

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting was called to order at 9:40 a. m. by Chairman Monroe on March 31, 1969.

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

Committee member absent: Senator Bunker

Legislative Counsel: Frank Daykin

Guests: Mr. C. T. Nevin, Director Crime
Commission.

Senator Helen Herr
Assemblyman Lawrence E. Jacobsen

Mr. Nevin gave a background on SB 456 (Creates commission on crimes, delinquency and corrections and committee on peace officers' standards and trainings).

In 1965 a Peace Officers commission was created and they raised the recruiting standards and requirements for police officers. In 1967 aid was received from the federal government and Department of Education for training schools and nine different training schools were established throughout the state. In June of 1968 the Federal Omnibus Crime Control Act was created. Under this the federal government gave money to the states on the basis of population. Nevada received \$129,835.00 for their share. The governor appointed a planning commission consisting of peace officers and representatives of the judicial system so they could study all aspects of law enforcement and make recommendations. There was a question of legality in forming this commission by the Governor. This would establish a Crime Control Commission appointed by the Governor.

Senator Dodge asked if there was any financial implication in the future for this Commission.

Mr. Nevin advised there was \$30,078 set aside in the present budget for this and a total budget for \$85,000 of which the \$30,000 was a part. Mr. Nevin had a copy of the budget for the committee to study.

Senator Monroe suggested they contact the finance committee and see what their plans were however Mr. Nevin advised they thought this should

be passed first so there would be a bill the finance committee could tie the finances to:

Senator Young moved "do pass" and re-refer to finance committee.
Senator Swobe seconded.
Motion carried.

SB 486 - Requires attorney general to devend certain public employees of former employees.

Chairman Monroe stated this was evidentially a substitute for SB 119.

Senator Young stated they went thru the statutes of the other states and picked out the best part of each of them. He did not like the wording "good faith" on line 13 of page 1. He also did not like the \$25,000 limitation and felt this was much too low. Also on Section 6, page 2 it required an undertaking for not less than \$500 to be supplied by the plaintiff and Senator Young did not like this. He felt this was done to discourage actions.

Senator Dodge pointed out Section 4 limited the responsibility of the employee and it barred recovery from the employee if the state had to pay. He felt there should not be a limitation of liability.

There was a discussion between Senator Dodge and Senator Young as to the sovereign immunity. Frank Daykin was asked in to see how this was handled in other states.

Mr. Daykin stated California and New York had no monitary limitation but they seemed to have no problems with the smaller claims, only the larger claims were the ones hard to settle.

Mr. Daykin and Senator Dodge discussed the umbrella plan and Mr. Daykin will check as to how other states handle this and report back.

The conflict of interest in the attorney general's office was discussed. Senator Young felt there would be no conflict of interest as anyone from the attorney general's office would act in behalf of and with the interest of his client. Chairman Monroe felt he might feel obligated and be controlled by the interest of the one who hired him for his job and there certainly could be a conflict of interest.

Mr. Daykin will check other states and advise the committee.

SB 465 - Introduced by Senator Herr (Prohibits landlord's interference with utility service supplied tenant.) Senator Herr was asked in to advise what prompted this.

Senator Herr stated there had been several occasions in the Las Vegas area when a landlord would turn off the tenants power, water or gas. The tenant would be paid in full with the utility company but the landlord might have had a "skirmish" with the tenant and would be done for harrassment. This would prevent such action and protect the tenant.

Senator Dodge asked if there wasn't recourse now by the tenant against the landlord.

Senator Herr said they would have to file suit against the landlord and it would take time as well as being expensive.

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

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

Senator Swobe moved "do pass".
Senator Dodge Seconded the motion
Ayes: Senators Dodge, Swobe, Christensen, Hug.
Nay: Senator Young.

AB 299 - Provides for disposition of property of certain deceased persons.

Assemblyman Lawrence Jacobsen explained to the committee that the County Clerks of Ormsby and Douglas County had a basement full of nothing but junk stored which was personal property of deceased persons who had no heirs and their personal property became property of the county when not claimed. This would permit the Clerks to dispose of this by either giving it to a needy person or organization or if too old could haul it to the dumps. The Clerk would be required to post a notice at the court house that the articles were to be disposed of.

Senator Young stated he could see problems where cash might be involved.

Mr. Jacobsen said this concerned them some also, as the administrator could "pocket" some of the cash before an inventory was taken, however they felt a public official would be honest.

Senator Dodge asked if they ever tried to locate heirs. Mr. Jacobsen advised that in Douglas County there were so many foreign people working they had no way to trace some of them and many had no living heirs at all or had lost contact with them years ago.

The committee would like to hear from the Ormsby County official on this before any decision is taken.

Chairman Monroe thanked Mr. Jacobsen for coming in and Mr. Jacobsen left the meeting.

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At 11:00 a. m. the committee recessed for 15 minutes to go into session. Returned at 11:15.

AB 273 - Provides for a commissioner of civil marriages.

Chairman Monroe announced there would be representatives of Clark County to appear on this.

AB 348 - Prohibits issuance of wage checks with insufficient funds.

Chairman Monroe remarked the employee has recourse against the employer through the Labor Commissioner.

Senator Young suggested it be held until there was pressure to put it out.

This was agreeable to all.

AB 495 - Declares that checks given or accepted in licensed gaming are enforceable.

Chairman Monroe thought this would be good as long as we were a gambling state. We should have control and be able to collect the debts. He advised many would cash a check at the cashier's cage and then use the money to pay for his hotel or meals. The check would be no good and they could not force repayment as they could always say it was used for gambling.

Senator Young felt it would create a lot of ill-will against the gaming industry. The casinos lured people into their businesses with give-a-way programs and then they took all of their money. He stated gambling was a compulsive thing and in many cases could not be controlled. He would like to hear from some of the casinos and find out how much they actually lost by bad checks they could not collect.

Chairman Monroe suggested Chuck Munson be asked in to discuss this.

AB 543 and AB 667 - Phil Hannifan will be asked to come in on these two bills.

ACR 13 - Directs preparation of evidence code.

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

ACR 32 - Directs legislative commission to study juvenile court procedures.

Senator Dodge stated there was an extensive study made of all the juvenile situation by the court revision committees and he felt this was unnecessary. Until there was a decision on the "Gault Case" made they had no way of knowing just what would be required. They had recommended that the juvenile cases be handled by a "floating" judge that was qualified to handle the juvenile. If the Court decided they were to be treated as adults there would be no use for any further study. He thought this should be bucketed.

Senator Young moved to "Bucket".
Senator Swobe seconded.
Motion carried.

AJR 45 - Proposes constitutional amendment broadening provision for voting by persons in service of United States.

Mr. Daykin was asked to come in.

Mr. Daykin explained the Senate Judiciary Committee passed out SJR #3 which was relative to this subject however it was killed by the Assembly and this was their substitute. This is less restrictive than SJR #3 and most of the attorneys were afraid of "domicile" in the other resolution. This will conform to the U. S. Constitution.

Senator Swobe preferred this.

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

AJR #46. - Proposes constitutional amendment to alter composition of state board of pardons.

Senator Young asked Mr. Daykin which states had a Board of Pardons and which allowed pardon by the Governor alone.

Mr. Daykin advised most states provide that the final say is with the governor. In some states there is a Board of Pardons but the governor would have the final decision. The Board would study and make recommendations to the governor but he does not have to follow their recommendations. The passage of this would take the final say out of the hands of the governor.

Senator Dodge felt it was bad from a traditional viewpoint. He did not feel the members of the Supreme Court should be on the Board as they had previously reviewed it once and he felt their participation should be limited of official capacity as Supreme Court Justices in this case. He would recommend this be amended to have the decision up to the Governor alone and eliminate the board entirely.

Senator Young suggested that an advisory board be named, although the governor wouldn't have to heed the advice. He felt the justices and the attorney general were more qualified and were in a better position to act efficiently on these matters than laymen. He could not see loading the governor with this responsibility and felt he was required to serve on too many boards and commissions now and would be required to hold lengthy hearings on pleas for commutation.

Mr. Daykin felt objectionable to removing the governor from this position.

Senator Young would prefer to have some kind of an advisory board and would then consent to leaving the governor on the board also. but the governor would be bound by the decision of the board.

Senator Dodge felt this did not make reasonable sense and did not feel the power should be taken from the governor.

Senator Dodge moved to amend by abolishing the pardons board and leave the authority entirely with the governor.

Senator Swobe seconded the motion.

Ayes: Senators Monroe, Swobe, Dodge and Christensen.

Nay: Senator Young.

Senator Young insisted on a minority recommendation, "do not pass".

Meeting adjourned at 12:00 p. m.

Respectfully submitted,

Jeanne M. Smith, Secretary.

APPROVED: _____.