

SENATE JUDICIARY COMMITTEE

MINUTES

The meeting was called to order at 2:10 p. m. on February 14, 1969 by Chairman Monroe.

Committee members present: Chairman Monroe;
Senator Dodge
Senator Young
Senator Christensen
Senator Hug
Senator Bunker
Senator Swobe

Guests: Russ McDonald, Legislative Counsel.

Chairman Monroe asked what the members of the Committee would like to do about the Court Bills that were presented at the hearing on February 13th. They could not meet with the Board of Governors until after they had had a meeting.

Senator Dodge suggested the Judiciary Committees of the assembly and senate have a joint meeting and discuss these as a group to consolidate ideas.

Chairman Montoe asked what the Committee wanted to do about the state law library bill and the bill removing the restrictions on court days.

SB 83 Senator Dodge remarked these were basic bills and did not have to go to the finance committee. He mentioned the justice and municipal courts were now holding court on days that were not set aside as court days and felt this bill should be passed to correct this situation.

Senator Dodge moved this be passed.
Senator Hug seconded the motion.
Motion Carried.

There was discussion on SB 84 - Provides for investment of moneys deposited in courts.

Senator Dodge asked where the money was now held and if there were on deposit in the county funds.

Mr. McDonald advised they should be credited to the account of the court in which they were deposited originally. The court might have thousands of dollars being held.

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Senator Monroe suggest this be held until he had a chance to discuss this with Frank Daykin.

This was agreeable to all.

Chairman Monroe: SB 82 - Provides for uniform rules in traffic cases and defines reckless driving.

Russ McDonald: We should consider the agreement between the Motor Vehicle Department and Hiway Safety Standard Committee requiring uniform procedures in court. The best way of doing this was to have the Supreme Court prescribe the rules. It could be made part of the court package but it could also be excluded due to the hiway safety requirements. The amendment reads "Any person who drives or operates a vehicle in such a manner or at such a rate of speed as to injure, or cause an immediate risk of injury to, the person or peroperty of himself or another person commits reckless driving and is guilty of a misdemeanor." We went to the National Association of Chiefs of Police for this wording. It has been adopted by most cities and relates particularly to the point system. There is no legal way to charge a person for careless driving, only reckless driving. This was part of what was found in a motor vehicle study.

Senator Hug: What is the definition of a misdemeanor? Would running a red light be a misdemeanor?

Mr. McDonald: Yes. This is the only thing that can be used for the point system and also to increase costs to a convicted person.

Senator Dodge: This amendment merely sets reckless driving as a misdemeanor but does not change the penatly.

Senator Christensen: With this they could catch you for any thing at any time. Do they have to injure someone?

Chairman Monroe: No. This is for the benefit of the motorists as it is now standard.

Senator Young: Is the language standarized in the Department of Motor Vehicles, Hiway Safety Standards and all of them?

Chairman Monroe: I think we should contact Frank on this.

Chairman Monroe: SB 160 - Authorizes fiscal analyst to continue work on audit reports beyond session limitations and provides for confidential handling of studies, investigations and audits.

Mr. McDonald: This is proposed to accomplish two things.
1. If they have a big audit and have not had time to complete it it will give them sufficient time to give it careful consideration. 2. Section 7 of the bill protects the information from leaking out before it is officially released. These are public documents but there is an agreement between the auditor and the agency that the agency and not the auditor will release the information. It is the function of the auditor to do nothing except audit. A while back there was a leak in a Welfare audit that was out before the report was given to me. We want to button up the agency being audited as well as the auditor. This means any officer or employee of the Legislative Counsel Bureau or officer or employee of the commission being audited.

Senator Dodge: It is the practice that these are to remain confidential until they become public information. The information should not be used for political gains. It should not be whitewashed when given to the public.

Mr. McDonald: We have instructed the auditors not to comment at any time. The executive and legislative branches should be kept separate and should be stressed. When these are marked confidential they must be considered so. It can become brutal when information leaks out.

Senator Young: On page 3, subsection 4, It is not accepted until it is moved that it is accepted and then becomes public information it is not available to the press until that time.

Senator Dodge: I think that is a very good point, but I think the only way you can do that is to remove the legislative commission from the meeting.

Mr. McDonald: They are cut off at the time the mailing is done by the auditor.

Senator Young: How about taking the word "accepted" out and put in "duly presented".

Senator Dodge: I feel this is a very touchy area and we should have this in the law to restrain employees.

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Chairman Monroe: When we limit disclosure by an employee we have gone about as far as we can go.

Mr. McDonald: I would be glad to limit this to the employees of the legislative counsel. I will prepare amendments.

Senator Swobe moved to amend and do pass.
Senator Young seconded the motion.
Motion carried.

Chairman Monroe: SB 161 - Conforms section of Special Fuel Tax Act of 1953 to language of Uniform Commercial Code.

Mr. McDonald: This is a back-up bill to conform the language.

Senator Swobe moved this be passed.
Senator Christensen seconded the motion.
Motion Carried.

Mr. McDonald: SB 162 - Substitutes actual date "effective date" of Uniform Commercial Code.

Senator Dage moved this be passed.
Senator Christensen seconded the motion.
Motion carried.

Mr. McDonald: SB 164 - Clarifies penalty provisions for crime of misappropriation and falsification of accounts by public officer.

This was fouled up in the drafting years ago. This came out during a study of the Criminal Code. The penalties are now conflicting as the law reads and this will make them conform.

Senator Swobe moved this be passed.
Senator Christensen seconded the motion
Motion carried.

Mr. McDonald: SB 165- Deletes obsolete language and clarifies relationship of writ of habeas corpus to post-conviction relief.

In 1967 there was a Supreme Court Decision on the post-conviction relief. There is no longer "demurrer" in the criminal statutes. This is a clean-up bill.

Senator Dodge moved this be passed.
Senator Swobe seconded the motion.
Motion carried.

Mr. McDonald: SB 168 - Removes practice of naturopathy as exemption from provisions regulating profession of cosmetology.

Naturopathy is not recognized by the statutes as part of cosmetology so this merely takes it out.

Senator Christensen moved this be carried.
Senator Swobe seconded the motion
Motion carried.

Mr. McDonald: SB 137 - Broadens application of simplified corporate merger statute.

We have had several letters and questions on corporate merger. Nevada Revised Statutes were taken from those of Delaware and we want to keep the business and attract new business. Nevada remains competitive to Delaware. This requires 90% of the out of state stock owned by a parent corporation vote be required. We have had several pull out when they could not find the other 10% of stockholders. The Delaware law does this and we want to keep competitive.

Senator Dodge: If we were interfering with ownership rights it would be different, but we are not.

Senator Swobe moved this be passed.
Senator Dodge seconded the motion.
Motion carried.

SB 166 - Imposes additional fee upon foreign corporation maintaining no office in state.

Mr. McDonald: This refers to the lending business, and pertains mostly to the roll over business who do not have an office in the state. The law states they must pay a \$50.00 fee for filing their list of officers, however there is no penalty in the law if they do not pay their \$50.00. This provides a penalty of an additional \$12.50 to be paid if they do not file and pay the \$50.00 fee within the specified time.

Senator Dodge moved this be passed.
Senator Swobe seconded the motion.
Motion carried.

Mr. McDonald: SB 167 - Permits banking corporations to serve as executors, administrators or guardians.

Section 1 was amended in 1967 however Section 2 was not amended. This was requested by Robert Taylor Adams and the amendment is page 1 " or which, in the case of a banking corp-

oration, does not have its principal place of business in this state or does not associate as coadministrator a banking corporation whose principal place of business is in this state."

Senator Swobe: An executor cannot nominate now.

Senator Dodge moved this be passed.
Senator Swobe seconded the motion.
Motion carried.

Mr. McDonald: SB 171 - Enables any qualified person to be reporter for jury trial. Executive estimate of cost: None.

This was requested by the Attorney General. In a letter to the Governor he requested "Any qualified person" but I changed it to "any person who can produce, by whatever means" as this allows for tape recording, speed writing, and other means of reporting.

Senator Dodge: This bears discussion. It certainly effects the lower courts in sparse areas. Are they going to make the lower courts trial courts and if so, they have to be courts of records. If they are not courts of records then trials have to be transferred to a District Court for trial and there is no question about it.

Senator Monroe: Is this change agreeable with court reporters?

Mr. McDonald: Most of the trials are conducted in District Court however this will be helpful for the justice of peace.

Senator Swobe moved this be passed.
Senator Young seconded the motion.
Motion carried.

Mr. McDonald: SB 172 - Eliminates provisions for waiver of public employees' retirement allowance.

§ This is another request from the Attorney General.

Senator Christensen moved this be passed.
Senator Young seconded the motion
Motion carried.

Chairman Monroe: I received a resolution from the Clark County Attorneys for a "do not pass" on AB 20.

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Mr. McDonald: There is conflicting language in both Section 19.130 and section 19.280. I would suggest you just let the bill die. If the attorneys want to live with it this way we will let them sweat it out.

Senator Dodge: I think this should be filed in abeyance.

It was agreeable to all.

Mr. McDonald: AB 34 - Repeals requirement that actions against State of Nevada be brought in Ormsby County.

The Attorney General was opposed to this. He felt any action filed against the State of Nevada to be handled by his office should be filed in Ormsby County. His staff could not afford the time it would take to travel all over the state to collect the information filed in various counties. The local attorneys are against it.

Senator Dodge: I think we should hear both sides on this.

Senator Young: I think this is a fair bill. It would also be expensive for witnesses to come to Ormsby County to testify if they were from say - Searchlight, Nevada. I would like to hear the Attorney General on this.

Chairman Monroe: We will set up a hearing with the Attorney General.

There being no further business the meeting adjourned.

Respectfully submitted,

Jeanne M. Smith, Secretary

Approved: _____