENATE BILL NO. 164—COMMITTEE ON EDUCATION, HEALTH
AND WELFARE AND STATE INSTITUTIONS**

JANUARY 28, 1977

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

SUMMARY—Provides for community education programs. (BDR 34-122)

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

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

AN ACT relating to education; providing for the establishment of community education programs; making an appropriation; 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 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 SEC. 2. *As used in this chapter, "community education" means a*
4 *program of services and activities designed to involve the people of a*
5 *community in the identification, development and use of human and*
6 *physical resources to meet the educational, recreational, social and cul-*
7 *tural needs of a community.*

8 SEC. 3. 1. *The state department of education may, within the limit*
9 *of appropriations made for the purpose, approve grants of financial assist-*
10 *ance to school districts, cities, counties and other political subdivisions*
11 *of this state for planning, establishing, maintaining or improving com-*
12 *munity education.*

13 2. *A school district, city, county or other political subdivision may*
14 *apply to the state department of education for a community education*
15 *grant. The application shall be supported by a proposed plan including*
16 *a statement or description of:*

17 (a) *The proposed involvement of the school district, city, county or*
18 *other political subdivision in the administration and operation of the*
19 *community education program and the facilities and personnel to be used;*

20 (b) *The geographical area to be served, the method to be used in deter-*
21 *mining the interests and needs of the community, and the services and*
22 *activities to be provided;*

23 (c) *Any cooperative agreements to be entered into among public and*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE
SENATE COMMITTEE ON EDUCATION

Friday, February 4, 1977
Room 323, 8:00 A.M.

S.B. 164 -- Amends N.R.S. 388.000

Provides for Community Education Programs

Community Education is defined as a community cooperative process which is designed to involve the people of a community in the identification, development and use of human and physical resources to meet the educational, recreational, social and cultural needs of a community. Community education is a concept which emerged on the educational scene during the 1950's and has since that time been translated into action in communities throughout the United States. In August, 1973, the Nevada State Board of Education, in support of this concept, adopted a position statement. Thereafter, the Department staff supported by a federal grant and foundation funds conducted activities to develop a statewide awareness of community education, provided technical assistance to community organizations interested in developing the process, and established a statewide Community Education Advisory Council composed of people that represent a variety of statewide organizations and agencies. As a result of these activities there is a widespread acceptance of community education as proposed in S.B. 164.

There are five basic premises underlying this legislation. They are:

1. that most people in every community have educational needs and that no one organization or agency is able to meet them;
2. that within each community there are untapped physical, financial, and human resources that can be brought to meet peoples' educational needs;
3. that governmental organizations and agencies exist to serve the total person and that through cooperation and coordination, these agencies and organizations will be better able to fulfill the goals for which they were established;
4. that every community needs to find ways to involve people in decision-making and in determining the direction of the communities educational efforts; and
5. that education in its broadest concept involves the total citizenry of a community and its organizations and agencies. Education is not confined to the public school system but is rather a function which should involve the total community.

The purpose of this Act is to authorize activities and funds to develop a process that:

1. provides an opportunity for citizens to be involved in helping coordinate the educational efforts in communities;
2. provides for better utilization of existing public facilities and equipment;
3. provides for a variety of educational, recreational, cultural and social learning experiences for persons of all ages in the community; and
4. provides for the coordination of community resources to meet community education needs.

JON/lgw