

JUDICIARY COMMITTEEMINUTES OF MEETING HELDMARCH 15, 1967

A meeting of the Judiciary Committee was held at 9:05 A.M., Wednesday, March 15, 1967, in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members Present: Warren L. Monroe, Chairman
V. L. Bunker
M. J. Christensen
Carl F. Dodge
Procter R. Hug
Coe Swobe
C. Clifton Young

Also Present: Senator Fisher
Don Brown, Chief, Highway Patrol
Robt. McAdams, Bell of Nevada
Joe Jackson, Nevada State Journal

The Chairman announced that there would be a Hearing on S.B. 408 at 2:00 P.M. Friday, March 24, 1967.

S.B. 294 "Provides for issuing traffic citations in form of summons and complaint."

Mr. Brown expressed his appreciation to the Committee for being heard by the Committee. He stated that this was a Bill they did not like to talk about because they were in quite a dilemma as there is no provision in the law for an officer to issue a citation and was subject to test at any time. Without this procedure the traffic violator on the road will have to be arrested, transported to the nearest County Jail and booked, or, get a warrant for his arrest and bring him in again, which would be a burden on the motorist and on the officer. He also mentioned that this Bill left out one provision that they had requested which was to make non-appearance another and separate offense -- failure to appear is a big problem. He said that if that were included in the Statute the judge could merely issue a bench warrant. Senator Monroe asked if this was mainly a tourist problem, to which Mr. Brown replied, no, local people. Senator Dodge asked if he had another Bill being considered covering the same subject. Mr. Brown replied, no. He added that they had requested another Bill which would give State Highway Patrolmen the power of "Peace Officers." Senator Dodge mentioned that when a similar Bill had been presented last Session Bill Raggio had objected to it. Mr. Brown stated that Mr. Raggio's complaint was that it was his contention that he, as District Attorney, would not have the opportunity to approve or disapprove the action before having to prosecute the case. Mr. Brown stated that what they had asked for was to have all of Chapter 16 of the Uniform Code adopted. Senator Monroe read the amendment covering non-appearance, mentioned above, which had been omitted. A little later in the meeting Chairman Monroe asked Mr. Brown if the Bill conformed to the Uniform Code. Mr. Brown replied that it was just a small portion of it, only part of one chapter, Chapter 16, he then read the titles of some of the other chapters. Senator Dodge

commented that perhaps deleting the word "complaint" would satisfy everyone. Mr. Brown stated, that it was not necessary that the word complaint be in the Bill but if it could it would be a great time saver to everybody concerned. Senator Dodge then suggested that perhaps the complaint could be limited to mainstream offenses. Mr. Brown stated that would be satisfactory as they were interested in the ordinary violations not the serious ones, and suggested that perhaps they could accomplish that end by deleting Subsection (2) beginning at Line 13 through 18 it that would remove any objections to this proposed Bill. Mr. Frank Daykin was requested to appear before the Committee for consultation. Senator Dodge advised Mr. Daykin that while Mr. Raggio was in sympathy with the problem concerned, that the traffic officer issues a citation which in effect becomes a summons and complaint and he objects to this. Senator Dodge asked Mr. Daykin if he could solve the problem by setting up the procedure then make it unlawful for the violator to not appear. Mr. Daykin replied that he thought he could. He also said that they had drafted another Bill which followed more along the lines being discussed and with minor changes would cover the situations described. Mr. Daykin is to locate the Bill he referred to and if it obtainable amend it, if not available he is to amend this proposed Bill.

S.B. 192 "Provides procedure for hearing in contested case under Nevada Administrative Procedure Act."

Mr. McAdams advised that he had discussed this Bill with Jim Guinan as his company counsellors did not agree with the amendments and maintained that they were in conflict with Chapter 704, Public Service Commission Procedures.

A.B. 148 "Requires Public Service Commission to issue cease and desist order when a public utility violates or allows violation of wiretapping laws."

Mr. McAdams stated that his company had no objection to the original bill, and he explained to the Committee what the telephone company was entitled to due under their tariff regulations. He did request that the Bill be amended in Section 1, on Line 4, by removing the word "utility" and inserting "Attorney General or District Attorney." His reason for the request was that their people might not be aware of the violation and that it would be more in order for the party responsible, law enforcement agents, to make sure the Commission receives a copy of the notice.

The meeting adjourned at 10:05 A.M.