

SENATE JUDICIARY COMMITTEE

217

MINUTES

Chairman Monroe called the meeting to order at 9:45 a. m. on March 10, 1969.

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

Guests: Assemblyman Howard McKissick
Assemblyman Roy Torvinen

Chairman Monroe reminded the committee members of the meeting tomorrow, March 11th which was a joint meeting with the Commerce Committee in the Ways and Means Committee room at 9:30 a. m.

He announced that Russ McDonald had been in touch with Merle of the New York Stock Exchange and that he had completed his review of SB 353. The review had been airtailed and should be received soon. He thought they should give careful consideration before inviting him to appear before the committee as it would cost the fare from New York plus \$100.00 per day expenses. He thought perhaps someone from San Francisco or Sacramento could be brought here instead.

AB 36 - Makes posting of bond discretionary where insanity is ground for divorce.

Mr. McKissick explained this came up from a family problem where a divorced woman would have been required to post a bond for he husband who had been insane since World War I, however the judge waived the requirement for a bond, which was in violation.

This allows the posting of a bond at the discretion of the judge rather than having it mandatory.

Senator Dodge remarked this would help to protect a woman if a suit was made . He asked if this would apply if there was no order for support in the divorce decree?

Mr. McKissick advised it was left to the option of the judge.

Senator Dodge also asked if the courts had control after the decree was granted.

Senator Swobe advised that it did in the case of child support or insanity.

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

Mr. McKissick remarked he had spent a lot of time researching as to what other states did and this was taken from the Missouri Article. Lawyers were reluctant to take small cases and the original draft of AB 53 provided for recovery for the plaintiff. After much debate in the Assembly Judiciary Committee Harry Reid, who is principally a defense attorney amended it to the present language. It was felt this would help to avoid court congestion as a defendant would think twice before filing a case as he may have to pay court costs.

Senator Young thought this was a good bill.

Mr. McKissick stated if the Court allowed \$10,000 recovery in a case the attorney's fees would be allowed by the court. In the smaller cases the attorney's fees are added to the cost.

AB 179 - Provides for award of costs and disbursements relating to trials.

Mr. McKissick advised the Supreme Court had been confused over what to do about jury fees so this would spell it out for them. It also provided for payment of professional witnesses as appraisers, etc., up to \$250.00.

Mr. Torvinen was present to tell the Committee he had been contacted by Justice Collins who just returned from Alaska and while there looked into their Justice Court system. He would like to talk to the committee as he thought it would be of interest to all. They are to meet at Heidi's today for lunch.

Senator Dodge mentioned Attorney Jack Diehl recently spoke to the Fallon Rotary Club on the proposed court changes and most were concerned with the municipal or justice level rather than the District Court level. It had been suggested to have all judges appointed in an area where the population was over 120,000.

AB 161 - Increases amount of security required under Motor Vehicle Safety Responsibility Act.

Senator Dodge asked Mr. McKissick if he had any idea as to what the increase in premium would be.

Mr. McKissick advised in California there was about a \$6.00 increase for these limits. There were few states with a minimum limit of \$10/20,000 and seven states had a limit of \$15/30,000. There were a few that had higher limits. He also advised that the insurance companies would not go for compulsory insurance as they wanted to be able to eliminate certain risks at their discretion.

AB 162 - Provides that verification of pleadings be made under penalty of perjury and need not be made before notary public.

Mr. McKissick stated this conformed to the California law. The mechanical act of signing your name before a Notary put burden on the Notary to prove who the individual was. This gives solemnity to the operation. The new form would stick in a persons mind that it would be perjury to falsify identification.

Senator Young asked if this would refer to divorce cases also.

Mr. McKissick did not know for sure, however he would look into it.

AB 208 - Permits imposition of tests to determine drug use as a condition of probation or parole of persons convicted of crimes associated with drugs.

Mr. McKissick advised Synanon was against this and fought it in California. It was sometimes difficult to tell a narcotic user unless you checked him carefully. This test would apply only to drug users on parole or probation.

Senator Young wanted to know if the investigating committee was aware that Synanon was against this bill.

Senator Bunker attended that meeting and the fact that Synanon was against this was discussed.

Chairman Monroe asked if the Board of Pardons and Paroles would finance the tests.

Mr. McKissick advised the cost of the tests was nominal and at the present time they did pay for them. In California this was standard procedure.

Senator Swobe felt this would cut down on the cost of second convictions for parole violation.

(Assemblymen McKissick and Torvinen left the meeting).

Chairman Monroe suggested they vote on the "McKissick" bills.

Senator Dodge would like more time on AB 179 and AB 53 before making a decision.

AB 36 - Senator Dodge moved "do pass".
Senator Swobe seconded the motion.
Motion carried.

AB 161 - Senator Christensen moved "do pass".
Senator Swobe seconded the motion.
Motion carried.

AB 162 - Senator Young moved "do pass".
Senator Hug seconded the motion.
Motion carried.

AB 208 - Senator Swobe moved "do pass".
Senator Christensen seconded the motion.

No further business the meeting adjourned at 10:50 a. m.

Respectfully submitted,

Jeanne M. Smith, Secretary.

APPROVED: _____