

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY - 53rd Legislature Feb. 24, 1965

Meeting was called to order at 2:00 P.M.

Members present: Close, Rosaschi, Olsen, Knisley, Parsons, Delaney, Kean, Swobe

Absent: Jacobsen

AB 292: Unfair Trade Practices Act.

Mr. Delaney expressed his opinion that this is a very bad bill.

Mr. Knisley said that he had talked to the Senate members and that they told him there was no chance of this bill passing. They are drafting a similar bill which may be better.

Mr. Delaney moved to kill the bill

Mr. Olsen seconded

5 ayes

3 nos--Kean, Swobe, Rosaschi

AB 159: Prohibits discrimination in public accommodations or in employment based on race, color, religion or national origin.

Mr. Close went over all the changes in 159 and 404 and said that 404 with some changes is possibly better than 159.

Mr. Knisley summed up the changes as being largely to clean up the language, on the hearing and injunction, number of employees, gives direct action in district court.

Mr. Close said that it also added the words "bars and casinos" and then asked if the Committee would care to discuss the bill.

Mr. Kean suggested it be held for a period of study and it was so decided.

AB 199: Provides for the office of Public Defender.

Mr. Close said that he had introduced today a companion bill to this act. It provides that they can hire attorneys for indigent defendants in JP courts upon proof that the defendant is a pauper.

Mr. Olsen: What does the Ways and Means Committee think of this bill?

Mr. Close: They are aware of it, but I don't know what they think. They have already budgeted money to pay for the attorneys fees for the indigent defendants.

Mr. Knisley: Will this cost more than appointing counsel?

Some discussion of this. Opinion seemed to be that the cost would be somewhat higher in the beginning but possibly no higher in the long run.

Various amendments were suggested: To be sure that it is permissive legislation; to be sure that counties could still combine and use the Public Defender system if they so desire; to knock out the stipulated 125,000 population; to make sure the cost does not come out of marriage licenses.

Mr. Knisley moved that the Public Defender's salary be set by the County Commissioners.

Mrs. Parsons seconded

Motion passed unanimously

Mr. Swobe moved to delete any reference to funding the Public Defender by a charge of \$1.00 per marriage license.

Mrs. Parsons seconded

Motion passed unanimously

Mr. Swobe moved to change the per diem from \$5.00 to \$15.00

Mrs. Parsons seconded

Motion passed unanimously

Mr. Close mentioned that the mileage allowance should be changed to 10¢ within the state and probably 15¢ out of state.

The possibility was discussed of conforming to AB 260 which is the travel allowance for counties, or of conforming to 281.160.

Mr. Kean moved that the Committee allow Mr. Close to study which of the two ways of conforming would be best and act on it.

Mr. Olsen seconded

Motion passed unanimously

Mr. Close reported that he had been contacted many times about whether the Public Defender should be elected or appointed. He said the City Attorney of Las Vegas thinks the position should be elective, but that everyone else seems to favor appointment, but by whom?

Mr. Knisley moved that the office of Public Defender be filled by the County Commissioners.

Mr. Kean seconded

Motion passed unanimously

Mr. Knisley moved to amend AB 199 and Do Pass

Mr. Swobe and Mr. Kean seconded

Motion passed unanimously

AB 208 and 209: Mr. Kean's bills having to do with fire protection districts.

Mr. Kean discussed the two questions which had been carried over from the last discussion of these two bills: 1. Changing so that 50% of the population signing a petition cannot effect a change. The purpose of this is to make it so that one man cannot act for the determination of the whole community.

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Mr. Kean suggested that he wanted to delete lines 12 through 20 on page 1, Section 1, paragraph 2 and add that it must contain descriptions of 10 or ⁸² more parcels of land, each of which is owned separately by different persons.

Mr. Close asked if this could be changed in such a way that it would not mention ten people.

It was decided to have copies of 208 printed up so that the copies could be studied by the Committee.

Mr. Kean said he had two objections to AB 209. First, personal property was not included in taxable property. Secondly, he wants to add the word "assessed" in front of "value" so that the meaning of "value" will be more definite.

Mr. Kean moved amend and Do Pass and then re-refer to Committee on Judiciary.
Ms. Parsons seconded
Motion passed unanimously.

BDR 81.107: [BDR 8-1007] (A.B. 440)

Mr. Swobe moved to introduce
Mr. Knisley seconded
Motion passed unanimously

AB 236: New mechanic's lien law

Mr. Close stated that he had recommendations of the bar association.

It was decided to defer any action on the bill until copies of these recommendations could be made up for the Committee.

AB 294: Construction Control

Mr. Close said he thought Senator Dodge hit it on the head when he said that those who objected to the bill objected only to the land draw part.

Mr. Olsen pointed out a loophole in Section 27, Paragraph 4, lines 48-50.

It was decided to delay action on this bill for one week to give Mr. Miles and Mr. Goldwater a possible chance to get together and agree on a compromise.

Mr. Knisley said he had known cases personally where the contractors made their profits by breaking one-third of the subcontractors. He thinks the subcontractors should have a little more protection than they have now.

AB 252: Establishes State Bureau of Criminal Identification

Mr. Close said that the Attorney General wants this bill and the Governor wants to go along with him on it.

Suggestion was made to amend the bill to make Section 6 permissive.

Mr. Olsen: What are the advantages of the bill?

Mr. Close: It starts something that probably should be accomplished in future years.

Mr. Knisley said that there had been a study made of this situation about six years ago and a lengthy report was submitted which is on file. Hearings were held in the Ways and Means Committee. People were in from California. The Committee was in favor but it cost \$250,000 to start. We can't go on forever, indefinitely, using the facilities of the State of California.

Mr. Olsen stated that the Los Angeles authorities are very happy to work with the sheriff and city police of Las Vegas, and that he would hate to see anything foul this up.

Mr. Close said that he thought everybody would be happy with the bill if the word "may" were substituted for the word "shall".

Mr. Kean: The bill just gives the Attorney General another man in his office.

Mr. Close: As this thing grows it may be taken out of the Attorney General's office.

Mr. Knisley said that we would likely lose our tie with California in another six years.

Mr. Olsen said that it may be different up here but right now Las Angeles is very happy with the exchange of information.

Mr. Knisley: This would not interfere with that.

Mr. Knisley moved amend and Do Pass

Mr. Delaney seconded

Motion passed unanimously

AB 367: Provides penalties for conversion of rented or leased vehicle.

Mr. Close and Mr. Kean to get together on this bill.

AJR 20: Anti Rumford Act

Mr. Kean moved Do Pass

Mr. Knisley suggested that it might be better to take action on this bill after action on the Civil Rights bill. Mr. Kean and Mr. Olsen agreed and it was decided to hold the bill for the time being to reflect the Committee's attitude on the other act.

AB 396: Regulation of wedding chapel advertising

Mr. Close pointed out that this is permissive legislation which will permit each counto to do this if they wish.

Mr. Knisley moved Do Pass

Mr. Olsen seconded

Motion passed unanimously

AB 398: Firearms control bill

Mr. Close said that some provisions of this bill deserve consideration and perhaps some do not. It was decided to postpone discussion until more Committee members had had a chance to study the bill.

SB 138: Makes investigators for the Attorney General peace officers.

It was decided that there was no purpose to having this bill since AB 95 had been passed.

Swobe moved to postpone indefinitely
Kean seconded
Motion passed unanimously

SB 133: Increases maximum size of estate that may be set aside without administration or may have summary administration ordered.

It was pointed out that this bill raises the amount from \$3,000 to \$5,000 which is much more realistic.

Question was asked: Is this high enough? Mr. Swobe said that if we set it too high we will lose some of the safeguards of probation.

Mr. Swobe moved Do Pass
Mr. Kean seconded
Motion passed unanimously

AB 405: Requires plaintiffs in actions to attach personal property to deposit sufficient funds to cover expenses involved in taking and storing such property.

Mr. Swobe said it might be worth looking into the second paragraph. He thinks 5 days might be a nuisance factor.

Mr. Knisley said that he found paragraph 4 unacceptable.

Mr. Kean was appointed to study the bill and make recommendations.

Mr. Close is going to talk to Mrs. Frazzini for further explanations.

AB 407: Allows exoneration of bail by surrender of defendant to any peace officer in state and provides for notice to sureties in certain cases before bail is forfeited.

Mr. Close said there are things about this bill that are good and desirable but he doesn't agree with the wording line 5 page 1. Peace officer should perhaps be changed to "sheriff", "policemen", etc.

Mr. Knisley suggested "any like peace officers in the state of Nevada". The Committee liked this suggestion.

Mr. Close suggested adding "any officer of the Nevada State Prison".

Mr. Close said that there should be provision that the bondsman must pay to have the man transported back to where he should be. He said this is being done

now, but there is really no provision for it.

It was pointed out that sometimes courts forfeit bail and never notify the bondsman. This bill will require the forfeiture be reported. It was decided that this notification should be sent by Certified Mail rather than Registered.

Mr. Knisley moved amend and Do Pass
Mr. Swobe seconded
Motion passed unanimously

AJR 25: Constitutional Convention

Mr. Delaney moved to kill the bill
Mr. Rosaschi seconded
Motion passed unanimously

SB 98: Mr. Swobe reported that he had not yet had a chance to clarify material on this bill.

SB 84: Liberalizes medical attention to minors.

Mr. Kean moved Do Pass
Mr. Swobe seconded
Motion passed unanimously

AB 307: Has to do with killing of animals

Committee decided this act is misleading and confusing. Should be clarified somewhat.

Mr. Delaney moved to include "willfully and maliciously" to Section 2, paragraph 1.
Mr. Kean seconded
Motion passed unanimously

AB 334: Consolidates penalty and restitution provisions for welfare frauds.

Mr. Rosaschi gave his report on the sections he was assigned to look up.

Mr. Close said he objects to repealing 425.220. It was decided to invite Mr. Valentine and Mr. Munsen in to talk to the Committee about this bill.

Mr. Knisley suggested that perhaps Mr. Close could study this and satisfy himself why this was done and report back and this way avoid a hearing.

Meeting adjourned at 4:50 P.M.