

MINUTES

Chairman Monroe called the meeting to order at 8:30 a. m. on March 28, 1969.

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

Legislative Counsel: Frank Daykin

Guests: Assemblyman Corky Lingenfelter
Jim Bailey, Motor Vehicle Department.
Frank Johnson, Chairman Gaming Control
Board, State of Nevada.

William Goni, Ormsby County Clerk

AB 429 - Permits real estate agents to receive customary commissions for sales of property from decedents' estates.

Mr. Ligenfelter explained the commission scale for sale of property was 6% for improved property and 10% for unimproved property and a realtor should be able to receive the same percentage of commission for sale of property from a decedents' estate. He felt a realtor would work harder in trying to sell this type of property if he were to receive the normal commission. This bill would leave amount of commission paid up to the discretion of the court but in no case could it exceed the 6% and 10 %.

Senator Swobe felt sub-paragraph 3 should be amended to insert "in no case" on line 14 (shall be more than the customarily charged for the type of property in that area).

This was agreeable to the committee and Mr. Ligenfelter.

Senator Dodge asked just how this would work. Mr. Ligenfelter advise the executor would agree to pay the commission with the court approval. It would be a contract situation with the real estate broker when the property is listed.

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

AB 253 - Clarifies prohibition of cheating devices in gaming.

Frank Johnson explained this clarified the present law, however in the Assembly some were worried about line 13 "Might make the game

more likely to win or lose; or" so the bill was amended deleting this. There was fear they couldn't re-shuffle the deck of cards with this language in the bill.

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

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

Mr. Johnson explained this would allow the lady Elks and church organizations, etc., to hold bingo parties.

Senator Dodge asked if there was a question under the present law about this.

Mr. Johnson replied the permission was administered by the Board. He stated this bill also made a few other provisions.

Section 2 permitted the Board to go after people who had lost their license but still owed money to the Commission. They lost a case previously as the court said they had no jurisdiction over a person after his license was cancelled.

Page 2, section e merely makes legal one of the practices done at the present time. Requiring the applicant to pay all or part of the costs of his own investigation, the amount set by the Board.

Page 3, subsection 3, permits the commission to grand a license to a foreign corporation if all security holders of the corporation are licensed pursuant to this chapter.

Senator Young asked if foreign as used in this meant other states or foreign countries.

Mr. Johnson felt this meant other states as that was the meaning of foreign in other parts of the statute. Senator Young would like to have this checked.

Page 4, section 6, re-defines a dealer to include any gaming employee as it could be the person hiring the dealer they wanted to charge in addition to the dealer. They wanted broader control on these people.

Page 5, section 7 thru 11. These sections all deal with amendments to the corporate act, however they could conflict with the provisions in SB 353. He suggested Mr. Daykin be contacted on this.

Section 12 referred again to the charitable games. It was put in to prevent opening a "three day charitable game" by some church. This was added to satisfy the Assembly.

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Chairman Monroe will discuss this with Mr. Daykin and also ask about the foreign corporation.

Mr. Johnson left the meeting.

Chairman Monroe advised AB 499 covering the use of fire bombs was provided for elsewhere and this should be "pulled" so they could take another look at it.

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

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

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

Mr. Jim Bailey of the Motor Vehicle Department explained this went along with the Federal Safety Standards and provides for implied consent to alcohol test. It is also a safeguard for the driver as it provides for a hearing, if requested, from the department or the district court. It does not violate any personal rights.

Senator Swobe asked Mr. Bailey if he had any statistics to show how this law cut down accidents in other states. Mr. Bailey did not have any figures on this.

Senator Dodge felt the driver did not have his choice as to which test he wanted, blood, breath or urine and felt this should be at the discretion of the one being tested and not the police.

Mr. Bailey felt with this change it would not meet the Federal standards.

Senator Young felt the choice should not be that of the officer involved. Under Section 6 he had the choice of who he wanted to give the test as long as he was qualified but did not have the right to choose which test he wanted taken.

Senator Dodge was concerned that a person traveling across the state might be detained and made to go back a number of miles to take the test. He felt this was wrong and the tests could be given in various places where it would be convenient, even the breath test could be given by an officer when a person was stopped.

Senator Young asked how accurate the blood, urine and breath tests were.

Mr. Bailey advised the results of a blood test could be used as evidence in court and would stand up much better than the urine or breath tests. The urine test was next accurate and the breath test last.

Senator Dodge suggested Mr. Daykin be contacted on the proposed

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AB 345 - Extends provision for service of process on director of department of motor vehicles in actions arising out of vehicle accidents.

Mr. Bailey explained this would assist the motor vehicle department as it provided process serving for an out of state person. There was no way to serve a person who lived out of state in an action arising out of a motor vehicle accident.

It merely closed a loop hole.

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

AB 372 - Establishes uniform fees for commencing civil actions in justices' courts.

Senator Swobe had received no complaints on this at all.

Senator Christensen moved "do pass".
Senator Young seconded the motion.
Motion carried.

AB 385 - Allows return of certain absent ballots on election day.

Senator Swobe stated this was done in Washoe County at the present time. They take the ballot to the hospital and back the same day.

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

AB 395 - Provides disposition of unclaimed property of University of Nevada.

Senator Young wondered if there was a specific reason for specifically stating the University of Nevada on this. Senator Swobe stated this referred to personal articles in the lost and found department on the campus.

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

AB 524 - Provides relief from convicted person registration requirements for persons whose citizenship has been restored.

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

AB 526 - Requires court to obtain presentence investigation report before imposing sentence in criminal action.

Senator Swobe remarked this procedure was now followed in Washoe County as they will not sentence without an investigation and report. This must be one of the cleanup bills.

Senator Young moved "do pass".

Senator Swobe seconded

Motion carried.

AB 527 - Provides for limited disclosure of presentence investigation report.

Senator Dodge moved "do pass".

Senator Young seconded.

Motion carried.

AB 528 - Requires statement from district attorney after rendition of conviction in felony case.

Senator Dodge asked the purpose of this bill. Would the information be available for the Board of Pardons to consider at a later date?

Senator Young question the bill and said it could easily give the District Attorney a chance to "load" the report. Some may not do it but then again, others might in some cases.

Senator Swobe suggested Mr. Daykin be called in on this.

Mr. Daykin stated this required the district attorney to file a report with the Board of Pardons and gives him a chance to plead the case separately. A pre-sentencing report is made by the probation officer so this evidence is already available. This measure was removed in 1967 amendments but the request was made for reinstatement.

Senator Swobe suggested to amend so the pre-sentencing report and the district attorney's report both be available so the warden would have both sides of the story.

Mr. Daykin was asked to prepare the amendment.

Senator Young moved to amend and "do pass".

Senator Swobe seconded.

Motion carried.

AB 532 - Increases number of delegates from voting precincts to county conventions in certain counties.

Senator Swobe used as an example of there were 111 to 119 voters they would be allowed another delegate.

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

AB 553 - Authorizes certain actions of peace officers prior to arrest.

Mr. Daykin stated this was the "stop and frisk" bill. It came from a Supreme Court ruling on the case of Terry vs. Ohio, however they thought it was best if it was spelled out in the statutes. It would permit an officer to detain a person for a fifteen minute period if he suspected him of being about ready to commit a crime. He could detain him and search him for evidence of criminal intent as possession of a gun, burglary tools, etc. There is no statutory provision now permitting to detain. Under our statutes "about to commit a crime" is not cause for arrest, only detention. There is no constitutional infringement under this. This would not apply to searching for drugs but only for a dangerous weapon.

Senator Young questioned the wording dangerous weapon. He stated a car could be used as a dangerous weapon.

Mr. Daykin felt if a person was about to use a car as a dangerous weapon he should be detained.

Senator Young stated he did not like arresting for probable cause.

Mr. Daykin stated this provided only for the detaining and not for the arresting.

Senator Christensen stated the officers were watching the younger age group closely and would be able to stop them if they were even suspicioned of doing something wrong.

This will be discussed again after they have had a chance to study it further.

AB 640 - Requires court to instruct jury regarding certain penalty when requested.

Senator Swobe felt the jury should have all the facts as to the sentencing of a prisoner. He would still have a chance to be pardoned and the jury should be aware of this.

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

AB 273 - Provides for a commissioner of civil marriages.

Senator Dodge stated they made the change effective January 1, 1971. They removed the justices of the peace from performing marriages in Clark and Washoe County only, but they left it in Ormsby County.

(This was requested by the Ormsby County officials). It provided for a Commissioner of marriage to handle marriages in Clark and Washoe Counties.

Chairman Monroe asked Senator Christensen if he felt this would satisfy the people in Clark County.

Senator Christensen felt it would as long as it took the justice of the peace out of the marriage business and provided for a marriage ceremony other than just signing a license. He felt the commissioner should be on a fixed salary rather than be paid by each marriage.

Senator Dodge had discussed this with several people when he was in Las Vegas for the meeting on the court reform bills and everyone he talked to was in favor of taking the justice of the peace out of marriages so he could devote more time to his court.

Senator Monroe asked if Senator Dodge thought it was a good idea to make the County Clerk the marriage commissioner as this bill provided.

Senator Dodge felt it was good and he could appoint deputies to help in areas where there were a lot of marriages performed. He pointed out this raised the fee to \$15.00 on regular days during office hours and \$20.00 for after hours and weekends. Section 15 provided that all money would be deposited in the county general fund. He felt Section 19 was good as it provided no other fee could be charged by the commissioner for performing the ceremony.

Senator Christensen felt there should be a special room where the ceremony was performed. Senator Dodge pointed out this was taken care of in Section 12 as it provided a suitable separate area shall be used.

Senator Young felt the bill was very good with the exception of excluding Ormsby County. He would like to hear why this was requested.

Mr. Goni, Ormsby County Clerk was in the hall and asked to come into the meeting.

Mr. Goni explained they were asked to be excluded as there were cramped for room now and they could not have a separate room available for the commissioner as provided for in the law. They would have to appoint another deputy to handle the extra hours as the commissioner could not be expected to work more than an 8 hour day and would want his weekends off. They would like to be excluded for two years and see how it would work as they had no extra room at the present time.

Senator Young asked why it wouldn't be possible to exclude the justice of the peace under this bill and then appoint him the marriage commissioner and he would then be working for a fixed salary rather than for a fee for each marriage he performed. The fees would go into the County general fund, which he understood Ormsby County needed.

Mr. Goni was asked how much revenue they had figured would be collected from the marriages in Ormsby County. Mr. Goni figured it would be about \$50,000 and they had planned on \$20,000 of that as operating expenses.

He was also asked how much time the justice of the peace of Ormsby County spent on marriages. Mr. Goni stated some on a Friday afternoon and then on weekends. He felt it did not interfere with Mr. Supera's court work. He mentioned they now kept open twentyfour hours a day.

Chairman Monroe stated he did not like the idea of keeping the justice of the peace in the marriage business and felt that both Clark and Washoe counties would object.

Chairman Monroe thanked Mr. Goni for coming in.

AB 581 - Designates trust powers which may be included in will or agreement by reference.

Chairman Monroe thought this should be studied over the weekend by each member as it appeared to be an extensive bill.

Meeting was adjourned at 10:45 a. m.

Respectfully submitted,

Jeanne M. Smith, Secretary.

APPROVED: _____