

of a full trial if held on a preliminary basis, but a judge would spend all his time hearing appeals. He suggested guidelines could be made by a provision for the court to set up their own rules. 2-10

No final action was taken.

A.B. #30 - Permits real estate agents to receive customary commissions for sales of property from decedents' estates.
Assemblyman Lingenfelter.

Assemblyman Corky Lingenfelter testified on this bill. He said that as the law is presently written, after a bona fide sale of estate property, in no case can the realtor make more than 5%. He felt personally that the estates are being cheated because of this. This bill would change the commission to what is customarily charged: 6% on improved land, 10% on unimproved land.

No final action was taken.

S.B. #226 - Requires deposit of security for bail bonds before release from custody.
Senators Walker and Herr

Senator Lee Walker testified on this bill. He said that the fidelity or surety companies have to post a bond with the insurance commission, the professional bondsmen do not have to post any bond. They sign a promissory note that is not secured and sometimes are not required to sign anything. This would provide that they would have to secure any bond they write. It does not interfere with the judges right to release a person on his own recognizance.

No final action was taken.

S.B. #90 - Proposes various Amendments to law concerning licensing, control of corporate gaming.
Committee on Judiciary.

Mr. Ed Bowers appeared before the committee representing Mr. Jack Deal who could not be there. Chairman Monroe explained that they were having problems with certain provisions of the bill, and asked for Mr. Bowers help in clarifying them.

Subsection 4 of Section 4 on Page 2, Line 9 was discussed first. There was an amendment proposed that would protect the confidentiality by providing release of information to the IRS or FBI "pursuant to the rules and regulations adopted by the commission." This would mean the commission would have to approve the release of information on a case by case basis. Mr. Bowers testified this was necessary because different counsel have ruled it to be discretionary to release this information, others ruled it was mandatory. Chairman Monroe felt they need this protection because if the federal government continues to come in and get any information they want, it would be damaging to the gaming industry in the state. He said at this point, the state and the federal government are not cooperating.

2-12

Senator Foley pointed out that Section 6 of the proposed bill would exempt the court of record whereas the original bill exempted the court of competent jurisdiction. This change would exclude the federal courts. Senators Foley and Wilson felt this would not be a good policy.

Senator Dodge pointed out that there should be some notice to the applicant or licensee that this information was released. Grant Davis will prepare that amendment.

Senator Dodge asked Mr. Bowers if he felt the waiver provisions in Section 11 were too broad and asked him for a list of those provisions in which he felt there ought to be flexibility of waivers.

Senator Foley was opposed to the amendment in Section 3 since he felt the Attorney General was elected the chief advisor in the state and they shouldn't go over his head to hire outside advisors. Senators Dodge and Wilson, and Mr. Bowers explained that sometimes advice is needed on matters that are not strictly legal, but complex financial transactions regarding securities. Advisors in other states might be more qualified and experienced to handle these matters.

No final action was taken pending finalization of the amendments adopted today.

S.B. #457 - Provides declaratory relief from court orders prohibiting publication, broadcasting of lawfully obtained information concerning trials and other proceedings.
Committee on Judiciary.

Mr. Richard J. Schuster, Publisher of the Reno Gazette Journal testified that they are interested in this bill because the district court judges stepped on their constitutional rights by prohibiting them to report something which took place in open court.

His testimony was: "Our reporter was in court routinely taking names of jurors and was contacted by the public defender who said 'you certainly aren't going to run those names' and the reporter said that it was the decision of the editors. The public defender went to the District Attorney who agreed that these names shouldn't be used. Then the public defender approached the judge and repeated that he thought the names should not be used, and the judge said that the press had been responsible in the past but felt we needed a little help. He ruled that we should not use the names although it was of public record in court. When we asked him to reconsider it he said he would. But on the advice of the District Attorney he refused to change his ruling."

The issue was whether they should or should not use the names of the jurors. The question was who under the constitution has the right to make that decision. They went to court and asked for relief and were ignored. They then took the case to the supreme court and it was scheduled to come up for hearing after the trial. At that point the supreme court declared the case mute.

This bill would provide a way for them to get to court and have the

decision made whether it is their prerogative or the courts prerogative.

Mr. Jerry Whithead an attorney from Reno, testified that in his opinion, if the statutes allowed provisions for declaratory relief, approximately 25 or 30 case matters would no longer be mute because the matter could come up again.

He was wondering if we could tie "earliest practicable moment" down. The committee felt it should be left to the discretion of the judge.

Senator Wilson made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

S.B. #167 - Provides civil remedies and criminal penalties for unlawful burning.
Senator Swobe.

Chairman Monroe read the amendment to this bill. The amendment would insert on Line 23, Page 2, "and areas which are under the control of U.S. Forest Service."

Senator Dodge made a motion to amend and "do pass." Senator Swobe seconded the motion. Motion carried.

Senator Swobe asked that the following be included in the record: "The committees intent is to not unreasonably prevent the building of fires along a railroad right-of-way by railroad personnel for the purpose of burning weeds or other materials in conjunction with maintenance work."

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

Chairman Monroe read the amendments to the bill.

Senator Swobe made a motion to amend and "do pass." Senator Young seconded the motion. Motion carried.

S.B. #91 - Changes organizational structure, operational procedures of State Gaming Control Board and Nevada Gaming Commission.
Committee on Judiciary.

Chairman Monroe read the amendment to the bill.

Senator Dodge made a motion to amend and "do pass." Senator Close seconded the motion. Motion carried.

S.B. #403 - Creates civil search warrant for inspection of premises.
Committee on Judiciary.

Senator Swobe requested the bill be killed because he felt it was an invasion of individuals residence. Senator Dodge suggested holding the bill.

2-51

No final action was taken.

S.B. #291 - Increases period for candidates to change political party affiliation prior to primary election.
Senator Titlow.

Chairman Monroe read the amendment to this bill which deleted 10 days and inserted one year.

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

S.B. #307 - Grants subpoena power to officials of University of Nevada System in faculty hearings.
Senator Dodge.

Chairman Monroe read the amendment suggested by Neil Humphrey to make the subpoena power applicable to "all instances involving disciplinary hearings of members of the university community."

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

A.B. #220 - Provides for special state election to be held June 8, 1971, on proposal to amend Nevada Constitution to reduce minimum voting age to 18 years.

Mr. Alex Coon, Chief Deputy, Washoe County Clerk's Office, testified their concern was that for the 18 year old vote, as the bill is presently written, their closure of registration is at variance with the city closure of registration. Page 3, Line 20 - 23, mentions 20 to 30 days before election day as the close of registration.

The city elections close of registration is 6 weeks. They are asking to either add to subsection 4, or create a new section, to state: "In those counties where there is a city election on this date, closure of registration may coincide with that closure of registration." If it stays as presently written, he felt it would only be confusing to the people.

No final action was taken.

Meeting adjourned at 10:45 a.m.

Respectfully submitted,

Eileen Wynkoop
Eileen Wynkoop, Secretary

Approved: _____