

JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

April 10, 1967

A meeting of the Judiciary Committee was held at 2:22 P.M., Monday, April 10, 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
Procter R. Hug
Coe Swobe
C. Clifton Young

Also present:

William Raggio, Washoe County District Attorney; George Franklin, Clark County District Attorney, and an assistant; Assemblyman Dini; Rowland Oakes, Secretary Contractors' Board; Robert List, Ormsby County District Attorney; Frank Daykin; Senator Fisher; Joe Jackson, Reno Newspapers Inc. and other press representative.

A. B. 81 "New Criminal Procedure Law."

Chairman Monroe said the District Attorneys wanted to be heard further on this bill, the section dealing with issuance of subpoenas. Mr. Franklin of Las Vegas said one thing we overlooked when discussing blank subpoenas is the fact that they must be captioned for each particular case. He also said District Attorneys are public, elected officials, not bonded, hence subject to action brought against them if the blank subpoena privilege were abused. He pleaded for the power to issue subpoenas. Chairman Monroe said the Committee had been a little mis-informed. Mr. Raggio said he didn't have the bill in front of him when he was talking. He said Section 152 could be changed adding a section which would retain the present law, 178.250. Discussion of whether to write a separate bill or reprint this one. Mr. Daykin to come in. Senator Dodge said the Committee was trying to hang onto things they could agree with the Assembly on. Mr. Raggio said he thought they might have changed their viewpoint on it. Senator Swobe asked why not wait and change it in conference. Chairman Monroe said we could say "Section 152 is hereby amended", etc. and confer the specific issuing power upon the District Attorneys.

Disposition: O.K. with Committee to amend as above.

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A.B. 287 "Provides mandatory penalties for issuance of small checks without sufficient funds."

Mr. Franklin said he had actually come up to talk on this bill. Mr. Dini came in as one of the sponsors. He said this was more of a businessman's approach to the problem. Most have concurred in this bill. Mr. Raggio was opposed to it. He said he has worked with businessmen and others on proposals to amend the check laws for a long time and he believes the present law is the best. He said a person can demand a jury trial on a check of \$10.00 under this bill, requiring a two days' trial and payment of 12 jurors at \$10.00 a day to collect a \$10.00 amount. Robert List said he thought the bill should at least be consistent with A.B. 71 and 181. On robbery charges a person can get probation, but on a \$10.00 check he can't. Mr. Raggio said there is a bigger problem now by reason of the Supreme Court Decision - not a criminal offense if written for pre-existing debts..called "cold check law."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Hug, agreed to introduce bill to take care of "cold" check problem. Frank Daykin said it would take him only a few minutes to draw it up. As for A.B. 287, ON MOTION of Senator Young, hold.

A.B. 131 "Provides penalties for wrongful diversion of construction funds."

Carson Frazzini, a contractor, spoke on the bill. He is much opposed to it. He said it is all right if they are dealing with voucher funds, but not for heavy construction contractors, roads, dams, etc. who are paid for their work after they perform it. Senator Dodge brought up the construction control law. Mr. Oakes said the bill as originally drafted wasn't opposed by them, as they felt it would have deterrent value. He said it was designed to correct practice of some contractors when short of money of taking money from one job and using it to finance another. Chairman Monroe said the middleman must be protected in this instance; the man who is buying a house.

Disposition: Hold to hear from Tom Kean on it.
Disposition: ON MOTION of Senator Young, seconded by Senator Swobe, it was agreed to hold A.B. 131.

A.B. 331 "Requires State Contractors' Board to be administered as separate state agency."

Rowland Oakes, Secretary-Manager of the Associated General Contractors of America, Inc. spoke on this

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bill. He said there had been many rumors, but he had not heard the statement of the proponents of the bill. He said he had worked as secretary of the AGC and also as secretary of the Contractors' Board and received a salary from both of them, which is objectionable. He read from a prepared statement which was distributed to members. He passed out a list of roster of members of AGC. He passed out a financial statement and said physical separation of the agencies would be within the next 30 to 40 days. He brought three copies of their last audit. He also had a prepared resolution for the Board to sign. He said the Board and AGC would have been separated today if the people who are the very proponents of separation had not prevented their increasing their fees sooner (last fall.) They are holding out for separation by July 1. Mr. Oakes said personnel separation would be complete by the end of the year. Senator Dodge discussed conflict of interest; not wanting to embarrass Mr. Oakes.

Disposition: ON MOTION of Senator Hug, seconded by Senator Dodge, it was agreed to Kill A.B. 331. MOTION AMENDED on suggestion of Senator Swobe to read that the Committee has decided not to pass this bill out upon the representations of the Contractors' Board and Associated General Contractors that they will separate those boards both financially and physically by January 1, 1968. Motion carried by unanimous vote.

Meeting adjourned at 4:00 P.M.