

SENATE JUDICIARY COMMITTEE  
MINUTES

1-13

January 28, 1971

The meeting was called to order by Chairman Monroe at 10:02 a.m.

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

Guests: Mr. Elliott of Fireman's Insurance  
Jean Ford - League of Women Voters  
Senator Proctor Hug  
Barbara Morgan - League of Women  
Voters  
Mrs. Robert I. Rose - no affiliation  
Assemblyman Russ Torvinen

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

Mr. Elliott brought a copy of an administrator's bond. He stated that right now an individual bond is written for each estate and is prorated. The problem if this bill was passed would be in figuring the amount to charge for the bond and devising a form to cover it. He stated that such a blanket bond could probably be written, but suggested the committee incorporate a loophole to use the bond as it now stands in case the companies do not want to develop a new form for this type of bond.

Senator Dodge asked if the committee was satisfied that the language in line 19, "illegally refusing to act in his official capacity," would cover a situation where an administrator refuses to carry out his responsibilities, causing a loss to the estate. Mr. Elliott answered that the wording in the bond agreement "if said Principal shall faithfully execute the duties of the trust," constitutes a trust, and if administrator doesn't carry out the trust, the bonding company is responsible. They have to make sure administrator will perform according to terms of the will.

Senator Foley expressed his desire to read and study the probate code regarding bonds. Further discussion on Monday.

S.J.R. 14 of the 55th Session - Proposes to amend  
constitution to provide for concurrent or  
consecutive amendments affecting same pro-  
vision.  
Committee on Judiciary

Assemblyman Russ Torvinen was asked to speak on this bill. He explained that the thrust of this bill is to enable the legislature to submit similar or nearly similar amendments on the ballot for the people to vote on. If both pass, the one with the most votes would pass.

Senator Foley raised a question regarding Subsection b) on Page 2, "If one or more contradict in substance..." Would it be up to the legislature to determine a contradiction? He felt the extreme of getting one more than the other does not seem to be decisive. Assemblyman Torvinen stated that one more vote would make it the most favorable. He felt that this would also be valuable in that if there is an amendment before the people and legislature need to bring up a like proposal, they would be about to start right away and send it to the people on the next ballot.

Senator Dodge asked if they had not overlooked the inconsistencies that could arise if initiative were not covered. Assemblyman Torvinen suggested that initiative is an independent procedure and like guidelines could be proposed for it.

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

Senator Hug explained the thrust of the bill and introduced Jean Ford of the League of Women Voters. Mrs. Ford submitted a statement to the committee suggesting certain amendments. She stated that the League was generally in favor of this bill and read some recommendations from their statement (attached as part of the minutes).

Senator Foley asked if the League had any feeling that this procedure of expunging should be extended to adults. Mrs. Ford stated that the League had no position on this, but would have no objections. Senator Hug stated that it was suggested to include adults in this bill, but it was after the bill was drafted. It was generally agreed that the bill might have a better chance of passing as it is.

Senator Dodge asked for the League's opinion on giving 18 year olds the right to vote and suggested that perhaps this would be incorporated somehow in that legislation. Mrs. Ford stated the League's position on the 18 year old vote was not yet available, but felt it would not change this legislation since juveniles would apply to any age before becoming an adult.


Senator Dodge asked what procedure was followed now; is it ordered by the court or done at the discretion of a clerk. Mrs. Ford stated that she asked several law enforcement agencies for their policy on expunging, and got only one actual policy. Some agencies have whoever is in charge make the decision. The League would like to see an uniform policy on expunging.

Senator Close asked if a record would be expunged if the offender was certified an adult while a minor, and Mrs. Ford informed him that under the wording in the bill, he would no longer be considered a juvenile.

Senator Close asked if Mrs. Ford could think of any instance where a record might have to be opened. She replied that in instances where applying for a high security job, but under this bill, it would be up to the child to decide if it should be opened.

The meeting adjourned at 10:55 a.m.

Respectfully submitted,

  
Eileen Wynkoop, Secretary

Approved: \_\_\_\_\_

January 28, 1971

Statement regarding SB32

I am Mrs. Jean Ford, State President of the League of Women Voters of Nevada. The League, during the past two years, has included in its<sup>16</sup> study of the problems of juvenile delinquency in Nevada, a rather thorough look at record-keeping as illustrated by Chapter IV of the League's publication, Children in Trouble.

We recognize that records of both a social and legal nature do provide the basis for decision-making in all steps of the juvenile justice system, as well as providing information about conditions in the community which contribute to juvenile delinquency.

However, we feel that some safeguards are necessary to protect the innocent and to provide effective means of fully restoring the social status of the reformed offender. Among these safeguards, we advocate expungement of records either by sealing or destruction.

We see in SB 32 the establishment of a much needed uniform state policy permitting expungement of records and particularly support the following:

1. the inclusion of all records, including records of arrest, in the custody of the juvenile court, probation officer, law enforcement agency, or any other agency or public officials. We have found that arrest records of the referring enforcement agencies are the principal source of knowledge of a minor's past. That record often does not contain final disposition by the court and the inquirer draws his own conclusions regarding guilt.
2. the provision in Sec. 4 for agencies and officials to seal records in their custody and advise the court of their compliance.
3. the provision in Sec. 5 where, upon expungement, all proceedings recounted in the records are deemed never to have occurred and the minor may properly reply, accordingly, to any inquiry concerning the proceedings.
4. the provision in Sec. 6 that, when records are sealed, the juvenile may petition the court to permit inspection of the records by specific persons named and the court may not order inspection of the records under any other circumstances.

We urge consideration of the following amendments:

- A. reduce the conditional interval from 5 years or more to two years
- B. declare the sealing to be mandatory and automatic rather than upon petition of the offender. This procedure is now being followed by the Clark Co. Juvenile Court Services where the person in charge of records goes through the files twice a year and removes those meeting the required conditions and then destroys them.
- C. addition of the definition of the word "sealing" to mean the literal securing of the file and its contents with wax, tape, etc. and removing it to a separate place.

- D. Provision that in all cases of employment, application for )- 17  
license or other civil privilege, the person may be questioned  
only with respect to arrests or convictions not annulled or  
expunged. Exceptions could be set out in cases of high-risk  
employment, such as law enforcement positions and those directly  
involving national security. (I have with me two application  
forms presently in use in Nevada which violate the above recom-  
mendation, one used by University of Nevada, Las Vegas and the  
other by a Las Vegas strip casino.)
- E. Extension of statute to cases of dependency or neglect with  
expungement available immediately upon attainment of majority.
- F. Notice of state policy of expungement included in any copy of  
the sentencing order.
- G. Judgement denying expungement should be made appealable.

The League of Women Voters of Nevada feels that a comprehensive expunge-  
ment statute will demonstrate the belief that most offenders do not remain  
delinquent all their lives and we should not treat them as if they do by  
retention of "a record." We believe this is one of the most important  
pieces of legislation you will consider and would be happy to work with you  
in any way to secure passage in this Session.

Thank you for the opportunity to express these remarks.

APPLICATION FOR ADMISSION

(Read instructions and information on reverse side before proceeding.)

YOUR SOCIAL SECURITY NUMBER
YOUR SELECTIVE SERVICE NUMBER

Table with 2 columns and 2 rows for Social Security and Selective Service numbers.

Full legal name: Mr., Mrs., Miss (Last) (First) (Middle) (Maiden name if married woman)

Check one: Married Single Phone number

Home address (Number and Street) (City) (State) (Zip Code)

Present address (Number and Street) (City) (State) (Zip Code)

Date of birth (Month, Day, Year) Place of birth (City) (State)

If married, name and occupation of spouse

Nevada resident (Check one) Yes No If you have lived elsewhere, when did your present continuous stay in Nevada begin? Give dates if you have been in the U.S.A. armed forces

Country of citizenship Racial origin

If you hold a foreign visa or permit, indicate type Date visa or permit expires

ITEM 2

Father's name (Father, Stepfather, Legal Guardian, cross out two) Check if deceased

Address (Number and Street) (City) (State) (Zip Code) Occupation

Mother's name (Mother, Stepmother, Legal Guardian, cross out two) Check if deceased

Address (Number and Street) (City) (State) (Zip Code) Occupation

If parent or guardian has lived elsewhere, when did present continuous stay in Nevada begin? (Month, Year)

ITEM 3

Undergraduate applicants--Must check college you wish to enter: Business Administration, Education, Fine Arts, General-Technical Studies, Hotel Administration, Humanities, Science and Mathematics, Social Sciences

Academic Major you wish to pursue (See listing reverse side) If major within college is undecided, check here

ITEM 4 Applicants for Graduate Study (Complete only if 4-year college degree earned.)

Check status desired as (a), (b), or (c). (Complete information for status checked--See College and Major listing on reverse side.)

(a) Graduate Standing Degree Sought: M. A. M. S. M. B. A. M.Ed. Ed.S.

(b) Graduate Special (Non-Degree) College\* Major\* Will you at a future date seek a UNLV advanced degree? Yes No Undecided

(c) Second Bachelor's Degree (Complete information for Item 3.)

Have you completed: Graduate Record Examination (GRE) Yes No or Admissions Test Graduate Students in Business (ATGSB)? Yes No Date test(s) taken or to be taken:

ITEM 5

Semester for which you wish to register: Fall 19 Summer 19 Spring 19 2nd Summer 19 High school from which graduated or will be graduated: Name of school City and state Month and year of graduation

ITEM 6

List in chronological order all schools attended or entered since leaving High School (include extension or correspondence courses and any work taken on either campus of University of Nevada)

NAME OF INSTITUTION LOCATION (City and State) MONTH AND YEARS ATTENDED DEGREES EARNED

Table with 4 columns: Name of Institution, Location, Month and Years Attended, Degrees Earned.

Check here if you are now attending one of the institutions mentioned in 5 or 6 (including correspondence or extension work); name institution and list month and year you will complete work there:

ITEM 7

Table with 4 columns: Account for time since high school including periods of employment and employment, City, Location, State, From DATES To Month, Year Month, Year

ITEM 8

Have you been subject to disciplinary or academic suspension or probation at any previous educational institution? Have you ever been convicted or involved in any military or civilian law violation (felony or repeated misdemeanors other than minor traffic violations)?

The statements in this application are true and complete to the best of my knowledge.

Date Signature of applicant

Att 1 c)

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# SILVER SLIPPER

## HUGHES-NEVADA OPERATIONS EMPLOYMENT APPLICATION

All applicants will receive consideration for employment without regard to age, sex, race, creed, color or national origin.

TE \_\_\_\_\_

Kind of Work: _____	Years Experience: _____	Salary Desired: _____
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NAME (Please Print) \_\_\_\_\_

(Last) (First) (Middle)

ADDRESS \_\_\_\_\_

(Number and Street) (City)

(State) (Zip) (Telephone)

Marital Status  
 Single  Married  Divorced  Separated  Widowed

Spouse's Name \_\_\_\_\_

Occupation \_\_\_\_\_ Where Employed \_\_\_\_\_

No. of Children \_\_\_\_\_ Ages \_\_\_\_\_ Other Dependents \_\_\_\_\_

EDUCATION (Circle Highest Grade Completed)

1 2 3 4 5 6 7 8 9 10 11 12

COLLEGE 1 2 3 4 +

Typing Speed \_\_\_\_\_ Shorthand Speed \_\_\_\_\_

Sheriff's Card No. \_\_\_\_\_ Driver Lic. No. \_\_\_\_\_

Health Card No. \_\_\_\_\_ Date Expires \_\_\_\_\_

Age	Birthdate			Social Security Number
	Mo.	Day	Year	
				/ /

Place of Birth \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Color of Eyes \_\_\_\_\_

Sex \_\_\_\_\_ Blood Type \_\_\_\_\_ Color of Hair \_\_\_\_\_

Do you have any physical defects or chronic ailments?  Yes  No

If yes, explain \_\_\_\_\_

SPECIAL TRAINING (What) \_\_\_\_\_

(When) \_\_\_\_\_

(Where) \_\_\_\_\_

### EMPLOYMENT HISTORY FOR PAST 10 YEARS (List LAST Employer FIRST)—ACCOUNT FOR ALL PERIODS OF UNEMPLOYMENT

From		To		EMPLOYER	TYPE OF WORK	PAY	REASON FOR LEAVING
Mo.	Yr.	Mo.	Yr.				
				-----			
				-----			
				-----			
				-----			

(Use additional space on reverse side)

Relatives employed with any Hughes-Nevada Operations: \_\_\_\_\_

Have you ever worked at any other Hughes facility?  Yes  No

If yes, when and where? \_\_\_\_\_

Have you ever applied here before?  Yes  No

If yes, when? \_\_\_\_\_

Have you ever filed a claim for workmen's compensation?  Yes  No

If yes, did you receive an award?  Yes  No

Was it based on permanent disability?  Yes  No

Have you ever been arrested?  Yes  No If yes, give dates, places of arrests, offenses and disposition \_\_\_\_\_

In case of emergency, person to notify \_\_\_\_\_ (Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone)

Credit Reference \_\_\_\_\_ (Name) \_\_\_\_\_ (Address)

In making this application, I realize that my character, reputation for honesty, habits, ability, records of arrest, if any, financial responsibility and reasons for leaving employment may be investigated and that persons who know me, now and/or in the past, may be contacted and questioned about me to which I give my consent.

Anyone who may furnish Hughes-Nevada Operations any information concerning my character, habits, ability, arrest records, financial responsibility or any reason for leaving any employment shall not be responsible for any loss or damage that I may suffer in consequence thereof and further agree that any information obtained by the Company from any source may be held confidential by the Company from all persons and even against any demand made by me.

I understand that any false statements or omissions on this application will be sufficient grounds for discharge.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_



FIREMAN'S FUND INSURANCE COMPANY  
 THE AMERICAN INSURANCE COMPANY  
 NATIONAL SURETY CORPORATION  
 ASSOCIATED INDEMNITY CORPORATION  
 AMERICAN AUTOMOBILE INSURANCE COMPANY  
 HOME OFFICE: SAN FRANCISCO, CALIFORNIA

Attachment 2

Bond No. SF \_\_\_\_\_

BOND OF EXECUTOR OR ADMINISTRATOR—NEVADA

1-20

In the \_\_\_\_\_ Judicial District Court of the State of Nevada

In and for the County of \_\_\_\_\_

In the Matter of the

No. \_\_\_\_\_

\_\_\_\_\_ Bond

KNOW ALL MEN BY THESE PRESENTS:

That we, \_\_\_\_\_  
 as Principal, and the undersigned surety, a corporation, authorized to execute bonds and undertakings as sole surety in the State of Nevada, as Surety, are held and firmly bound unto the State of Nevada, in the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), lawful money of the United States of America, for the payment of which said Principal binds himself, his heirs, executors and administrators, and said Surety binds itself and its successors jointly and severally by these presents.

The Condition of the above Obligation is such: That, Whereas, by an order of the above named Court duly made and entered on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the above bounden Principal was appointed \_\_\_\_\_ of the \_\_\_\_\_, \_\_\_\_\_, Deceased, upon executing a bond according to law in the sum above named.

Now, Therefore, if said Principal shall faithfully execute the duties of the trust, according to law, then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Principal

\_\_\_\_\_  
 Surety

By \_\_\_\_\_  
 Attorney-in-fact



Most Common Fiduciary Bonds

Bonds in Probate Courts:

Estates of Deceased persons:

Administrator - Appointed by the court to administer the estate of one who has died without leaving a will.

Administrator with Will Annexed - Appointed to administer an estate where a will was left but failed to name an Executor or Executor named failed to qualify.

Executor or Trustee - One named in a will to administer an estate.

Estates of Minors:

Guardian - Appointed by court to administer estate of a Minor.

Estates of Incompetents:

Guardian, Committee, Conservator, Curator - All appointed by the court to administer the estate of one who has been declared incompetent.

The above bonds are all very desirable and are written freely in most instances. There are some circumstances which have to be watched, i.e. Principal indebted to the estate; a going business involved; etc.

The Surety Association Rates for these types of bonds are:

	<u>per annum</u>
1st 2,000	\$10/M
next 48,000	5/M
next 150,000	4/M
next 300,000	3/M
next 1,000,000	2/M
over 1,500,000	1/M

Discounts are allowed for premiums paid in advance.

Bonds in Federal Bankruptcy Courts:

Receivers and Trustees - Appointed by the court to collect and liquidate assets and disburse proceeds to the creditors. Always supervised by the Federal Referee

This is very desirable business due to the fact that there is joint control with the Federal Bankruptcy Referee.

Trustee to reorganize - Appointed to reorganize and rehabilitate the business for its continuation as a going concern.

This type of bond is more hazardous as we are dealing with a business that is already in trouble and the ability of the Fiduciary and attorney is most important.

Bonds in Equity Court: (State instead of Federal Bankruptcy Court)

Assignees or Trustees for the benefit of Creditors.  
Commissioners or Trustees for the sale of real estate.

Very desirable - Bond obligation is very simple.

Bond of a Surviving Partner appears rarely but is very hazardous.

Rates: Disbursing Agents, Distributors, Receivers or Trustees appointed solely to marshal the assets, liquidate and distribute to the creditors: 22  
1-

	<u>per annum</u>
up to 100,000	\$4/M
next 150,000	2.50/M
next 250,000	2.00/M
500,000 and up	1.50/M

Receivers, etc. appointed to reorganize - \$10/M

The main underwriting considerations are:

1. The standing of the attorney at law on the case.
2. Integrity of your Principal.
3. Harmony in the situation (don't get involved in family quarrels)
4. Joint Control (in some cases this may be desirable)