

SENATE JUDICIARY COMMITTEE  
MINUTES

Meeting was called to order at 10:00 a. m. on March 3, 1969 by Chairman Monroe.

Committee members present: Chairman Monroe  
 Senator Dodge  
 Senator Hug  
 Senator Christensen  
 Senator Bunker  
 Senator Young  
 Senator Swobe (In at 10:20).

Guest: Frank Daykin, Legislative Counsel.

Chairman Monroe read amendment for SB 82 (Provides for uniform rules in traffic cases and defines reckless driving). Lines 23 and 24 were amended.

Senator Christensen moved to amend and do pass.  
 Senator Hug seconded the motion.  
 Motion carried.

Chairman Monroe announced he had bills to introduce by the Committee. These were the result of the legislative counsel audit and requested by Bob Bruce fiscal analyst. It was agreeable to introduce the bills and suggested when they came back to the committee to ask Bob Bruce in and explain them.

SB 276 (Provides procedure for second amendment of constitutional provision to which a prior amendment is ratified) and SJR 14 (Proposes to amend constitution to provide for concurrent or consecutive amendments affecting same provision.)

Chairman Monroe suggested they consider these together as they were both the same.

Senator Dodge remarked he thought this was good legislation, and that it had sufficient safeguard. There won't be a loss of years if an amendment was proposed for the same statute as long as there was no substantial change by the two amendments.

There was a question as to whether it was constitutional or not by Senator Young and Mr. Daykin advised this was definitely constitutional and provided for in Article 16. If conflicting amendments were presented to the people the one getting the most votes would be the change accepted. He used as an example a bill to allow 18 year old or 19 year old people to vote. Both would be given to the people to vote on and the one receiving the most number of votes would be the accepted age. He advised that Pennsylvania was the only other state that had the same procedure

## Senate

Judiciary Committee Minutes  
March 3, 1969

-2-

as Nevada that required so long to have the constitution changed.

Senator Dodge thought this was good legislation as it took so long to amend Nevada constitution and this would speed it up some.

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

SB 251 - Provides for nomination of substitute by designated executor.

Senator Monroe read a letter of objection from Mr. L. James McGee, Chairman of the Trust Committee, First National Bank of Nevada.

Mr. Daykin felt their main objection was that it did not eliminate the alternate executor if the executor was removed for some reason. The Trust Department would usually be the alternate and they would be able to collect the same fees they had been collecting.

Senator Dodge felt the amendment did eliminate the alternate and stated the executor was to name a substitute for the number one position.

Mr. Daykin agreed and said it could easily be remedied by amendment.

Senator Dodge suggested the bill be set aside and discuss it with Senator Swobe as he introduced it.

SB 253 - Relieves buyer of used consumer goods for resale from perfected security interest.

Mr. Daykin explained this was a request and introduced by Senator Slattery. The used furniture dealers were open on week ends and could not get into the Court House to check the records to see if there was a lien against furniture purchased. He quoted Senator Slattery as saying "I do not think this is very good, do you?" I share his opinion.

Senator Dodge moved the bill be "dumped".  
Senator Hug seconded the motion.  
Motion carried.

Senator Swobe came in to the meeting so the discussion on SB 251 was resumed.

Senator Swobe remarked he could see why the the Banks would not like this. There is a priority system as to who can be named administrator and priority system as to who can nominate.

Senator Dodge advised Senator Swobe the Bank would rather

## Senate

## JUDICIARY COMMITTEE MINUTES

March 3, 1969

-3-

have a relative appointed rather than an outside individual as they felt there would be more control and personal interest.

Mr. Daykin stated the attestor thought more of a person outside if he named him an executor than he did the relative or he would have named the relative in the first place. The Court must confirm all appointments. He will amend the bill to spell out that if an alternate is named he would be the person to take over if the executor was removed.

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

SB 254 - Clarifies postponement procedure of public sales in estate matters.

Mr. Daykin explained they would not have to advertise a second time for a notice of public sale when it was postponed for less than a three month period. If it was postponed for longer than three months then they would have to advertise and start over again.

Senator Dodge stated he could see nothing wrong with this and felt that if the procedure of sale had been postponed in the first place it was probably done because the person thought he could get a better job done by postponing it.

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

SB 255 - Changes methods of furnishing accountings by certain trustees.

Mr. Daykin advised there were changes made two years ago and this merely completes that job as this was overlooked at that time. There was no provision for the trustee accounting.

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

SB 227 - Doubles penalty for using gun or deadly weapon in commission of crime.

Senator Dodge read a letter from District Attorney Bill Raggio who endorsed this legislation. He said there was a similar bill

Senate

JUDICIARY COMMITTEE MINUTES  
March 3, 1969

-4-

202

in the Assembly (AB 383).

There was considerable discussion as to what a "deadly weapon" would be and how you could prove a weapon was used in a crime if it was merely in your possession.

Senator Dodge stated he thought the bill on the use was good, however he did not approve of the "in possession".

Chairman Monroe would like to limit it to fire arms and not deadly weapons.

Senator Dodge asked Mr. Daykin if the penalty was in line with other penalties, and Mr. Daykin said that it was in line with others and did not throw the statutory penalties out at all.

Senator Young remarked he was bothered by the wording on line 5 "weapon is a necessary element of the offense--"

After further discussion it was agreed that on line 3 "or other deadly weapon" should be stricken and also the title should have this stricken.

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

SB 245 - Increases penalties for assaults on peace officers, firemen and family members.

Senator Swobe stated the Chief of Police of Reno had told him there were problems with wife-beating, however he was far more concerned with the Section 1 amendments than he was with the rest of the bill. He felt with the present day riot situation it was their duty to protect the police officers or fireman called in on a riot and with an increase in the penalty it might keep some of the rioters that go from school to school out of our State.

There was some discussion as to whether the severity would do the job or if it would make it so extreme it would not be enforced. It was felt by some that the 1 to 10 years was too extreme and that 1 to 6 years was sufficient, however there was not too much difference .

There was discussion on sub-section B of 3, relating to a person being previously convicted of a felony in this or any other state.

Mr. Daykin stated some states do not have a law that it is a felony to assault a peace officer and that most states varied with the penalties. He suggested it be amended to "convicted of

## Senate

JUDICIARY COMMITTEE MINUTES  
March 3, 1969

-5-

assault in another state".

This was agreeable to all, however Senator Dodge suggested they all take a little time and think about this more and discuss it further.

Chairman Monroe announced a joint meeting with the Assembly Judiciary Committee on Wednesday, March 5th at 7:00 p. m. to discuss the Court bills. He asked Mr. Daykin to be present.

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

Respectfully submitted,

Jeanne M. Smith, Secretary

Approved: \_\_\_\_\_