

ASSEMBLY COMMITTEE ON JUDICIARY - 56th Session, 1971

MEETING HELD February 2, 1971

The meeting was called to order at 2:35 p.m.
Present: Miss Foote, Messrs. Fry, Lowman, Kean, Torvinen, Olsen, Dreyer, McKissick and May. None absent.

Legislative interns Messrs. Reynolds, Fry and Moss were introduced to the committee.

Mr. McKissick presented the following two bills he would like to have introduced.

The first is a request from the Supreme Court Clerk's Office, and states that the Supreme Court Clerk shall have power to appoint two deputies, rather than the one that is provided for at the present time. This conforms with the new court reform act. The second provision of the bill is to increase the cost of taking an appeal to the supreme court from \$25 to \$50.

Mr. Kean moved for introduction of the above bill as a committee measure. Seconded by Mr. Lowman. Carried.

Mr. McKissick's second bill is also from the Supreme Court. It changes the method of paying the judges from monthly to bi-weekly and is needed because the computer system for salaries is programmed that way.

Mr. Kean moved for introduction of the bill as a committee measure. Seconded by Mr. Dreyer. Carried.

AB 28 - Prohibits removal, concealment, sale or encumbrance of certain kinds of secured property without written notice and consent.

Mr. Lowman remarked that this primarily deals with automobiles and mobile homes which are taken from Nevada to California. The credit company has difficulty obtaining payment after the vehicle has left the state.

Mr. Fry stated he will place this on a hearing agenda with other bills and invite the district attorneys to be heard, since extradition proceedings may be involved. Mr. McKissick suggested that Mr. Guinn of the motor transport group be heard on the bill. Mr. Lowman suggested that Mr. Hilbrecht would like to be heard on the bill. Mr. Kean suggested that the felony penalty in section 6 was severe.

AB 27 - Prohibits illegal use of credit and identification cards.
The chairman suggested the District Attorneys would like to be heard on this bill also, and they will be notified.

AB 74 - Requires production of medical records to attorneys and makes records of the Nevada Industrial Commission confidential.

Mr. McKissick remarked that anyone can go into the NIC and get copies of medical reports without a release by the patient, and this is a violation of the doctor-patient confidential relationship. The Chairman suggested that NIC should be contacted to see if this is so, and a report should be made to the committee.

AB 82 - Increases security for costs required of nonresident plaintiffs in civil actions.

Mr. McKissick remarked that the amount is being raised from \$300 to \$500 and that the premium on the bond will not cost the plaintiff any more. The \$500 just about covers the cost of witness fees, depositions and other costs. The Chairman stated that this bill was presented last session, and this is an amended version of that. Mr. May moved "Do Pass", seconded by Mr. McKissick. Carried.

AB 79 - Provides for search of public school lockers.

Messrs. Fry and Torvinen questioned whether the intent of the bill is also to include the University, or just public schools. Mr. Torvinen said he would like to see a court test of the attorney general's opinion about searching school lockers before proceeding. The chairman stated he didn't think the language was carefully enough couched in search and seizure proceedings. He felt the attorney general's office should be heard on the bill. It will be set for hearing.

AB 102 - Increases time for filing inventory and appraisement in estate of deceased.

Mr. Kean remarked he thought increasing the time from 20 to 60 days would delay the closing of the estate, and felt that 45 days was more realistic. Mr. Torvinen explained that the creditors have 90 days to file claims, so the estate couldn't be closed until after 90 days.

Mr. Kean Moved "Do Pass" on AB 102, seconded by Mr. Olsen. Carried.

The committee then heard from MR. KENNY GUINN, Superintendent of the Clark County School District, regarding AB 79. Mr. Guinn stated they have taken the attitude in Clark County that any time the safety and welfare of students is involved, they will do whatever is necessary to protect the students. They have been working almost to the letter of AB 79 in searching lockers. What they have done administratively is make out a student search warrant similar to those used by law enforcement agencies. The students then know why the locker is being searched. If the student is not present, the warrant is left in the locker so he knows it has been searched. During the riots in Clark County schools, many weapons were removed from lockers with the use of these warrants. The Clark County District strongly supports this bill.

Mr. Kean asked if the wording giving particular people the right to search was satisfactory. Mr. Guinn stated that the wording seems to fill the need, but suggested that it could state that "the board of trustees or their designated representatives" could search.

The Chairman asked if a problem would arise with the bill's wording giving no authority to seize anything in the locker. Mr. Guinn stated that there are other laws that say you can take contraband. He added that if drugs or such substances were found, the school authorities call police authorities.

Mr. Kean again questioned the wording "school buildings", asking if it would include those at the university. Mr. Torvinen stated that Title 34, Chapter 393 deals with the state department of education, and felt that if that were in the bill and the words "superintendent and board of trustees" were used, it would exclude the university because that is handled under a separate title. This would only apply to public schools in the State of Nevada.

Mr. McKissick asked if the Board of Regents had asked for legislation such as this. He said that if they hadn't asked for it specifically, the university shouldn't be included.

Mr. Lowman said there was a question from a representative of the fire chiefs' association as to whether this would preclude them from coming in, in case of a bomb scare. Mr. Guinn stated that they have an agreement with the fire department that they don't come on campus unless the school authorities phone them. Once they are on the campus, they have full authority and responsibility.

Mr. Olsen stated that in case of a problem, the school could lease the lockers to the students, and have a search clause in the lease agreement. Mr. Guinn stated that they only issue lockers to students agreeing that they are the property of the school.

Mr. Dreyer asked again if the board of regents should be included. Intern Bob Fry stated that the board of regents are presently setting policy providing for search of rooms, closets and dormitories, and some research could be done to see if it can be done with lockers.

The chairman stated that the university would not be included in this bill if they had not specifically requested inclusion.

Mr. Guinn left the meeting.

Miss Foote stated she would like to listen to the attorney general before the committee moves on the bill.

Russell McDonald, Legislative Counsel, entered the meeting and addressed the committee on SJR 23 of the 55th Session, which proposes to amend judicial article of the Nevada constitution. Mr. McDonald has spoken to the chairman of the Senate Judiciary Committee, who will arrange a joint hearing to save some time. Mr. McDonald has drafts of bills to be prepared to go along with this resolution, in case it is passed this session and approved by the voters. He will have them typed and ready to consider after the hearing on SJR 23 to be held February 12.

Mr. McDonald left the meeting.

SJR 7 of the 55th Session - Proposes to amend the Nevada constitution by advancing deadline for filing initiative petition to amend the constitution.

Mr. Kean moved "Do Pass", seconded by Mr. Dreyer. Carried.

SB 8 - Clarifies language pertaining to state board of health rules and regulations.

The chairman stated he would check with the health and welfare committee in the Assembly and talk to Senator Monroe about this bill. Mr. Torvinen stated that the pollution regulations at the present time are handled by the state board of health, and some local areas may want to put in more stringent standards. Mr. McKissick said the laws vary from county to county and there would be no uniformity state-wide. Miss Foote suggested it may be designed to deal with cement plants. Miss Foote moved the chairman seek out the guidance of the author of the bill.

AB 105 - Requires issue of penalty for capital offense to be tried separately. Mr. McKissick feels it may be a little early to act on this. It is a middle ground from abolishment of capital punishment. California has this same type of set-up, where the penalty hearing is separate from the trial. Mr. Torvinen suggested that this bill be set for hearing with the other bills in which district attorneys are interested, and they should be heard.

There being no further business, the meeting was adjourned at 4:00 p.m.

sg

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date February 2 Time adjournment Room 240
p.m.

Bills or Resolutions
to be considered

Subject

Counsel
requested*

<u>AB 28</u>	<u>Prohibits removal or encumbrance of certain kinds of secured property without written notice & consent.</u>	
<u>AB 74</u>	<u>Medical records of Nevada Industrial Commission.</u>	
<u>AB 79</u>	<u>Provides for search of public school lockers.</u>	
<u>AB 82</u>	<u>Increases security for costs required of nonresident plaintiffs in civil actions.</u>	
<u>AB 102</u>	<u>Increases time for filing inventory & appraisement in estate of deceased person.</u>	
<u>AB 105</u>	<u>Requires issue of penalty for capital offense to be tried separately.</u>	
<u>SJR 7 of 55th Session</u>	<u>Proposes to amend Nevada constitution by advancing deadline for filing initiative petition to amend constitution.</u>	
<u>SJR 23 of 55th Session</u>	<u>Proposes to amend judicial article of Nevada constitution.</u>	*
<u>SB 8</u>	<u>Clarifies language pertaining to state board of health rules and regulations.</u>	

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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