

The meeting was called to order at 9:00 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
Senator Hernstadt
Senator Dodge
Senator Raggio
Senator Sloan
Senator Ford
Senator Don Ashworth

ABSENT: None

SB 143 Requires interpreters for certain handicapped persons in judicial and administrative proceedings.

Toni Hensley, Special Programs Coordinator, Bureau of Vocational Rehabilitation, appeared in support of this measure. For her testimony, see attached Exhibit A.

In response to a question from Senator Close, Ms. Hensley stated that the term "barriers" has been expanded to include communication as a physical barrier. It will mean that every public agency will have to have access to an interpreter for deaf persons. She did not interpret that to mean that each agency will have to have an interpreter on the premises. She stated that deaf people are used to waiting and would be willing to make an appointment before coming in to any public agency.

Senator Close pointed out that this bill will need a fiscal note attached.

Ms. Hensley supplied a worksheet on the anticipated cost of this. See attached Exhibit B.

Senator Close questioned why the spouse would be prohibited from acting as an interpreter.

Ms. Hensley responded that there were two main reasons for that. One, to insure confidentiality and the other, to insure accurate interpretation. She stated that there is a high degree of efficiency required to interpret, especially in legal situations.

She further commented that she did not believe this would preclude a spouse or friend from interpreting for the deaf person. The bill only states that a handicapped person must be given an interpreter of his own choice.

Senator Don Ashworth stated that it was his understanding that any person who interpreted for a handicapped person would be entitled to reasonable compensation.

Senator Hernstadt asked where in the bill did it provide for confidentiality between the interpreter and the handicapped person.

Ms. Hensley responded that she interpreted "shall be considered an extension of the deaf person" to mean they are one and the same; thus, insuring confidentiality. Senator Close disagreed and stated that a privileged communication is something that you cannot be forced to divulge. This bill does not have such a provision.

Senator Dodge asked who would bear the cost of an interpreter in judicial proceedings.

Ms. Hensley stated that if it were a private litigation, it would be born by the parties; if it were a state proceeding, it would be the state.

Ms. Hensley informed the Committee that this bill would bring Nevada into compliance with the recently adopted 1978 Comprehensive Services Rehabilitation amendments. She stated that she would provide copies of the federal law as soon as they were made available.

Bud Campos, Parole and Probation, stated that he had a problem with the requirement of an interpreter being present during every stage of a proceeding. He could foresee a situation, especially in the rural counties, where it would be necessary to communicate a minor item or give the defendant a copy of the arrest report. He did not feel that it should be necessary to call in an interpreter when it is very likely that the authorities present could effectively communicate it to the handicapped person.

Sam Mamet, Management Analyst, Clark County, informed the Committee that the financial impact of this bill would be minimal. He submitted figures for Clark County's cost for this for 1978. See attached Exhibit C.

Richard Villanovis testified in support of this measure. (His testimony was interpreted by Toni Hensley) It was his feeling that interpreters should be available on a 24-hour basis. He stated that he had been arrested and jailed because he had been unable to communicate with the policeman.

Senator Dodge stated that the law presently protects individuals from that; it is one of his constitutional rights.

Ms. Hensley responded that she has personally experienced abuse of that right.

Ruben Chandler testified in support of this measure. (His testimony was interpreted by Toni Hensley) He stated that he had been arrested in Washoe County and had been given a Mexican interpreter who reverse interpreted into English. He stated that he had requested an interpreter of his own and had been refused.

Senator Don Ashworth asked how many certified interpreters there are in Nevada. Ms. Hensley responded that there are only 3 and they are all in Las Vegas. However, she felt that if this bill were passed, it would encourage people to become certified and would also encourage interpreters to move here from other areas.

In response to a question from Senator Hernstadt, Ms. Hensley stated the the cost of training certified interpreters would be born by the federal program.

No action was taken at this time.

SB 26

Increases maximum contractual rate of interest.

For testimony on this measure, see the minutes for the meeting of Monday, February 8, 1979.

Senator Dodge stated that he would like to have the record show that he did not participate in the previous hearing. He will also abstain from any discussion in the future and he will not vote, either in Committee or on the floor, as he is a director of Family Savings and Loan.

Senator Close stated that the Nevada Supreme Court has interpreted the language to mean that not just the excessive interest is not recoverable, but that the entire interest is not recoverable if it is found to be usurious. The Supreme Court felt that the punishment was not severe enough if it was just brought down to the legal limit of interest.

Senator Raggio concurred with the intent of the Supreme Court, however, he did not feel that it was a matter for them to decide upon. The punishment for a crime is a legislative matter.

Senator Hernstadt requested that the bill be amended so that it would become effective upon passage and approval. He stated that the money market is very tight at the present time and this would help alleviate the situation.

He also stated that he would like this to apply to as many alternate money sources as possible, and not just limited to banks and savings and loan associations.



Senator Sloan disagreed with Senator Hernstadt and cited the California law as an example. He stated that in almost all usury cases that he could recall, it was the public lending institutions that were involved.

Senator Raggio concurred with Senator Sloan and stated that in California, the lid is off on banks and financial institutions but there is still a 10% usury law.

Senator Raggio further stated that he has requested language for a possible amendment to help clarify what constitutes usury; whether annual percentage rate, points, discounts, etc. would be in addition to the interest.

Action was withheld pending receipt of the proposed amendments.

SB 19 Raises monetary limit of jurisdiction of justices' courts.

For testimony and discussion on this measure, see the minutes for the meetings of January 25, 30 and 31, 1979.

Senator Close stated that he had received a letter from Judge Kelly, Justice of the Peace in North Las Vegas. Judge Kelly brought up a good point in regard to jury trials in Justice Court when the matter is under \$600 in civil matters. In his letter he stated that the expense for such trials is incredible.

It was the decision of the Committee to exclude jury trials in Justice Court for civil matters under \$600.

Senator Hernstadt moved that SB 19 be referred out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Ford.

Motion carried unanimously. Senator Sloan was absent from the vote.

There being no further business, the meeting was adjourned.

Respectfully submitted,

APPROVED:

Cheri Kinsley
Cheri Kinsley, Secretary

Senator Melvin D. Close, Jr., Chairman

The deaf person is frequently unable to express his needs and is at a disadvantage to become fully cognizant of available services. Seeking employment, counsel, assistance, and/or self-advancement often require greater communication abilities than a deaf person possesses. Thus, the communication barrier is greatly minimized or eliminated through the assistance of a competent deaf interpreter who can function to expand the deaf person's access to services and safeguard the civil rights of the deaf person.

The 1978 Federal Comprehensive Service Amendments pertaining to Deaf and Deaf-Blind Persons requires each state to make provisions for trained personnel, with the necessary communication skills, to serve the deaf consumer. Moreover, Section 118 (a) and (b) amends the portions of the act dealing with the establishment and the operation of the Architectural and Transportation Barriers Compliance Board. This amendment adds "communication" to the barriers which must be surmounted. This proposed bill (BDR 1-152), requiring interpreters for certain handicapped persons in judicial and administrative proceedings, will bring the State of Nevada into compliance with the Comprehensive Rehabilitation Service Amendments of 1978.

When the aforementioned is taken into consideration, it is reasonable to conclude that the failure of the State of Nevada to act in compliance with the 1978 amendments could jeopardize future Federal funding and support, especially if a discriminating practice was knowingly allowed to continue.

While the need for deaf interpreters, the present gap in services, and the Federal Regulations are apparent, perhaps, it is less obvious as to how the proposed legislation differs from existing Nevada Statutes. First, the proposed bill includes a fiscal note which specifically estimates the amount necessary for payments and subsequently can advert non-compliance resulting from the inability to pay. Second, it defines a deaf interpreter and permits the deaf person to choose his/her interpreter. This provision is consistent with the requirements of the Comprehensive Rehabilitation Service Amendments of 1978 and it gives the interpreter the legal status to be present during all actions, including lawyer/client conferences, etc. Third, it delineates the pay scale for services rendered. Fourth, it delegates the responsibility for the maintenance of an updated list to qualify deaf interpreters to the Rehabilitation Division. This provision is also in compliance with the Comprehensive Rehabilitation Services recommendation to employ only those interpreters certified by a state established certification board. Fifth, and lastly, the proposed bill expands interpreters services to include, but not to be limited to, social service agencies, thereby bringing the State of Nevada into full compliance with Federal Regulations insuring that deaf persons may enjoy the same services and safeguards afforded other citizens of the State of Nevada.

In conclusion, the proposed deaf interpreters legislation is essentially required by new Federal requirements and demonstrates Nevada's intention to fully comply with them. Most significantly, the fiscal impact is a small price to pay for our state to maintain its commitment to the rights of all its citizens. And as deaf persons become more aware of their rights and responsibilities, through these opportunities, special care must be taken by the State of Nevada to insure that deaf persons have equal access to exercise those rights.

FACT SHEET SB 143

In order to provide you with the basis for preparing a fiscal note for the Interpreters for the Deaf Legislation, I have identified each target agency/group indicated in the prepared bill draft (BVR 1-152) and I have devised a formula for estimating the fiscal impact of such provision.

The formula is as follows:

1. Estimate the number of individuals processed through a target agency for the year 1977.
2. Multiply this figure by .8% (percent of deaf persons, 12 and above, in relation to the total population as determined by Gallop's 1975 survey of Nevada's rehabilitation needs and Dr. Chu's (UNR) population estimates).
3. Multiply this figure by the 1 hour (low and high wage figures) fee for an interpreter for the deaf. This provides us with a relativistic final fiscal estimate for the aforementioned legislation.

Only the "Contested Case" estimate, as they pertain to NRS Administrative Procedures, have been omitted since Mark Stevens (Budget Analyst) stated these figures are not available to compute the desired impact estimate.

The following represents the impact range, i.e., from \$4.00 an hour to \$7.00 an hour, for each target area identified in the bill draft prepared by the Legislative Council Bureau for only a 1 hour basis of such services provided:

1. Judicial Proceedings
 - a. Clark County range
low \$1,354.69
high \$2,370.70
 - b. Washoe County range
low \$711.04
high \$1,244.32
 - c. Appeals to the Nevada Supreme Court range
low \$20.54
high \$49.95
2. Arrest figures range
low \$2,120.13
high \$3,710.22
3. Clemency figures range
low \$1.28
high \$2.24

4. Paroles range
low \$36.00
high \$63.00
5. No estimate for contested cases pertaining to administrative procedures.
6. Dismissals
 - a. Department of Education range
low \$0.16
high \$0.28
 - b. As to University Affairs;
 1. Instructors range
low \$0.0064
high \$0.0112
 2. Students range
low \$0.61
high \$1.06
7. Welfare range
low \$10.91
high \$19.096
8. Gaming range
low \$0.768
high \$1.344

TOTAL: Based upon available figures for 1977; Minimum impact figure: \$4,264.13,
Maximum impact figure \$7,462.22.

You will also find attached the computation sheets indicating the method by which these figures were arrived at and the fiscal note for the said legislation.

COMPUTATION SHEET

1. JUDICIAL PROCEEDINGS

a. Clark County

Justice Court level: 3,923 Felony
4,675 Misd.

Las Vegas Municipal Court: 9,794 non-traffic misd.

North Las Vegas Municipal Court: 1,711 non-traffic misd.

Las Vegas Judicial District: 17,020 Civil
1,734 Juvenile
3,477 Gross misd. and felony

Total; 42,334 x .008 = 338.672 x \$4 = \$1,354.69
x \$7 = \$2,370.70

b. Washoe County

District Court figures: 1,448 Criminal cases
6,204 Civil cases
535 Juvenile

Lower Court; Reno and Sparks (Justice Court) (JP): 724 Gross misd. and felony
956 Misd.
12,353 Non-traffic violations

Total; 22,220 x .008 = 177.76 x \$4 = \$ 711.04
x \$7 = \$1,244.32

c. Appeals to the Supreme Court

Civil 243
Criminal 649
892

892 x .008 = 7.136 x \$4 = \$28.54
x \$7 = \$49.95

2. ARREST FIGURES

11,903 Juvenile
54,351 Adult
66,254 x .008 = 530.032 x \$4 = \$2,120.13
x \$7 = \$3,710.22

3. CLEMENCY FIGURES - Fiscal year July, 1977 - June, 1978

40 x .008 = .32 x \$4 = \$1.28
x \$7 = \$2.24

4. PAROLES - Fiscal year July, 1977 - June, 1978

$$1,125 \times .008 = 9 \times \$4 = \$36$$

$$\qquad \qquad \qquad \times \$7 = \$63$$

5. NO ESTIMATE FOR "CONTESTED CASES" PERTAINING TO ADMINISTRATIVE PROCEDURES.

6. DISMISSALS

a. Dept. of Education

$$5 \times .008 = .04 \times \$4 = \$.16$$

$$\qquad \qquad \qquad \times \$7 = \$.28$$

b. University Affairs

1. Instructors (only two hearings in the last 10 years)

$$\text{Therefore: } .2 \text{ per yr.} \times .008 = .0016 \times \$4 = \$.0064$$

$$\qquad \qquad \qquad \times \$7 = \$.0112$$

2. Students (# of hearings = 19; # of students = 38)

$$19 \times .008 = .152 \times \$4 = \$.61$$

$$\qquad \qquad \qquad \times \$7 = \$1.06$$

7. WELFARE

$$341 \text{ hearings} \times .008 = 2.728 \times \$4 = \$10.91$$

$$\qquad \qquad \qquad \times \$7 = \$19.096$$

8. GAMING

An average of 24 hearings per year.

$$24 \times .008 = .192 \times \$4 = \$.768$$

$$\qquad \qquad \qquad \times \$7 = \$1.344$$

Totals:

Minimum	Maximum
\$1,354.69	\$2,370.70
711.04	1,244.32
28.54	49.95
2,120.13	3,710.22
1.28	2.24
36.00	63.00
.16	.28
.0064	.0112
10.91	19.096
.768	1.344
<u>.6100</u>	<u>1.06</u>
\$4,264.1344	\$7,462.2212

REFERENCES

1. Judicial Proceedings: * Tom Gardner (Dept. of Courts)
Bill Furlong (LEA)
2. Arrest Figures: John Sapira (Crime Date Technician)

* Uniform Crime Reports supplied by the Dept. of Law Enforcement Division
of Identification and Communication.

* Gardner estimates that figures for Washoe and Clark constitute 85% of
all proceedings.
3. Clemency and Parole Figures: Lois Nelson at Parole Board.
4. Dismissals: a. Dept. of Education - Jim Menath, Director of Field Services.
b. University Affairs - Dean Kinney and President of UNR.
5. Welfare: Herb Wash, Hearings Officer.
6. Gaming: Gaming Commission combines Commission and Control Board hearings.

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

~~RICHARD W. BLUMER~~
~~County Manager~~

BRUCE W. SPAULDING
Assistant County Manager

SENATE JUDICIARY COMMITTEE

FROM: SAMUEL D. MAMET, MANAGEMENT ANALYST

SUBJECT: S.B. 143

DATE: FEBRUARY 14, 1979

Pursuant to the committee's direction yesterday, we would like to clarify for you what the \$560 represents for interpreter fees.

District Court has a full time person whose responsibility it is to assign and coordinate interpreters for individuals coming before the District Court. The \$560 represents the cost for both foreign language and handicapped interpreters.

We hope this satisfies the committee and if we can be of further assistance, please contact us.

SDM/mg