

2-74

SENATE JUDICIARY COMMITTEE

MINUTES

March 12, 1971

Chairman Monroe called the meeting to order at 8:30 A.M.

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

Others Present: Phil Hannafin - Director, Nevada Gaming Comm.
Russell Nash - Legal Aid Society

S.B. #171 - Creates Investigative Revolving Fund for use
of Gaming Commission, Gaming Control Board.
Senator Wilson

Phil Hannafin submitted an amendment to the committee which would provide that at the end of each fiscal year, all funds in excess of \$2,000 would be returned to the general fund in the state treasury. This bill was proposed because in the course of these investigations, his employees have had to pay for their expenses out of their own pockets because the per diem laws were so restrictive regarding reimbursement. This way the expenses would be paid from the trust fund only upon receipt. Senator Dodge questioned Mr. Hannafin about fiscal control. Mr. Hannafin replied that they would be audited by the Legislative Fiscal Analyst.

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

Mr. Hannafin asked for committee introduction on a bill that would provide that the commission would have to revoke a licensee on the second violation of Chapter 465, which is the chapter covering serious violations such as cheating. As the law is presently, they have had to turn their backs on some violations because they felt they weren't serious enough to pull the license. This would give them flexibility to use disciplinary action rather than revocation.

The committee voted in favor of sponsoring this bill.

S.B. #176 - Limits garnishment and execution on earnings.
Committee on Judiciary

Russell Nash from the Legal Aid Society informed the committee that this bill was drafted incorrectly. Senator Dodge mentioned that Jim Guinan was redrafting it to correct the transposition of 25% and 75%. Russell Nash pointed out that Line 2 on Page 2 should read "whichever is more". On Page 1, Line 24 exempts everything up to \$48.00 a week in disposable earnings. He suggested putting the words "for each week of" in Line 25.

No final action was taken pending Jim Guinan's amendment.

S.J.R. #22- Provides for appointment and election of
district judges.
Senators Foley, Monroe, Wilson and Young.

The chairman suggested taking up this bill since there was a full committee present. Senator Dodge explained his opposition to this bill as a matter of timing since he felt it would endanger S.J.R. #23. Senator Young felt that there are certain advantages in district court judges running for election. He felt it is more palatable than straight out appointment.

Senator Foley made a motion to "do pass." Senator Young second the motion. The vote on the motion went as follows:
Yeas - Senators Foley, Wilson, Young and Chairman Monroe (4)
Nays - Senators Dodge, Swobe and Close (3)

Senator Dodge reserved the right to oppose the bill on the Senate Floor.

S.B. #12 - Codifies law of evidence.
Senators Close, Young and Swobe.

Senator Close submitted an amendment to cover the dead man's statute. "Transactions or conversations or actions of a deceased person are admissible if supported by corroborative evidence." The amendment was approved by the committee.

The committee will vote on the bill as a whole when all amendments are finalized.

S.J.R. #21 - Proposes to amend the Nevada Constitution by
requiring that Governor and Lieutenant Governor
be elected jointly as a team.
Senator Dodge

Senator Dodge informed the committee that this resolution, which was discussed on March 11, was re-referred to the Committee on Federal, State and Local Governments.

S.B. #249 - Allows discharge of joint defendant under certain
conditions for purpose of serving as state witness.
Committee on Judiciary

Senator Wilson explained that this bill would allow you to call a joint

defendant as a witness by dismissing the charge and calling him to testify against a co-defendant. Senator Young felt this was not needed since there is now a provision for granting immunity.

The committee will hear further testimony.

S.B. #237 - Permits peace officers to release certain arrested persons from custody.
Senator Swobe

The committee felt the bill was too broad and unnecessary.

Senator Young made a motion to "do not pass". Senator Swobe second the motion. Motion carried.

S.B. #251 - Clarifies definition of "policy of title insurance"; defines "title insurance."
Committee on Judiciary.

The committee did not know where the bill came from or what it was intended to correct.

Senator Foley made a motion to "do not pass". Senator Swobe second the motion. Motion carried.

S.B. #252 - Provides for allowance of attorneys' fees in civil actions.
Committee on Judiciary.

Senators Swobe and Foley did not have any appetite for the bill. Senator Close felt that the existing law is absolutely unfair to the defendant in that the plaintiff can sue for \$10,100 and even though he may get less than \$10,000, he would get attorneys' fees. He suggested changing the words "recovered" in Sections 3a and 3b to "sought" and retain the original language.

No final action was taken.

S.B. #262 - Prohibits licensees from having gaming interests outside State of Nevada.
Senator Foley.

Senator Wilson felt that this bill should not go out if it's an issue. Senator Swobe made a motion to hold the bill in committee. Senator Wilson second the motion.

The vote on that motion was:

Yeas - Chairman Monroe, Senators Close, Swobe, Dodge, Wilson and Young (6)
Nays - Senator Foley (1)

S.B. #294 - Provides a bail hearing for offenses committed while on bail.
Committee on Judiciary.

Senator Dodge suggested considering this bill with S.B. #255 which makes

2-00

committing a felony while on bail a separate offense. There was discussion on S.B. #255 regarding whether an acquittal of the first charge would make him preempt from the provisions of this bill. Senator Wilson pointed out that the crime was committing an offense while on bail and did not depend on whether or not the person was acquitted from the first offense.

Senator Close felt that doubling the sentence for persons convicted of another offense while on bail would be fair. Senator Young felt this would be unfair if the person were later found innocent of the first offense. Senator Wilson pointed out that this language was not mandatory, it was left to the judges discretion.

Senator Dodge felt that since they were after the professional criminal, it could be limited to crimes of violence. Senator Wilson suggested increasing the maximum the judge could impose in these cases.

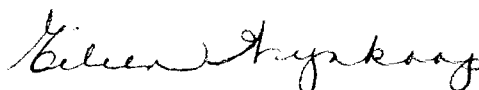
Senator Wilson was troubled by the fact that this legislation and others like it were being introduced because the legislature has lost faith in the judges discretion to impose a maximum sentence. Senator Close agreed and felt that nothing would be accomplished by passing this bill. He pointed out that if the habitual criminal bill passes, it will increase the minimum sentence. He felt we should hold this bill until we get some action on the other one.

Senator Dodge felt that we should draft Section 2 of S.B. #255 into S.B. #294, and felt the idea of a hearing was a good idea. Senator Young suggested changing the language in S.B. #294 to conform with S.B. #255 covering felonies only.

No final action was taken.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____