

SENATE JUDICIARY COMMITTEE

K-203

MINUTES

February 25, 1971

Chairman Monroe called the meeting to order at 9:35 a.m.

Committee Members Present:

Chairman Monroe
Senator Close
Senator Dodge
Senator Foley
Senator Swobe
Senator Wilson
Senator Young

Others Present:

Curtis Blyth - Nevada Municipal Association
Keith Mount - Nevada Industrial Commission
Mr. Keith Horner - Assistant Vice President,
First National Bank of Nevada
Senator Proctor Hug
Press

S.B. 181 - Enacts disclosure law for members of public agencies, boards, councils, commissions or corporations.
Senator Wilson

Senator Dodge suggested a provision making non-compliance a malfeasance and Senator Wilson suggested the wording "willful failure to comply herewith will be a malfeasance."

Curtis Blyth was opposed to the bill because he felt that it would miss the people we are after and cause trouble for people we are not after with this bill.

There was some discussion regarding what agencies, councils, and commissions this bill would affect. Senator Dodge felt that it should be aimed at the regulatory type, licensing people, not ministering type, such as the plumbers board. There was some further discussion as to whether or not this bill should be broadened to mention all those that should be included, or left as it is and perhaps exclude some rather than redraft it. Senator Wilson stated that he would rather lose some than to get so unwieldy that it is not going to work.

Curtis Blyth stated that he had been asked to ask why the legislature had not been included in this bill.

There were several suggestions for language, and Grant Davis will redraft an amendment to include such language, including language that would apply to city, county, and state governing bodies.

Senator Dodge wondered if we should include the small counties since in a small county they usually don't have any choice who they deal with. Chairman Monroe stated that he didn't agree with limiting it. He felt that it makes no difference whether its a small or big county, its the idea that the disclosure should apply to.

Senator Dodge also suggested that the measure should not be of gross profit, but should be of gross value.

Curtis Blyth asked to be advised of the amendments that will incorporate these changes, so that he may have an opportunity to be heard again.

S.B. 126 - Limits jurisdiction of medical board in industrial insurance proceedings.
Committee on Judiciary

Mr. Keith Mount of the Nevada Industrial Commission stated that if the committee passes the bill, they will make it hard on the commission and everyone on the board with the wording "are not final and binding." Presently, if a claimant is not satisfied, he has the right to take his claim to court. The medical board can not make a determination on legal questions.

Senator Foley asked Mr. Mount what he thought it would do as far as demands upon commission time in hearing further arguments and testimony of medical matters. Mr. Mount replied that it probably wouldn't make too much difference, possibly 1 or 1-1/2 hours of extra work. He said that somewhere they have to get the decision made. The present procedure does not take any rights away from the claimant. The determination is made by the referee board, not by the attending physician but by three experts in the field. The claimant is allowed to have any testimony at the hearing of the medical referee board. The claimant has the right to go to court or come back and agree with the commission. What this bill would provide is just getting back and starting the argument all over again.

Mr. Mount pointed out that Section 3 says that each member of the board shall receive for compensation of his services, a sum not to exceed \$25.00 per day. They are getting \$100.00 per case at the present time.

Senator Foley stated that he had heard complaints that the board doesn't question the claimant thoroughly. Mr. Mount replied that the board studies the file before seeing a claimant so that the claimant doesn't realize the files have been reviewed. Because they don't give the claimant a thorough examination, he thinks he is being slighted. The medical referee board makes determinations on the treating physicians records.

Senator Dodge suggested amending the bill and Senator Foley asked that the bill be held until the committee which is investigating the NIC finishes their examination.

S.B. 11 - Prohibits illegal use of credit and identification cards.
Senators Fransway, Lamb and Hecht

Mr. Keith Horner, Assistant Vice President of the First National Bank, representing Master Charge testified that they think the bill as a whole is great. They would like to see added to Section 16 having to do with revoked cards, a sub-paragraph 4) to read: "The person knows or has reason to know that the credit card has been revoked, although no notice of revocation has been received." This would take care of somebody taking off and ignoring our correspondence completely so that we can not let them know their card has been revoked.

Senator Wilson pointed out that they could send notification, which would enable them to raise the presumption that if they mailed notice of revocation, it is presumed to be received. But in criminal law any presumption is rebuttable. The committee could not provide a non-rebuttable presumption because it would be unconstitutional.

Senator Foley mentioned that when Mr. Dingler and Mr. Holmes of Nevada National Bank were testifying, they said most of their stolen cards came from California. Mr. Homer felt that fraud was not their biggest problem, it was the person who went beserk and then took off.

No final action was taken.

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

Senator Hug appeared and reviewed the changes suggested by Mr. Ed Reed. The committee agreed that expungement should be on petition after three years.

Senator Dodge suggested we delete sub-paragraph c) in paragraph 1 altogether.

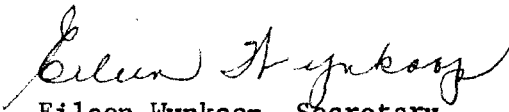
The committee agreed that the time allowed for the public agency to have the records sealed should be 10 days.

Senator Young suggested in a case where adults and children are involved in one case, we should at least grant the right to inspect the records to a co-defendant or to another person involved if he was not covered by the order of expungement.

Senator Dodge felt we should not exclude the minor traffic violations, unless involved in criminal prosecution. Grant Davis will prepare these amendments.

Meeting adjourned at 11:00a.m.

Respectfully submitted,


Eileen Wynkoop, Secretary

Approved: _____