

SENATE JUDICIARY COMMITTEE

MINUTES

The meeting was called to order at 9:55 a. m. on February 28, 1969 by Chairman Monroe

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

Guest: Frank Daykin, Legislative Counsel

SB 84 - (Provides for investment of moneys deposited in court.)

Chairman Monroe remarked he felt that revenue coming from a certain source should be diverted to use of the same source. In government accounting they did not take funds from one source and use it for another.

Senator Young felt one of the main problems of this was whether it was constitutional to take the interest earned on someone's money. Was the state or county entitled to the use of this money? The money was actually deposited with the County Clerk and she should be the one entitled to use it if any one was.

Chairman Monroe stated the money was deposited with the County Clerk but only because they were the Clerk of the Court.

Mr. Daykin explained that if it was deposited in the Court it would not be used until the Court allowed it to be paid out so you would not be using money he would not ordinarily have. It is not anyone's money until the Court decides who is entitled to it. He is using the services of the court to get his money.

Senator Young asked if he were acting as a trustee in an action and money was deposited with him, would he have the right to invest the money and use the interest for himself? He felt the interest should be due the person having the money on deposit.

Mr. Daykin explained the state provides other court services other than being the holder. This could be an interim bill used until it was decided if the State was going to finance the Judicial system. After that time the money should go into the place financing that system. He would like to see better language in the final bill.

Senator Young felt this was an inexact way of giving support. There would not be a definite amount to count on. They would always find ways to use the money whether they actually needed it or not but felt it should go to the support of all courts. He would prefer it go into the general fund of the County Commissioners as they handle the money for the court expenses. They know what is going to be needed and where it should be spent.

Chairman Monror pointed out the money going into the courts can not be spent until the next budget and the County Commissioners approve the expenditures and would have the final say. He thought the bill was inconsequential and would prefer to take a vote now.

Senator Dodge moved this be passed.

Senator Swobe seconded the motion.

Ayes: Senators Dodge, Swobe, Bunker, Christensen, Hug.

Nays: Senator Young.

Motion carried.

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

Mr. Daykin stated this was one of the Hiway Safety bills.

Senator Dodge mentioned this was part of the court study however it should go under the Hiway Safety Standard Act. He felt the language in section 3 needed changing.

Mr. Daykin will amend it and present the amendment.

SB 86 - Places state law library under direct control of supreme court and provides for improvement of district court libraries.

Chairman Monroe felt they should do something with this and get it to the Finance Committee.

Senator Dodge stated he was at a meeting where Mrs. Hyer and the Justices were present and there was considerable discussion about the Supreme Court taking over the library.

Chairman Montroe will discuss this with Senator Lamb, Chairman of the Finance Committee.

SB 85 - Provides for court administrator and improvement of justices' and municipal courts.

Senator Young remarked he would rather see the supervision under the Supreme Court rather than under the Chief Justice.

Senate

Judiciary Committee Minutes
February 28, 1969

-3-

Mr. Daykin advised the Administrator worked for and reported to the Supreme Court rather than the Chief Justice individually.

There was discussion regarding the instruction seminar requirement.

Senator Young stated there were about 58 justices of the peace and would they require incumbents to attend the schools?

Senator Dodge said that was the intent that everyone was to attend the seminars. If the program were started this fall it would have to include all incumbents. They would like to have the seminars start this fall.

Senator Young felt there was a problem with Section 10 on page 3. He suggested to eliminate the "physically able to do so or forfeit his office", and change it to "unless excused by the Court". This should also apply to section 12 referring to the police judge. He felt it would be hard to define "physically able".

Everyone was in agreement that this change should be made.

Senator Dodge was asked if there was an estimate made as to the cost of the Court Administrator. He replied they had not set out the cost however the fixed salary of the Administrator was established. It would have to go to the Finance Committee for the actual cost set up.

Senator Swobe moved to amend and re-refer.
Senator Dodge seconded the motion
Motion carried.

SJR 5 - Proposes to amend judicial article of Nevada Constitution.

Senator Dodge stated there were two or three basic changes to be agreed upon.

1. How to get rid of trial de nova.
2. Difference of opinion on appointment or election of judges.
3. The Discipline Committee

What was done with the lesser courts would depend on what would happen to the trail de nova.

Mr. Daykin remarked this also was an interim measure and if the magistrates were approved there would have to be several amendments later.

Chairman Monroe suggested they might take a vote and see who was in favor of it and how each felt on the different controversial points.

Senator Christensen suggested a joint meeting with the Assembly

Senate

Judiciary Committee Minutes
February 28, 1969

-4-

be set up and this be discussed at that time. Mr. Daykin should be present.

Chairman Monroe will talk to Mr. Torvenien and set a time for a joint meeting.

AB 72 - Allows uninsured motorist coverage up to limits of insured's policy.

Senator Dodge said he was very reluctant to mandate the insurance companies.

Senator Swobe suggested the insurance companies be asked to conduct a search and see if they could establish definite rates, etc. within the next two years and the bill be reconsidered at the next session.

It was decided to send a letter to the companies thru the Insurance Commissioner, Lou Mastos, and go on record as requesting information for the next session.

Senator Dodge stated he had been approached by several members of the Assembly as to what was going to be done by the committee on the bill allowing 18 year olds to vote. He said there were other bills to be considered if this was not going to be enacted upon.

Senators Bunker and Christensen were definitely against allowing an 18 year old voting privileges. Senator Christensen felt they were not stable and mature enough as indicated by the college riots.

Senator Hug felt the reputation of the majority of college students was being hurt by a few students. The minority were the ones causing all of the trouble.

Senator Dodge remarked this had come up for the past six years and he had mixed feelings about it. He thought this should be put out as a referendum and let the people decide what they wanted to do.

There being no further time, the meeting adjourned at 11:00 a. m.

Respectfully submitted,

Jeanne M. Smith, Secty.

Approved: _____.