

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting was called to order on February 19, 1969 at 9:40 a. m. by Chairman Monroe.

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

Guests: Frank Daykin, Legislative Counsel
Senator Archie Pozzi

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

Senator Monroe advised he had the amendments from Russ McDonald and the bill was now in order. Section 7 has been removed.

Senator Dodge moved it now be passed.
Senator Hug seconded the motion.
Motion carried.

SB 5 - Establishes additional grounds for disciplinary action against licensed contractors; staggers board members' terms; adds exemption; provides for license renewals.

Chairman Monroe read the amendment: Section 1, line 1 by deleting NRS 624.060 and inserting 624.050 is hereby amended to read as follows: 624.050 1. To be eligible for appointment each member of the board shall: (a) At the time of appointment hold an unexpired license to operate as a contractor. (b). Be a contractor eactively engaged in the contracting business and shall have been so engaged for a period of not less than 5 years preceding the date of his appointment. (c) Have been a citizen and resident of the State of Nevada for at least 5 years next preceding his appointment.

2. Two members of the board shall be general engineering contractors, two shall be general building contractors and three shall be specialty contractors.

Chairman Monroe stated the specialty contractors would be sub-contractors.

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There was a general discussion as to the members on the board. Senator Dodge stated it used to be controlled by the general contractors however he did not feel there was a situation where the AGC tried to monopolize the Board even tho' it was made up of mostly general contractors. He mentioned Roland Oaks had pointed out that in recent years they were in minority on the Board. "I think it is now the way it should be," Senator Dodge stated.

Chairman Monroe continued reading the proposed amendment. In Section 2, line 21 starting at "If any" thru that section, continued on page 2 thru line 5 was to be taken out.

Senator Dodge suggested in as much as there were quite a few amendments to this, why not amend it and then bring it back in.

This was satisfactory to all.

Chairman Monroe stated Senator Pozzi had some bills introduced and the committee would like to hear from him on these.

SB 56 - Authorized general improvement districts created for cemetery purposes to charge fees.

Senator Pozzi explained there was a situation in Ormsby County that required this to be introduced. Under the General Improvement District as it is now created, there is no provision for the cemetery district to charge any fees. The Cemetery District does provide for the services of digging graves and maintaining the cemetery. The Cemetery District now sells lots to pay for these services but under the General Improvement District created in 1967 they will have to stop paying for these services.

Senator Dodge asked Senator Pozzi if there was any one who would check or control the amount that was set for these services.

Mr. Daykin stated the Board would control it initially and the amount charged would be the same charged by the undertakers.

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

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SB 125 - Provides penalty for issuance of bad check in payment of preexisting obligation.

Frank Daykin stated this was a cold check law. The interpretation of our law does not cover this situation. It would prevent abuse of a check as means of payment of a preexisting obligation.

Senator Pozzi stated this would apply to renting a motel room or any other similar obligation. There was a situation last year where a check was given in payment of a motel room and it was no good, however they could not prosecute as there was no provision in the law.

There was discussion about a similar bill being introduced last session but it did not get out of committee.

Mr. Daykin advised the purpose of the cold check law was different than the law pertaining to the attempt to defraud.

There was considerable discussion as to how you could define and prove the intent to defraud.

Senator Dodge suggested this be set aside so they could think about it further.

Senator Pozzi advised Mr. Daykin could explain SB 210 - Authorized Ormsby County to issue not to exceed \$700,000 of bonds for acquiring an auditorium and recreation center, and sites and grounds, equipment and furnishings therefor.

Mr. Daykin explained the bond was approved by the voters of Ormsby County and the statutes provide that with respect to the Fair and Recreation Board that the Board could issue the general obligation bond secured by the net revenue of the place in question and further secured by the room tax. The general statute requires pledging the net proceeds from the facility before you use the room tax. In this case the facility has not been built so has not produced income, so this specifically authorizes pledging the room tax only without the net proceeds and turning over the facilities for operation.

Senator Dodge suggested they wait for any action on this until they received a copy of the bill. It was agreeable.

Senator Pozzi left the meeting.

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Senator Monroe announced he had a matter to discuss and advised Mr. Jackson, representative of the press who was present, that this was definitely not to be in the papers and if he preferred could leave or that it could be discussed off of the record.

Mr. Jackson agreed it would be "off of the record."

Senator Monroe advised during the marriage hearing yesterday the group representing the religious people were appalled when Mr. Flint read statements from national religious leaders that were very contradictory. He had represented himself over the telephone to the national leaders as the Administrative Assistant of the Governor and Administrative Assistant to the Clerk of the Senate and that he had misquoted their statements to him. He read telegrams from Dr. George Harkin, National Secretary, The Lutheran Church in America and from James L. Sullivan, Executive Secretary, National Sunday School Board, The Southern Baptist Convention, Nashville, Tennessee.

The Committee considered this a serious thing. When a person testified before a governing body during a public hearing they were expected to present true evidence and statements.

There was discussion as to whether he should be brought before the committee and to testify under oath.

SB 181 - Requires boards of trustees and board of regents of University of Nevada to permit radio and television broadcasts of athletic events.

Senator Swobe advised this was requested by the Association of Broadcasters. There had been trouble previously in broadcasting state tournaments. He suggested Bob Stoddard or someone connected with the broadcasting business be asked to explain this.

Senator Dodge remarked this would mandate the University to broadcast and televise athletic events.

Mr. Daykin stated this definitely was a mandatory bill and felt the option should be with the University and not with the broadcasters.

It was suggested Senator Swobe contact the Regents of the University and report back to the committee.

SB 182 - Permits legal notices to be given by radio and television broadcasts.

Chairman Monroe advised he had a letter from the Attorney General stating this would completely defeat the purpose of the publication of legal notices.

It was suggested this bill be held.

SB 180 - Authorizes counting of absent ballots as soon as polls open. Authored by Senator Swobe.

Senator Swobe gave a background on this. Washoe County, the morning of the election for many years prepared and counted the absentee ballots but would not give out the results until after the regular votes were counted. Flora Dungan thought there was a leak from the County Clerks office. There is a preclusion that the absentee ballots be counted on the election day. It saves considerable money and time and the results can be given to the public much earlier after the polls close.

Senator Dodge stated he could see nothing wrong with the bill. He could not conceive that a responsible County Clerk or counting board would give out the information before it should be if they were properly warned.

Mr. Daykin stated this bill also adds a penalty for disclosure of the results of absent ballots prior to the closing of the polls.

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

SB 194 - Provides for contracting limits on contractors' licenses and regulates fees.

Senator Dodge stated the licensing Board would probably want to be heard on this.

Senator Swobe suggested they hold onto this until there was a request from someone to pull it out.

SB 163 - Removes civil liability of gambling house operators and saloonkeepers for allowing minors to loiter in such establishments.

There was a general discussion about the teenagers of today and it was hard to tell what age they were and some had false identification. It should not be the civil liability of the owners.

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Mr. Daykin stated one could easily be framed and file a suit for civil liability and he thought this should be removed. They still have the criminal liability.

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

SB 207 - Permits raise in amount of bond required of gaming licensees.

Senator Dodge advised this was at the request of Ed Bowers.

Mr. Daykin explained there was now a \$50,000 limit on the bond and this places a flexibility on the limit. There are many places today, as the Circus-Circus in Las Vegas, that would be above that limit. It provides the bond shall be furnished in cash or negotiable securities.

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

SB 214 - Confers peace officer status on certain personnel of the Nevada state prison.

Senator Hug stated this was requested by Warden Hocker.

Mr. Daykin advised Mr. Hocker wanted those out on an escape assignment to have peace officer powers. This makes explicit what we have normally understood.

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

SB 218 - Modifies provision for publication of annual statements by foreign corporations.

Mr. Daykin advised this was a minor amendment, of the publication law.

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

SB 217 - Permits architects and professional engineers to join in formation of professional corporations - and SB 204, Amends professional Corporations Act to include professional associations.

Chairman Monroe stated there was similar legislation

presented last time but Governor Sawyer vetoed it.

Senator Dodge felt this was being introduced as a tax device and he did not know why Governor Sawyer had taken that action. He asked Mr. Daykin if these two bills had to go together.

Mr. Daykin advised SB 204 could stand on its own. Its broadens from Corporations and includes Associations. SB 217 permits architects and engineers to unite and form a professional corporation. Previously this was limited to individual professions but architects and engineers are very closely related.

Senator Dodge stated he thought they should take a better look at both bills before any action is taken and asked Mr. Daykin to research the veto by Governor Sawyer.

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

Mr. Daykin stated this bill related to Federal Hiway Safety standards. It created a difference between serious speeding and reckless driving and just going fast. This makes it uniform with the Federal Hiway standards and was modeled from the the statutes of Ohio. This covers under section 3 the provision than anyone convicted under this section appears in court, however under section 2 that is not required. It is merely a traffic citation.

There was discussion as to the difference between reckless driving and imprudent driving or careless driving.

Mr. Daykin was asked to look back and see what was done to this bill.

SJR 6 - Proposes to amend Nevada constitution by removing fish and game fines from education fund.

Mr. Daykin explained this bill did not specifically make a provision as to where the money was to go but merely took it out of the education fund. It is up to the legislature to decide where the funds would go.

Senator Dodge advised there was another bill to come out on this that was broader and he suggested they wait until

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it was presented and consider the language in both.

It was agreeable to all members.

There being no further business the meeting adjourned.

Respectfully submitted,

Jeanne M. Smith, Secretary

Approved: _____