

SENATE JUDICIARY COMMITTEE

MINUTES

1-9

January 27, 1971

The meeting was called to order by Chairman Monroe at 10:00 a.m.

Committee Members Present: Chairman Monroe
Senator Close
Senator Dodge
Senator Foley
Senator Swobe
Senator Wilson
Senator Young

Guests: Marylee Bone - League of Women Voters
Grant Davis - Legislative Counsel
Randy Capurro - Member of the Assembly
Randy Wright - Legislative Intern for Senator Monroe

S.B. #2 - Increases public administrator's bond in certain counties.

Chairman Monroe asked Randy Capurro to explain cost and flexibility of the blanket bond. Randy Capurro gave the committee the rates he had gotten from Travelers and explained that they give up to a 50% discount depending on the length of the term the bond covers and that it is not difficult to underwrite a bond since it is written on an individual.

Senator Dodge asked could the administrator get coverage for each exposure up to a certain amount. Assemblyman Capurro explained that they would only be covered for the aggregate amount of the bond. Senator Foley asked if the coverage could be expanded and raised as the need arises. Assemblyman Capurro explained that they buy a bond on a particular estate as required by court for the length of time the estate will be handled.

Senator Foley pointed out that the language used in lines 18 and 19, "while acting or illegally refusing to act in his official capacity", is not the same as that used in an administrator's bond. It was decided to hold further discussion until the committee could study an administrator's bond.

S.B. #7 - Prohibits possession or withholding of stolen goods.

Grant Davis submitted a proposed amendment to this bill as follows: Delete lines 16 and 17 and replace with "b) Under such circumstances as should have caused a reasonable man to know such goods or property were so obtained."

Senator Foley asked that the committee read a Supreme Court decision relating to this in order to get some guidelines on constitutionality before proceeding.

S.B. #19 - Permits game wardens to issue citations for violations of fish and game laws.

Grant Davis informed the committee that the language used in this bill was taken from Chapter 484 on issuing of citations and motor vehicles violations. It was agreed that the language does not appear to be necessary, however, since any violation of that title would be a misdemeanor. Senator Foley felt the language should stay since the game warden is a peace officer and it would give him the proper authority to arrest in the case of a felony.

Senator Young asked for further discussion after contacting the Fish and Game Department.

Grant Davis suggested that we amend SB19 by adding NRS 484.795 covering citations for traffic violations. This bill was enacted after NRS 171.106 and should be mentioned so that NRS 171.106, which requires a formal complaint, may refer to all instances wherein a citation may issue without having a formal complaint filed.

Senator Young moved that we so amend SB19, and Senator Swobe second the motion. Motion carried. After discussion with the Fish and Game Department, final action will be taken.

SJR #1* - Excludes fiscal matters from state and local initiative and referendum.

Chairman Monroe expressed his opinion that the taxpayers should be required to appropriate where monies will come from if they want to spend money to change the laws. Senator Foley objected strongly to this, arguing that the taxpayers don't have the knowledge or experience to appropriate how and where the monies will come from. He felt it is up to the legislature to appropriate the funds. Senator Close pointed out that sometimes there

*From the 55th Session

is no way to levy tax when the legislature is not in session and legislature can not raise sales tax; therefore, the monies would come from reducing the expenditures elsewhere.

There was further discussion regarding the fact that this bill would almost eliminate the initiative and referendum procedure and the people would be denied their right to remedy something they felt was wrong. Senator Young pointed out that initiative and referendum was not very successful and was not often tried without assistance from someone with knowledge of the law, who should also be able to provide a means of raising the funds.

Senator Wilson objected that this bill would violate the fundamental constitutional right of address. Senator Dodge pointed out that initiative and referendum was not initially in the early constitutional structure. It was incorporated approximately 50 years after the constitution was adopted. Senator Monroe suggested that we talk to the introducers of the bill at a later meeting before we take final action.

S.J.R. #7 of the 55th Session - Proposes to amend Nevada constitution by advancing deadline for filing initiative petitions to amend the constitution.

There was a short discussion. Senator Foley made a motion to "do pass." Senator Swobe second the motion. Motion carried.

S.J.R. #14 of the 55th Session - Proposes to amend constitution to provide for concurrent or consecutive amendments affecting same provision.

Senator Foley explained that this bill would enable the legislature to introduce a number of bills covering one idea so that in case the first one failed to pass, they would only be two years behind on the next one.

S.J.R. 14 of the 55th Session was not included in the committee's bill books, and they requested time to read it before further discussion.

S.J.R. #23 of the 55th Session - Proposes to amend judicial article of Nevada constitution.

Senator Foley suggested that the constables get notice of the public hearing on this bill. He felt that they would have much to say since this bill would eliminate county constables. A joint public hearing is scheduled tentatively for February 12.

S.B. #32 - Permits expunging records of juveniles in certain circumstances.

Senator Dodge asked if there is now a procedure for expunging. Senator Foley felt that there is no procedure for expunging adults but there is one for juveniles. Grant Davis informed the committee that there is definitely a procedure for expunging adults.

Senator Dodge felt expunging might be somehow incorporated in the bill to change the voting age. Committee will hold further discussion on this bill.

S.B. #43 - Authorizes certain taxpayer actions and provides for attorney's fees therefor.

Senator Young explained that this bill was introduced so that the court would award attorney's fees in a taxpayer's suit if the plaintiff won the suit and recovered funds or property. Senator Close and Senator Dodge both objected to Subsection 1) because they felt that everyone will be filing suits, sometimes just to harass the administration, and felt that there should be some restrictions. Senator Dodge said the basic consideration should be the granting of attorney's fees on any type of litigation. However, he felt it should be the policy to discourage any type of litigation, and adding Subsections 1 and 2 would encourage litigation.

Senator Foley asked for further discussion with the district attorney and city attorneys.

The meeting adjourned at 10:55 a.m.

Respectfully submitted,


Eileen Wynkoop, Secretary

Approved _____