

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting called to order at 9:30 a. m. on April 2, 1969 by Chairman Monroe.

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

Committee member absent: Senator Swobe

Legislative counsel: Frank Daykin

Guests: Assemblyman Harry Reid
Assemblyman Dick Bryan

AB 263 - Separates offenses of drunk driving and driving under influence of drugs.

Senator Young questioned the language "an habitual user of or under the influence of any narcotic drug". He stated you could be an habitual user and still not be under the influence of."

Senator Dodge agreed and suggested to strike "an habitual user of or"

Senator Young moved to amend and recommend "do pass".
Senator Dodge seconded
Motion carried.

AB 388 - Prohibits certain practice in legal profession.

Senator Young moved "Do Pass".
Senator Christensen seconded the motion.
Motion carried.

AB 273 - Provides for a commissioner of civil marriages.

Chairman Monroe announced the Clark County Delegation had stated they were against this bill.

Senator Bunker stated there had been no official meeting on this but it had been discussed. He was not against it but had some reservations about it. He wanted to be sure it was not a "sign only" marriage contract and that an appropriate ceremony would be held. He also felt the marriage commissioner would be able to accept tips and this would put him in the same category as the present justices of

peace.

Senator Dodge felt this was a very good bill. He stated if it was voted down on the floor something would have to be done about the justices of the peace. There was a lot of feeling about them in the Las Vegas area. He did have reservations about Ormsby County being omitted as having a commissioner. He felt if they were not included now it would be another four years before it would be effective in Ormsby County as it states the change can only be made when the justice of the peace term of office expires.

Chairman Monroe suggested to amend stating any county coming into this in the future in the middle of the term of the justice of the peace, it would be effective immediately.

Sections 4, 12 and 18 were pointed out to Senator Bunker which provided for answers to his objections.

Senator Dodge moved to amend and "Do Pass".
Senator Young seconded the motion.
Motion carried.

AB 232 - Provides additional requirements and regulatory measures for collection agencies.

Chairman Monroe will set a hearing on this.

AB 181 - Provides methods for interest computation.

It was mentioned that a lot of merchants charge a 1% per month service charge as Sears Roebuck.

It was the unanimous decision to "let it sleep".

AB 485 - Prohibits trespass in a public building.

This was thought to be about the same as SB introduced by Senator Swobe. Mr. Daykin or Mr. Swobe will check this.

AB 493 - Limits amount of recovery under and provides standards for the rendition of deficiency judgments.

This will be studied by each member and discussed later.

AB 523 - Regulates locksmiths and safe mechanics.

Harry Reid advised he was asked to introduce this by the Nevada Peace Officers Association. The first reprint has been greatly amended and basically now requires only that they purchase a permit from the sheriffs office. The sheriff would like to have a record in his office of people that can open a safe. They often have recovered a stolen safe and could not find anyone to open it without a delay in finding someone. The Nevada Peace Officers felt this was important to their operations.

There was a suggestion from Senator Young that these business men had to buy a city license and the County Clerk would have a complete list.

Mr. Reid also pointed out the police would have a record of who had the tools available and could be of some help to them.

AB3347- Permits action to establish parental relationship.

Mr. Bryan asked Mr. Daykin how the proceeding would be set up. Would you have to join everyone related either natural parents or by adoption proceedings.

Mr. Daykin advised this would be handled by an advisory proceeding the plaintiff v. defendant and not "In the matter of---". Mr. Daykin felt there could be trouble if a procedural rule was added to this.

Senator Young stated as a lawyer he would have problems in titling the action. The mother might be an heir and have no will,

Chairman Monroe felt the primary purpose of this was to give the father the child and not to establish heredity.

Mr. Daykin suggested it could be entitled "In the Matter of the Determination of Parential relationship of ----". This could be done by adding another section to the bill. Senator Young suggested to require a notice be given to the other parent of the child and to any other children.

Mr. Daykin will prepare the amendment. This was agreeable to Mr. Bryan.

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

Mr. Reid advised that when preparing trust powers which may be included in a will or agreement the entire powers have to be typed and specified. There has been no provision for reference. It would save a lot of time and money if a reference could be used.

Mr. Daykin remarked this was standard procedure in most states. This was taken from the North Carolina statute.

Mr. Reid felt it would save the client money as he is charged for the time it takes to prepare and it would also standardize all trusts. If there was an unusual trust it could be typed in.

Mr. Daykin said that if it complied with the Nevada law it would be accepted by any state. This did not mandate a trust to be drawn by reference.

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

AB 649 - Relieves sheriffs and chiefs of police of liability for acts of their deputies or officers.

Mr. Reid advised this would relieve the sheriff of the requirement that he be present during a trial in an action against his deputy. He would have no knowledge of the incident and would not be called upon to testify, however by law his presence was required. This took a lot of his time that could be spent doing his required work.

There was discussion as to the liability of the sheriff when the deputy was actually hired by him.

Mr. Daykin advised you could amend to read "solely".

Mr. Reid agreed this would clarify the language.

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

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

As a result of the statements of Senator Young on the Senate floor Senator Dodge requested this be pulled and re-referred to committee. Senator Young felt this language went beyond the language in the "Terry Case".

Senator Dodge cited three different cases where stop and frisk was involved and there were different Supreme Court decisions on each case that would have been effected by this bill.

After discussion Senator Dodge stated his reservations had been satisfied and moved the bill be placed back out.

Senator Christensen seconded the motion.
Ayes: Senators Monroe, Christensen, Bunker and Dodge.
Nays: Senators Young and Hug.
Motion carried with a 4-2 vote. Senator Swobe Absent.

AB 523 - Regulates locksmiths and safe mechanics.

Senator Dodge moved to "Hold".
Senator Hug seconded the motion.
Motion carried.

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