

ASSEMBLY COMMITTEE ON JUDICIARY - 56th SESSION, 1971

MEETING MARCH 19, 1971

The meeting was called to order at 3:25 p.m. Present: Miss Foote, Messrs. Fry, Lowman, Kean, Dreyer, McKissick, Torvinen and May. Absent: Mr. Olsen.

SJR 14 - Memorializes Congress to enact legislation to halt abuses in bankruptcies.

SENATOR CHIC HECHT spoke in favor of the resolution, stating present bankruptcy laws are inadequate and bankruptcy has become a way of life for some people. He stated he was advised by Judge Taylor that memorializing Congress to enact legislation is the only way to get the bankruptcy laws changed. The present bankruptcy laws were enacted in the 1930's during the Depression and are not adequate today.

SB 242 - Requires attorney general to keep record of cases.

JAMES THOMPSON, ESQ., CHIEF DEPUTY ATTORNEY GENERAL, spoke in favor of the bill. At the present time the attorney general's office is required to keep a detailed docket of every case, and this takes up approximately 60% of one secretary's time.

SB 244 - Clarifies when state agency may employ legal services other than those of attorney general.

JAMES THOMPSON, ESQ. stated this bill would enable the attorney general to hire outside counsel if he is unable to prosecute due to lack of time, press of business, or having no deputies qualified to handle the case, rather than just due to disqualification because of conflict of interest.

Mr. Lowman asked if the attorney general's budget would have to be raised if the bill passed. Mr. Thompson stated the attorney general has a special fund to pay for extraordinary services, which the legislature appropriates.

SB 245 - Requires attorney general's opinion to state departments, agencies, boards or commissions.

JAMES THOMPSON, ESQ. stated the bill conforms what has

been the practice of the attorney general's office for opinions, and he feels it should be passed.

AB 641 - Makes misrepresentation of fact to Legislature a misdemeanor.

ASSEMBLYMAN NORMAN HILBRECHT stated he is in favor of the bill, since it is of utmost importance for the legislature to know that testimony presented is correct and true. Mr. Hilbrecht stated the legislature should provide for Formal Hearings and that at such Hearings, oaths should be administered to persons testifying. He felt that if Formal Hearings were provided for, committees would still be able to meet in informal meetings without subpoena power or power to take oaths of witnesses.

Mr. Fry asked if instead of adopting legislation, the Assembly could make a standing rule providing for the Formal Hearings with provisions for oaths and subpoena power. Mr. Hilbrecht stated he would prefer to have specific legislation enacted to enable both houses to have such hearings, and to put witnesses on notice that it is a misdemeanor to misrepresent facts. The method by which each house arrives at this purpose would be up to rules of the Legislature.

Mr. Fry asked if the Legislators would come under this rule also. Mr. Hilbrecht said he wouldn't object to Legislators being excluded, and felt Legislators would be immune under a statute recently enacted.

Mr. Fry requested that Mr. Hilbrecht have the proper amendments to the bill drafted and present them to the committee.

Mr. McKissick moved that the committee rescind the action whereby AB 641 was indefinitely postponed. Seconded by Mr. May. Carried.

SB 221 - Reduces number of commissioner-of-civil-marriage townships.

ROBERT A. GRAYSON, ESQ., speaking on behalf of the Carson City Chamber of Commerce Committee on Wedding Chapels, stated the bill proposes to take Carson City out of the marriage commissioner township provisions enacted at the last legislature. He spoke in support of SB 221, but emphasized that an amendment to the bill is needed to create uniformity of costs for all civil marriages performed in the state. This objective could be achieved by changing the fee structure for marriages performed by Justices of the Peace in NRS 4.060 from \$5 to \$15 during daytime hours and \$20 during nights and weekends. By adopting this

amendment to the existing statute, additional salaries paid to Justices of the Peace and Marriage Commissioners would not be necessary. Additional space for marriage commissioners' offices would not be required, and significant revenues would be gained by the respective counties.

He stated that many Justices of the Peace regularly charge more than the \$5 allowed by statute, and that the raise in rates to the same as those charged by marriage commissioners would eliminate the technically illegal charges being made and more adequately compensate the Justices for their overtime work.

Mr. Fry noted that under the bill, Washoe County would no longer be eligible for marriage commissioners, since they have less than 50,000 registered voters.

Mr. Torvinen stated that marriage commissioner is not a full time job, since most marriages are performed evenings and weekends.

Mr. Grayson noted that there are approximately 2,500 marriages per year performed by the Carson City Justice of the Peace, and if the fees were raised, the Justice of the Peace could keep \$10 for each marriage, giving Carson City an additional revenue of close to \$25,000 per year, considering that most marriages are performed evenings and weekends when the fee would be \$20.

AB 491 - Provides for expungement of certain criminal records.

MR. MICHAEL FARRIS stated he is a proponent of the bill with Mr. Kean's proposed amendments. He spoke in favor of the amendments for notifying the FBI and CII when records were to be expunged, and noted that it would not interfere with the habitual criminal act, since few felons would come within the purview of the bill. He spoke in favor of sealing the records rather than destroying them.

Mr. Lowman questioned the wording in Section 6 stating a person "may answer accordingly". Mr. Farris said the wording could be changed to say, "and direct such person that he may properly answer in the negative."

SB 19 - Permits game wardens to issue citations for violations of fish and game laws.

MR. GLEN GRIFFITH, FISH AND GAME DEPARTMENT, spoke in favor of the bill, stating it would clarify legally the issuance of citations which his department has been doing for some time.

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Mr. Fry wondered if the wardens would want to be called peace officers, and Mr. Griffith said that would be a good idea, and about 19 persons in the department would qualify as peace officers.

AB 107 - Enacts Uniform Controlled Substances Act.

GRANT DAVIS, ESQ., LEGISLATIVE COUNSEL BUREAU, explained proposed amendments to the committee. The administrative division in the bill will be a division in the Office of the Attorney General. Section 29 exempts non-narcotic substances approved by the Food and Drug Administration for sale over the counter. Sec. 30.5 is added, providing for cooperation between the administering division and the State Board of Pharmacy. Section 60 allows for the division or "other law enforcement agency" and Mr. Davis explained that other law enforcement agencies could also enforce this act. In Section 62, lines 41-45 are deleted, and provisions are inserted for a stiffer penalty for sales to persons 21 years or younger.

Mr. Kean felt the penalties in Sec. 73 should remain a felony, and the penalties in Sec. 74 should be a gross misdemeanor for the first time and a felony after that.

Mr. Davis presented amendments to provide for additional sections, which the committee examined.

Mr. Kean moved that the bill be amended in accordance with the amendments presented by Mr. Davis, and the committee recommend "Do Pass as Amended", seconded by Mr. Fry. Carried.

Mr. McKissick moved "Amend and Do Pass" AB 491. Seconded by Mr. May. Carried, with Mr. Lowman voting "No."

Miss Foote moved "Do Pass" SJR 14, seconded by Mr. Kean. Carried.

Mr. McKissick moved "Do Pass" SB 127. Seconded by Mr. Fry. Carried.

Mr. Kean moved "Do Pass" SB 143. Seconded by Mr. Dreyer. Carried.

Mr. Fry announced he has received a conflict notice stating that SB 185 is in conflict with SB 34.

Mr. Fry moved that AB 71 be indefinitely postponed. Seconded by Mr. Lowman. Carried.

Mr. Fry moved that AB 83 be indefinitely postponed. Seconded by Mr. Kean. Carried.

AB 688 - Requires junk and secondhand dealers to use due diligence in purchase of anything ordinarily belonging to a public utility.

MR. STAN WARREN, NEVADA BELL, spoke in favor of the measure, stating that the telephone company has been victim of several principal cases of wire theft in the past year totalling 42,000 pounds of wire, and resulting in a loss to the company of \$51,450. He felt the bill may be of some help in stopping the thefts.

Miss Foote moved that AB 126 be amended to change the wording in lines 3 and 4 to "controlled substance", and the committee recommend "Do Pass as Amended". Seconded by Mr. McKissick. Carried.

Mr. Fry moved that AB 127 be indefinitely postponed. Seconded by Mr. Kean. Carried.

Mr. Fry moved that AB 128 be indefinitely postponed. Seconded by Mr. Kean. Carried.

Mr. Fry moved that AB 129 be indefinitely postponed. Seconded by Mr. Lowman. Carried.

Mr. Torvinen moved that AB 130 be amended in Section 1 to provide that there be an amount required that is sufficient for identification by the prosecution and the defense, and the committee recommend "Do Pass as Amended". Seconded by Mr. McKissick. Carried, with Mr. Fry voting "No."

Mr. Lowman moved that AB 259 be amended to change 5 days to 10 days on line 25, page 1, and the committee recommend "Do Pass as Amended". Seconded by Mr. Fry. Carried.

Mr. Lowman moved that SB 183 be indefinitely postponed. Seconded by Mr. Fry. Carried.

The meeting was adjourned at 5:40 p.m.

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ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date March 19 Time adjournment Room 240

Bills or Resolutions
to be considered

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 688	Requires junk and secondhand dealers to use due diligence in purchase of anything ordinarily belonging to a public utility.	
AB 705	Provides general reform in laws, regulations and procedures governing Nevada State Prison.	
AB 714	Prescribes mandatory provisions to be contained in construction contracts.	
SJR 14	Memorializes Congress to enact legislation to halt abuses in bankruptcies.	
SB 19	Permits game warden to issue citations for violations of fish and game laws.	
SB 127	Clarifies provisions for expert witness fees.	
SB 143	Permits landlord to have lien on tenant or guest's property located in rented house, multiple dwelling units or commercial units and to seal such property at public auction.	
SB 182	Grants immunity in licensing and disciplinary proceedings of professionals and occupations.	
SB 221	Reduces number of commissioner-of-civil-marriage townships.	
SB 236	Makes injury to highway control-of-access fence a crime.	
SB 241	Allows estate less than \$3,000 to be distributed without administration to children of deceased who are not minors.	
SB 242	Requires attorney general to keep record of cases.	
SB 244	Clarifies when state agency may employ legal services other than those of attorney general.	
SB 245	Requires attorney general's opinion to state departments, agencies, boards or commissions.	
<i>AB 641-</i>	<i>misrepresentation to legislature</i>	

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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Subject _____