

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session  
April 1, 1969

Meeting was called to order at 4:10 by Chairman Torvinen.

PRESENT: Torvinen, Kean, Swackhamer, Fry, Bryan, Schouweiler, Prince, Lowman, Reid.

Absent: None.

AB 53: Bases allowance of attorney's fees to plaintiff in civil action upon amount recovered.

MR. TORVINEN: I have here the Senate amendment to page 1, section 2, deleting lines 16 and 18.

MR. MCKISSICK: You recall the long hearing we had on this to the effect that what is sauce for the goose is sauce for the gander.

If you have a slim liability case and a \$100,000 lawsuit and you are representing someone with lots of money and you lose the case, the plaintiff will get stuck with about \$1500. You had better be sure you have a case.

To relieve court congestion, you should leave it the way Reid suggested. It would settle out about 10 to 20 percent more than now.

The Senate went back to the old law and added word "counter claimant" to (a). You might as well kill the bill as to do this. They have used the words "sought" and "recovered" and we are right back to where we started from. It is completely ridiculous.

MR. FRY: I move we do not concur with the Senate amendments.

MR. KEAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. REID: I move the conference committee be instructed not to waiver one iota from what we passed from our committee.

MR. KEAN: I suggest that our Chairman go down and talk to the Chairman of the Senate Judiciary Committee about this matter before the conference.

MR. TORVINEN: We have a conference on AB 116 with myself, Swackhamer and Lowman. We should find out something before we go.

MR. MCKISSICK: It doesn't have to be committee members that are put on conference committees.

MR. TORVINEN: We have another Senate amendment for AB 54.

MR. BRYAN: I move that we concur. This is the LSD bill. The original bill had permitted Peyote altogether. They deleted "incorporated under the laws of Nevada." This was Mr. Daykin's advice.

MR. KEAN: I second Mr. Bryan's motion.

MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN passed around copies of BDR 1978. This directs the legislative commission to study county courts as proposed in SJR 23 of the

55th session of the Legislature. In this study they are to include the following factors:

1. Limits of jurisdiction;
2. Number of judges in each court;
3. Manner of appeal to the district court;
4. Electronic reporting; and
5. Any other matter necessary to complete a statute establishing county courts.

MR. REID: I move committee introduction for BDR 1978\*.

MR. FRY: I second the motion.

MOTION CARRIED UNANIMOUSLY.

AB 654: Permits employment agency to charge fees to employers.

MR. MEL CLOSE: I would like to ask you to reconsider this bill that you have killed.

I have talked with men from employment agencies from both Reno and Las Vegas and they have no objection to the bill as amended. There is a company concerned about coming into the state because we have limited the fees an agency can charge to 25%. Mr. Whittaker says he has been doing for some time the very thing we are trying to authorize in this bill.

This bill could not hurt anybody. What the bill does is to make it legal for the employer and the agency to contract together up to 25%.

MR. KEAN: There is nothing in the bill to limit the right of contract?

MR. CLOSE: No. The Court says you have gone ahead and passed a bill and by that Act you exceed all others. All it does is legalize for sure what they are doing now. If you don't pass this, they may be in trouble later.

MR. SWACKHAMER: You say this is helping out a good firm?

MR. CLOSE: Yes. It will be a highly specialized employment agency that will find any kind of employee you want. They will go wherever you want them to go and spend any amount you are willing to pay to get just the man you want. I don't see how it could possible hurt anybody and it will bring into the state another firm which will provide a service beyond any that is presently being offered.

If you would like, I can get somebody to come in from this company, but it is getting to be a little late in the session. I have had some amendments drafted because the bill doesn't do what it is supposed to do.

Mr. Close was excused.

MR. BRYAN: I move to reconsider action on AB 654.

MR. SWACKHAMER: I second the motion.

Motion carried with six AYES.

MR. BRYAN: I move to Indefinitely Postpone AB 654.

MR. KEAN: I second the motion.

MOTION FAILED, WITH ONLY BRYAN, KEAN AND LOWMAN VOTING FOR IT.

MR. SWACKHAMER: Let's ask the guy from the company to come and talk to us about it. 2-261

MR. REID: I move to ask Mr. Close to bring the man in. I will see Mr. Close about it.

AB 465: Permits minors to sell liquor under certain circumstances.

AB 679: Permits minors to sell liquor in incorporated cities under certain circumstances.

MR. SWACKHAMER: In stores, where liquor is not sold by the drink because of the health problem in summer, it is customary to hire girls just out of school for summer replacements. Here comes a customer through with a cartfull of groceries and among them is a six-Pak or a bottle of liquor. We would just like to make it so she can run this through the check-out along with the rest of the groceries.

MR. BRYAN: In 465 you have the County Boards. No trouble with 679.

MR. PRINCE: Many customers bring beer up to the counter.

MR. TORVINEN: What it will do is make it so a kid can buy booze for his friends.

MR. KEAN: The good will be more than the harm, so I move a Do Pass for AB 465.

MR. TORVINEN: A high school buddy will ring him out.

MR. SWACKHAMER: He must be supervised if he works in the store. If we doubt that a kid buying booze is 21 we just ask to see his driver's license. It is as simple as that.

MR. TORVINEN: Mr. Paley wants to talk to us on AB 465 if we are going to pass it.

MR. PRINCE: It is inconvenient for these underage employees to have to go get an adult every time a 6-Pak of beer goes through.

MR. SWACKHAMER: 244.350: In our area we could get the County Liquor Board to allow this type of thing.

MR. FRY: There is no state law against this.

MR. BRYAN: What we have applies just to counties.

MR. TORVINEN: It says "power and duty of the Liquor Board to enact ordinances regulating the sale of intoxicating liquors, etc."

MR. BRYAN: Let's just delete (d).

MR. TORVINEN: Either that or fire all the cocktail waitresses on the Strip.

MR. FRY: We should delete (d).

MR. SWACKHAMER: I believe that would solve our problem. Each one of us could speak to our County Boards. If you take out (d) shouldn't

we take out the italicized words on page 2?

MR. TORVINEN: I think that could stay in there. 2-262

MR. SWACKHAMER: I guess it won't hurt. An adult would have to be handy to the check-out stand.

MR. BRYAN: I move we amend AB 465 by deleting lines 16 and 17 and Do Pass.

MR. REID: I second the motion.  
MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: AB 679 applies to cities.

MR. BRYAN: I think this should be left up to each city. This is the same as 465 except it applies to the cities and the other applies to unincorporated towns.

I move to Indefinitely Postpone AB 679.

MR. LOWMAN: I second the motion.  
MOTION CARRIED UNANIMOUSLY.

MR. REID: I have a proposed bill here, BDR 2-1810, concerning plaintiff who sues for malpractice.

MR. LOWMAN: I move we give it committee introduction.

MOTION CARRIED, WITH MR. REID VOTING NO.

MR. TORVINEN: Do you have a medical screening board in Las Vegas? We have it in Reno and it seems to work fairly well.

SB 434: Provides additional mode of serving legal process, demands, and notices on corporations.

MR. TORVINEN: What this does: To serve a person with a lawsuit, if he is a resident of Nevada and has a regular place of residence and you don't find him at home you can serve him by leaving the papers with a person who is competent. It has been construed that you have to serve a resident agent in person. This bill is to correct that.

MR. BRYAN: I move Do Pass SB 434.

MR. REID: I second the motion.  
MOTION CARRIED UNANIMOUSLY.

SB 437: Extends places of holding district courts.

MR. TORVINEN: I have a conflict notice on this bill.

MR. FRY: This is a very good bill.

MR. TORVINEN: Dick Wait was special counsel for the receiver on the Mark Twain case. They agreed to have a hearing in Ely because Judge Wilks agreed to hear it. He awarded attorney's fees to the receiver. They came back to Reno and the attorney's fees were refused. They brought a Writ of Mandamus. The ruling was because the hearing was not held in Reno the bill was void.

MR. REID: I move to Do Pass SB 437.

MR. BRYAN: I second the motion.

MOTION CARRIED UNANIMOUSLY.

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MR. TORVINEN: I will check the conflicts.

SB 304: Requires consideration of certain facts in fixing bail.

MR. REID: I move we Indefinitely Postpone SB 304.

MR. FRY: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. REID: I move we get Senator Swobe in to speak on SB 303 tomorrow.

SB 286: Provides for immediate suspension or expulsion of public students for certain reasons.

MR. REID: What's wrong with this bill.

MR. BRYAN: 19 through 43.

MR. SWACKHAMER: Is that going to be too tough, to notify the principal?

MR. LOWMAN: I move Do Pass SB 286.

MR. SWACKHAMER: Maybe they need this Act, so they will take action on the two or three good ones.

MR. BRYAN: This Act takes the position "we want him out of school." Period.

MR. PRINCE: This cannot be done unless he commits an offense for which he can be suspended.

MR. TORVINEN: Some cases the courts have held that if an infraction takes place off the school grounds the school has no authority.

We will have Senator Slattery or Gibson in on this.

SB 399: Adopts Uniform Disposition of Unclaimed Property Act.

MR. KEAN: What does escheat mean?

MR. TORVINEN: It applies only to a person who has died.

MR. REID: I will not vote for this unless the Legislative Counsel comes and tells us why it is necessary.

MR. KEAN: This bill has some horrible things in it. Like if you leave your money in a bank for seven years it can be taken away from you.

Mr. REID: I move we adjourn.

MR. KEAN: I second the motion.

Meeting was adjourned at 5:20 P.M..