

JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

March 28, 1967

A meeting of the Judiciary Committee was held at 2:32 P.M. Tuesday, March 28, 1967 in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members present:

Warren L. Monroe, Chairman
Vernon E. Bunker
M. J. Christensen
Carl F. Dodge
Coe Swobe
C. Clifton Young

Members absent:

Procter R. Hug

Also present:

Bob Canfield, Washoe County District Attorney's office; William Hadley, Washoe County District Attorney's office; Howard McKissick, Sr. Washoe County Commissioner; Shirley Richards, Washoe County Welfare Department; Joe Jackson, Reno Newspapers Inc.

Chairman Monroe stated we would first hear the people from Washoe County on a series of bills, S.B. 226, S.B. 358 and S.B. 359.

S.B. 226 "Provides for licensing of foster homes by certain counties and prohibits Welfare Division from refusing to license county-licensed foster homes."

Chairman Monroe said the Committee is seriously trying to give **consideration** to the problem, but also has a problem when separating state and county. There is also a personality conflict here. We have been unable to get Mr. Ermory over to discuss it. He stated we were particularly interested in hearing from the Commissioners.

Mr. McKissick spoke on financial aspects. Mr. Hadley discussed licensing and Mrs. Richards discussed work being done. She said Clark County has a receiving center, Child Haven, but Washoe County has not enough money to staff such a center. Children are taken to foster homes. The Welfare Department has homes open to take abused children any time of the day or night. She said they still license homes to the public and the state and county have always shared homes. Discussion of length of time before children have to be turned over to State. Mrs. Richards said no definite time-1 week, 2 days, etc. In serious cases evidence has

to be collected, which takes time. The child can't be shuttled back and forth.

Disposition: Senator Dodge made motion Do Pass S.B. 226. However, after discussion he withdrew his motion. Attorney Hadley said Mr. Emory had written them a letter. He said he realized even though Welfare was designated, he knew county agencies had taken care of services for years and would continue to do so, and it was fine with him. Senator Monroe said he felt the main issue was the personality conflict with Mr. Schlesinger. Commissioner McKissick asked whether Mr. Schlesinger did not like what they were doing. The answer was an emphatic no. Senator Dodge said the man felt the two systems are incompatible. Chairman Monroe said he thought Mr. Emory should be heard on this if he could come in by Thursday at the latest.

S.B. 358 "Provides for effective enforcement of parent's duty to support dependent child."

Discussion. Same as in California.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was agreed to Do Pass S.B. 358.

S.B. 359 "Authorizes county welfare departments and juvenile agencies to assume duties of Welfare Division of Department of Health and Welfare relating to child abuse."

Disposition: Chairman Monroe said Mr. Emory should be heard on this one too.

S.B. 408 "Reorganizes corporate local improvement and service districts."

This bill was subject of hearing March 24. Chairman Monroe announced that he had brought Incline Village developer Art Wood, Attorney Robert McDonald and Russ McDonald in to discuss it further and maybe come to some agreement pertaining to recreational development, particularly at Incline Village.

Discussion by Bob McDonald concerning amendments. He was interested in amending Chapter 318, 143 - "subject to the," etc. Facilities for public recreation, he would suggest an amendment which would read "Public Recreation District." Word "public" would stay and would be "Public within the district." Benefits would be to members and residents of district. Russ McDonald said you can't use a 318 district

primarily for recreational purposes, it doesn't fall into the nature of this type of district. Senator Dodge suggested wording "Furnishing recreational facilities for the benefit of the district" rather than cutting word "public." Russ McDonald said just take the section and delete the word "public." Discussion of court condemnation. Mr. Wood said people in the district have nothing to say about it, just the Court and Board of Trustees.

Discussion by Bob McDonald of 318, 205 - in bill, page 25, section 32A. "Board shall have power to adopt and amend by-laws, etc." They would like to add "and the use or right of use of improvements for any basic power or purpose." Russ McDonald said they need by-laws in order to delineate and exercise power. Water system - spelled out, right to use, charges, etc. Senator Young asked who adopts the laws now. Russ said the Trustees and Board of Directors. Senator Young said this implies the right to change them. Russ discussed delinquent assessments. Discussion further on "right or use of improvements." Senator Young asked what power it would give them that they don't already have. Russ brought out more about past due bills, etc. He asked whether they have what are known as by-laws. Bob McDonald said none as ordinances or regulations. Discussion on selling the two beaches to the district on revenue bonds. Bob McDonald said he doubted whether they could ever sell beaches by revenue bonds. Discussion of sale of ski area, golf course, etc..

Russ requested we get a general copy of the amendments. He discussed the problem of 309 and the Beatty water district. He suggested amendment "after effective date of this act no district shall be created but that of districts created prior to this act but created under 309," rather than cutting 309 off. Discussion of 311, sewer plant outside of Minden. Suggested language to say any 311 District in process of issuance of bonds shall continue, this would satisfy Beatty water district as well as Indian Springs. Discussion of access to records. Annually a certificate should be filed with the county clerk indicating where the office is.

Conflict of interest - Bob McDonald said this was directed at them and they wanted to go on record as not objecting to any such amendment.

Discussion on what Financial Counselor Nick Smith said on 30% value; assessed valuation, market value. Senator Dodge said he thought it should be 30% or less. Senator Swobe suggested just assessed value. Districts under 318 - not to exceed \$10,000. Discussion on

borrowing for district. Russ said it relates back to Hanna's problem. He will have to take a look at 311 and maybe talk to Mr. Hanna and see what is bothering him because he can't see why any of the districts would borrow money. Farm Home Administration money discussed.

Senator Dodge asked whether there was any merit in the letter comment submitted by Southern Pacific representative about authority to enlarge district, etc. Russ thinks Mr. Soderbloom (representative) was confused. Provision is inclusion and exclusion of property. His remarks were pointed toward change in the service plan; 51% to form district. Talked about unreasonable departure from the service plan. Bill provides rather minimal cost for filing service plan - \$200. Russ suggested an addition to the \$200 or such an amount as reasonable posted as a guarantee. Mr. Wood said nothing like that could happen because in selling would have to bond and bonding companies don't condone deviation. Russ said they should take a look at this and see what can be worked out, he doesn't like to cut "unreasonable." Don't want inspector. Senator Swobe said there is no provision about removing directors. Russ thinks constitution, recall, applies to local officials. Bob McDonald said it seemed unreasonable to divide districts into wards for election purposes. All districts are not as large as Incline. Mr. Wood said it would create a real state of confusion. Russ said a state of confusion also exists in small places like Gardnerville and Minden where they are hotly contested. He said maybe it could be done just as in school districts. Mr. Wood said just leave it. Russ mentioned Attorney Wilson's not liking idea of County Commissioners being Board of Directors. They have no objection to it from either side. Bob McDonald said the Commissioners had asked for a section added to that "including maintenance, snow removal, etc." Mr. McKissick asked for it, saying they had passed a resolution to do so. Russ - 478 - will come back here. Special assessments discussed. Supplemental and Procedural Act 133 to be checked. Discussion on public meetings and whether they are always publicized. Russ said it could say that by-laws shall contain information as to where regular meetings to be held. Senator Swobe discussed matter of default, if ski area sold off could affect rest of district adversely, someone might buy it just to pick up the default. Mr. Wood asked if Committee wanted to get 408 out and through. Answer in affirmative. Agreed they wouldn't need 200 & 208. Group left at 3:43

Senate

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S.B. 409 "Changes designation of assistant parole and probation officers to special agents."

Chairman Monroe said he doesn't think the purpose they are aiming for is being accomplished by this bill. He discussed it with Mr. Toland, trying to get away from word personal, suggested use parole agent because word "parole" should be kept in.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was agreed to amend and Do Pass S.B. 409

S.B. 459 "Provides that parole violater forfeits good behavior credits earned prior to his reimprisonment."

Chairman Monroe discussed, saying that now after a man has been in prison, sometimes for a potential term of 3 years, and is paroled in 2 yrs. and 8 mos., if he violates his parole his time is over and they can't put him back in prison again.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Christensen, it was agreed to Do Pass S.B. 459.

S.B. 102 "Revises, standardizes vagrancy laws on all government levels within State."

Brief discussion. Committee has been studying.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young it was agreed to Amend and Do Pass S.B. 102.

S.B. 476 To be held.

S.B. 467 "Provides for waiver of costs and official fees for indigent litigants in civil actions."

Senator Young said it is a "peoples'" bill. Discussed Legal Aid Society in Reno now. Lawyers keep it going by contributing each month, receive no pay for services.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was agreed to Do Pass S.B. 467.

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

Chairman Monroe said Mr. McAdam of Bell Telephone Co. had added amendment. No action, to be held.

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Chairman Monroe stated that he had promised Assemblywoman Flora Dungan she could come in and discuss amendments on election bills. Senator Young said they are pretty good bills.

A.B. 366 "Makes lodging establishment regulations uniformly applicable and requires strict enforcement thereof."

Chairman Monroe said the bill pertains to amendment to motel sign bill, would apply to all in state. Discussion of Motels circumventing law, name their place "4.00 Motel," in Reno Senator Swobe said there is a suit pending now concerning the "\$6.00 Motel."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Christensen it was agreed to Do Pass A.B. 366.

A.B. 424 "Reduces required period of separation and adds incompatibility as ground for divorce."

Brief discussion.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was agreed to Do Pass A.B. 424.

A.B. 251 "Aboloshies notice requirements of suppliers of labor and material before bringing action on contractor's bond on public works."

To be held.

A.B. 437 "Provides additional method for exclusion of land from Clarke-McNary Fire Protection District."

Chairman Monroe asked Senator Swobe to get Tom Kean in on this one.

Meeting adjourned at approximately 4:10 P.M.