

SENATE JUDICIARY COMMITTEE

MINUTES

Chairman Monroe called the meeting to order at 8:45 a. m.  
March 27, 1969.

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

Guests: Assemblyman Dick Bryan  
Lou Paley, representing Nevada State A.F.L. and  
Theo R. Lawson, Southern Nevada Central Labor Co  
Al Bramlet, Culinary Union  
R. Ashelmant, Council for Culinary Workers Union

AB 489 - Provides for motion to increase bail.

Dick Bryan felt this was a good piece of legislation. It a section in our law not previously provided for. There had be occasions when an attorney had a client released on weekends an post standard bail. Some cases the bail should be increased as there could be previous knowledge the client might have plans t bail and also his past record might indicate that the bail shou increased. This also provided the defendent could request a he if he felt the increase was not fair. It would also provide mo security to the State.

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

AB 347 - Permits action to establish parental relationship

Dick Bryan advised this was requested by a grout pf Las Ve attorneys. Under the Nevada law the father of an illegitimate had not legal right to the child. This would provide for action the father. Families living together without benefit of marriag the mother might become incapacitated, the father had no right child. This would not effect the option of the mother who want put the child out for adöption. This was patterned after the C law.

Senator Young asked Mr. Bryan how the action would be enti He was concerned about this.

Mr. Bryan stated he had not thought of this but presumed t

action would be titled as to the parental rights to the child. He presumed this would be covered under the Civil Procedures Act, however it could be specified in the bill as to how it should be captioned.

Frank Daykin was called in.

Senator Dodge asked Mr. Daykin if it was necessary to name adoption?

Mr. Daykin stated by the nature of a declatory judgment you would have to serve any one who might be bound by the judgment so he felt it would be necessary. There might be an occasion when you would have to serve an insurance company.

Senator Young felt the bill had merit but would like to tie into it as to how it was going to be titled. He asked Mr. Bryan to please check this with the California law and see how they did it.

Mr. Bryan will check it. He left the meeting.

AB 499 - Prohibits manufacture, possession or use of fire bombs.

Mr. Bryan stated this was requested by the Clark County Sheriff's Department. There were problems in Las Vegas and this would make it a criminal offence to possess any flammable, explosive or combustible material or substance or any device in an arrangement or preparation, with intent willfully or maliciously to use such material to set fire or to burn any building or property.

Senator Dodge asked if this would include the Molotov Cocktail.

Mr. Daykin said it did include the Molotov Cocktail as well as others. There was nothing in this that would conflict with any other statute.

Senator Dodge moved "do pass".

Senator Swobe seconded.

Motion carried.

Mr. Bryan left the meeting and thanked the committee for the opportunity to present his legislation.

SB 425 - Requires lessees of restaurants and bars to file payroll bonds for protection of their employees when equipment owned by landlord.

Mr. Lou Paley representing the Nevada State A.F.L. and C.I.O. explained to the committee there were problems in the Las Vegas area. A person could open a restaurant that was equipped with everything but the food and would not have to have any money to run the business. He could hire employees and then close the business without any warning and not pay the employees. He felt the heart of the bill was stated in

in sections 13 and 14.

Section 15 required a bond to be furnished in the amount equal to twice the semi-monthly payroll. The bond would run to the State of Nevada and handled by the Labor Commissioner.

There was some discussion about the difficulty of obtaining a bond unless you had a good financial statement. It was the feeling of the majority that if they couldn't qualify for a bond they should not go into business in the first place.

Senator Monroe questioned the wording in Section 14 as it seemed to put the responsibility onto the owner of the property to be sure a bond was provided.

Mr. Paley stated that was the intention. He could not rent or lease the property unless there was proof of a bond first.

Mr. Ted Lawson of the Southern Nevada Central Labor Council advised during the period 1965 to 1968 there was a loss of over one million dollars. The Tally Ho in Las Vegas was delinquent in the amount of \$10,000 and the Bonanza in excess of \$10,000.

Senator Dodge asked if the loss was much higher in bar and restaurant wages than in small businesses such as upholstery shops.

Mr. Ashelmont, Council for the Culinary Workers Union advised the statistics proved it was much higher.

Senator Christensen asked if it would cover the bar and restaurant business where it was leased and operated by a couple.

After discussion it was pointed out that they would have no one to hurt but themselves and in an operation of this type they usually did not draw a regular salary.

Chairman Monroe suggested it could be amended stating after a certain number of years and the business proved it was financially sound, the bond would no longer be required.

This was acceptable to the labor representatives. They pointed out that this would apply only if the lessee did not own the equipment.

Senator Young asked if it was known what was done in other states. Mr. Paley advised this was patterned after the Montana act and that many states had this.

Senator Young would like to have more information on the bonds. How much they cost, the procedure in obtaining a Bond, etc.

Chairman Monroe asked if the Labor Commissioner hand any control over policing..

Mr. Pauley pointed outthat Section 18 provides for the enforcement.

It was decided to amend the bill to provide that if financial responsibility was proven at the end of two years a bond would not be required to be filed after that period of time.

Mr. Pauley advised SB 424(Requires applicant for business license to offer proof of business stability)had been abandoned. The bill was not acted upon.

SB 288 - Provides in detail separate hearing procedure for Nevada commission on equal rights of citizens.

Chairman Monroe announced a hearing would be held on this the first part of next week.

AB 337 - Requires notice before certain property rentals may be increased.

Senator Dodge stated this would place additional responsibility upon a landlord but he could see nothing wrong with the bill. It would give the tenant time to look for another place to move to if he did not like the raise in rent.

Senator Christensen moved "do pass".  
Senator Hug seconded.  
Motion carried.

AB 339 - Requires writ of execution be returned within a time certain

Senator Swobe pointed out that there were many times when nothing at all was returned to the clerk and this would require some action.

Senator Swobe moved "do pass".  
Senator Dodge seconded.  
Motion carried.

Chairman Monroe asked if the committee wanted to take action on SB 425 previously discussed with the labor representatives.

Senator Swobe suggested they wait until the bill was amended and then discuss it again.

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

Senator Young felt this would encourage settlement of suits out

of court if you knew that if you lost the suit you would have to pay court costs in addition.

Senator Swobe stated the payment to the expert witness was added and he felt it was good to have a maximum limit placed on their fee.

Senator Dodge would like to study this a little more before any action is taken.

AB 215 - Prohibits usage of drugs for psychedelic purposes.

Chairman Monroe advised there was an intent to take care of glue sniffing at the last session and evidently this cleared the language.

Senator Hug mentioned the principal change in this seemed to be a change from a misdemeanor to a gross misdemeanor.

Most of the committee members felt this was a harsh penalty and would like to look into it further.

AB 248 - Exempts movie projectionists and stagehands from criminal responsibility for exhibiting or possessing obscene material.

Senator Young moved "do pass".  
Senator Swobe seconded.  
Motion carried.

AB 253 - Clarifies prohibition of cheating devices in gaming.

Senator Swobe mentioned this was probably a result from the recent sale of crooked gaming devices to Florida as was recently mentioned in the paper.

Senator Young would like to hear Frank Johnson's opinion of this before taking action.

AB 254 - Makes certain technical changes regarding gaming licensing and control.

Frank Johnson will be heard on this also.

AB 268 - Enacts implied consent to chemical test for alcoholic content of blood law.

Senator Monroe felt this was necessary to the safety of Nevada as it would help to keep those under the influence of alcohol off of the hiway. He stated fifty percent of the deaths on the hiways were caused by drunk driving.

Senator Dodge felt there were other ways to determine if a person was under the influence of alcohol without complied consent. He felt the public should not be inconvenienced any more than necessary and with the complied consent a tourist might have to go back a number of miles in order to take a test and this could delay him for a long period of time.

Senator Swobe felt this could be used as harrassment also.

Chairman Monroe felt this was also protection for a driver. He might be accused of being drunk when he actually wasn't and the test would prove he wasn't.

It was decided to have Jim Bailey from the Motor Vehicle come in on this.

AB 297 - Provides for the establishment of foreign trade zone corporations

Mr. Lowman was asked to come in and explain this.

Mr. Lowman explained this pertained to the foreign trade zone. It would permit a corporation to be founded within the State of Nevada if the corporation was OK'd by the federal government.

They could put parts together in the State without paying foreign duty on the parts and then when the finished product was sold the duty would be put on at that time. The finished product can be stored in Nevada under the freeport law.

This would employ many more people in Nevada. The Economic Development is trying to bring in more industry and this would be of great help.

Senator Swobe moved do pass.  
Senator Young seconded.  
Motion carried.

AB 300 - Provides that fee for divorce and annulment records be collected when complaint is filed.

Senator Swobe said this was the usual procedure in Washoe County. This was the fee usually collected for the expense of filing with the Vital Statistics. There was no way to collect the fee if the action never went to trial but was dropped.

Senator Young moved "do pass".  
Senator Bunker seconded.  
Motion carried.

AB 338 - Permits criminal complaints to be signed before a justice of the peace.

Senator Young felt the addition of a notary public was good.

Senator Swobe moved "do pass"  
Senator Bunker seconded.  
Motion carried.

The meeting adjourned at 11:00 a. m.

Respectfully submitted,

*Jeanne M. Smith*  
JEANNE M. SMITH, Secretary.

APPROVED: \_\_\_\_\_