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SENATE JUDICIARY COMMITTEE

MINUTES

February 2, 1971

Chairman Monroe called the meeting to order at 9:10 a.m.

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

Guests: Grant Davis - Legislative Counsel  
Bureau

S.B. #13 - Prohibits private practice of law after a certain date by attorney general and certain district attorneys.  
Senators Young, Walker and Wilson

Chairman Monroe asked for the committee's position on the bill. Senator Young suggested the counties give authority on this and expand it to include public defenders. As far as the Attorney General is concerned, amend it to include his deputies. Senator Foley felt that Jim Thompson, Chief Deputy Attorney General, had a good point when he brought up the fact that if there was no private practice, they could not accrue social security benefits and would lose small business tax deduction. He doesn't feel the bill is necessary unless there is a problem of these officials not doing their jobs properly. Senator Young stated he had heard a lot of complaints to that effect. He feels that when private practice is allowed, the officials are not doing their state jobs as well as they should be since they must handle private clients during working hours.

Senator Dodge felt that if trying to encourage career people by increasing salaries, we are not only talking about the staff in the Attorney General's office. He feel it would be a big enough impact involved to discuss with the Finance Committee.

Senator Dodge made a motion to hold the bill in committee. Senator Foley second the motion. In favor - 5, opposed Senators Swobe and Young. Motion carried.

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

Grant Davis read amendment to S.B.2. Senator Close commented that after reading amendment carefully, he would rather not have alternative conditioned upon poor risk because he felt it would be an easy out.

Senator Dodge suggested it be written so that they can either buy an aggregate bond or alternative bond for each estate, and each estate over \$25,000 must have a separate bond. Senator Close suggested also bringing down population figure to include Washoe.

Senator Dodge made a motion to amend and "do pass."  
Motion was second. Motion carried.

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

Senator Young read a letter he received from Fish and Game regarding their recommendations for clarification and the additional authority for Fish and Game wardens to cite for violations of boat law and litter law. (Letter submitted as part of minutes).

Senator Dodge made a motion to amend and "do pass."  
Senator Foley 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.  
Committee on Judiciary

Grant Davis informed the committee that because of the wording in Subsection 1, it would apply to only bills proposed by the Senate or Assembly, and only deals with what legislature has done, not including initiative. He suggested we go through with this one and start another using the same language but including initiative.

Senator Foley stated that he opposed the bill in committee and will oppose it on the floor.

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Senator Dodge made a motion to "do pass." Senator Swobe second the motion. Motion carried (6 in favor; Senator Foley opposed). Senator Foley will file a minority "do not pass" report.

S.B. 14 - Makes gambling checks and other evidences of indebtedness enforceable.  
Senators Lamb, Close, Gibson and Herr

Senator Wilson stated that he would like to know why this bill was introduced. He said that he would vote "no" on it now, until he learns more about it.

Senator Monroe suggested that we invite Senator Lamb in to speak for the bill.

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

Grant Davis informed the committee that "reasonable man" provision was not used in the criminal code. It used the wording "knowledge of such goods or property was so obtained." There was some discussion whether that would mean the same thing. Senator Wilson pointed out that one is knowledge as a state of mind, the other is knowledge later acquired. Senator Dodge felt that a person might receive as an intermediary, but he could be a fact in accessory because he had received.

The committee decided to study the amendment submitted by Grant Davis and take up again.

S.B. 34 - Incorporates Episcopal Diocese of Nevada as successor to missionary district.  
Senator Hug

Senator Hug explained that this bill was proposed to enable Episcopal churches of Nevada to become a diocese instead of a missionary district so that they can appoint their own bishop and operate independently. Then they must file the necessary papers and make annual reports.

Senator Hug pointed out that the wording in Subsection 6 of Section 10 "to purchase or hold ... shall not exceed the annual value of \$10,000," and the wording in Subsection 1 of Section 13 "When the annual income ... the treasurer of the church or congregation shall:", are not consistent. He felt that both sections should refer to "annual income from any real or personal property shall not exceed \$10,000", rather than "annual value."

After further discussion it was decided that since this bill had not been touched since 1862, Grant Davis should go over it and recommend any further amendments.

S.B. #16 - Permits court-decreed adoption without consent of parent, guardian, or agency accepting relinquishment.  
Senators Swobe and Young

Senator Swobe informed the committee that the purpose of this bill was to get the right to appeal when Welfare turns down an adoption; however, the bill was drafted incorrectly. Grant Davis will redraft the bill, and the committee will have further discussion.

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

Senator Young stated that he would be willing to amend so that attorney's fees worked both ways. If the taxpayer lost the case, the fee should go against him.

There was some discussion about the wording in Line 4, "waste of or injury to", leaving the door open for taxpayers suits. Senator Young stated that there have been illegal expenditures and waste of funds and there should be some basis for private citizens to take this to court to have adjudicated, but ordinarily citizens have no recourse to redress the loss.

Senator Wilson stated that he ~~thinks~~ this bill has a lot of merit and it should not be put in the draw because the language is too broad or taxpayers' suits seem inevitable. The committee decided to hear from representatives of county and state before making a final decision.

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Chairman Monroe announced that he had two gaming control bills he would like sponsored by the committee.

Senator Swobe made a motion to introduce the bills, and Senator Young second the motion. Motion carried.

S.B. #47 - Provides for early judicial hearings of matters concerning Tahoe Regional Planning Agency.  
Senator Swobe

Senator Swobe explained that there were some suits pending regarding the constitutionality of the Agency. This bill would enable them to have the matter settled as soon as possible. Then after a couple of sessions when the constitutionality of the Agency is determined, the bill could be appealed. He stated that he had talked to legislators in California, and they are introducing the same bill.

Senator Wilson made a motion to "do pass." Senator Foley second the motion. Motion carried.

Meeting adjourned.

Respectfully yours,

  
Eileen Wynkoop, Secretary

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

*Attachment (a)*



MIKE O'CALLAGHAN  
GOVERNOR

STATE OF NEVADA  
DEPARTMENT OF FISH AND GAME  
1100 VALLEY ROAD, RENO, NEVADA • TELEPHONE 784-6214  
MAIL: P.O. BOX 10678, RENO, NEVADA 89510



FRANK W. GROVES  
DIRECTOR

IN REPLY REFER TO:

January 28, 1971

Senator Cliff Young  
195 S. Sierra Street  
Reno, Nevada

Dear Cliff:

We were pleased to note the introduction of Senate Bill No. 19. . . an Act permitting game wardens to issue citations for violations of fish and game laws.

Glen Griffith mentioned to me that you had a question concerning line 15 of the bill. I am not certain of the specific problem; however, as I recall, two years ago we discussed the legality of our citation and at that time it was our interpretation that the citation was merely a notification to the individual to appear before a magistrate to answer a specific charge. A change was recommended to provide legal status for the citation.

Senate Bill 19 appears to rectify the problem; however, the deletion of parts of line 15 is recommended as shown on the attached copy and, further, we would like to add Chapter 488 Nevada Boat Act and Section 444.210 - Litter Law to line 12 since wardens are required to enforce the provisions of these laws.

If you have any additional questions, please call.

Sincerely,

FRANK W. GROVES, DIRECTOR

By: *Bill*  
William G. Parsons, Chief  
Division of Enforcement

S. B. 19

SENATE BILL NO. 19—SENATOR YOUNG

JANUARY 20, 1971

Referred to Committee on Judiciary

SUMMARY—Permits game wardens to issue citations for violations of fish and game laws. Fiscal Note: No. (BDR 45-242)



EXPLANATION—Matter in *Italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT permitting game wardens to issue citations for violations of fish and game laws; providing a penalty; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. NRS 171.106 is hereby amended to read as follows:  
 2 171.106 If it appears from the complaint *or a citation issued pursuant*  
 3 *to section 2 of this act*, or from an affidavit or affidavits filed with the  
 4 complaint *or citation* that there is probable cause to believe that an offense,  
 5 triable within the county, has been committed and that the defendant has  
 6 committed it, a warrant for the arrest of the defendant shall be issued by  
 7 the magistrate to any peace officer. Upon the request of the district  
 8 attorney a summons instead of a warrant shall issue. More than one  
 9 warrant or summons may issue on the same complaint [ ] *or citation.*  
 10 If a defendant fails to appear in response to the summons, a warrant shall  
 11 issue.

*add Chapt. 488 & 444.210*

12 SEC. 2. Chapter 501 of NRS is hereby amended by adding thereto  
 13 a new section which shall read as follows:  
 14 *Whenever any person is halted by a game warden for any violation of*  
 15 *this title and is not required to be taken before a magistrate, the person*  
 16 *shall, in the discretion of the game warden, either be given a citation or*  
 17 *be taken without unnecessary delay before the proper magistrate. He shall*  
 18 *be taken before the magistrate in either of the following cases:*  
 19 1. *When the person does not furnish satisfactory evidence of identity;*  
 20 *or*  
 21 2. *When the game warden has reasonable and probable grounds to*  
 22 *believe the person will disregard a written promise to appear in court.*