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SENATE JUDICIARY COMMITTEE

MINUTES

March 30, 1971

Chairman Monroe called the meeting to order at 8:40 a.m.

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

Others Present: Mr. Clark Guild, Jr. - Reno Attorney
Grant Davis - Legislative Counsel Bureau
Judge John Mendoza
Jean Ford - League of Women Voters

A.B. # 72 - Requires assumption fee to be stated in deed of trust
Committee on Commerce

Mr. Clark Guild, Jr. representing Southwest Gas Corporation and Sierra Pacific Power Company questioned if this bill refers to original execution or by the proposed change "the assuming party." He felt there should be a provision to let the borrower know if he signs a deed of trust or promissory note, he has to pay the assumption fee. Senator Close suggested amending Line 4 to provide that if an assumption fee is charged for a change in parties after July 1, 1971, the amount of such charge shall be clearly set forth in the deed of trust.

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

S.B. #541 - Removes certain inconsistencies in penalty and probation provisions in criminal law.
Committee on Judiciary.

Grant Davis said this is a clean up bill because there are definite penalties in the narcotics sections which do not permit probation. This bill does not change those provisions.

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

S.B. #540 - Establishes procedures for determination of heirship in estates of deceased persons.
Committee on Judiciary.

Senator Foley made a motion to "kill" this bill. Senator Swobe seconded the motion. Motion carried.

S.J.R. 25 - Proposes to amend Nevada Constitution by allowing Legislature to establish intermediate appellate courts and by including judges of such courts within impeachment power of Legislature.
Senators Foley and Young.

Senator Dodge felt it would be a mistake to pass this when S.J.R. 23 is in the mixer. He felt that if S.J.R. #23 was not a valid approach, we should not have put it out. He also said that we had provided flexibility in S.J.R. #23 for enlargement of the supreme court by allowing them to sit in panel if necessary.

Senator Wilson said there was a serious question in the supreme court of whether we need an intermediate court of appeals. He felt some of the supreme court would oppose this bill.

No final action was taken.

A.B. #202 - Provides industrial insurance coverage for work performed by children ordered to work by juvenile court.

Judge John Mendoza testified that this bill is necessary because presently they don't have insurance coverage for work details in juvenile detention homes. He said the NIC is not opposed to the bill, and that the state would pay the premium, but it would be minimal.

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

A.B. #504 - Abolishes stepparent immunity from contempt, removes administrative duties of probation committee, and requires restitution, under Juvenile Court Act.

Judge Mendoza testified that this bill would allow him to order stepparents of a child involved in juvenile proceedings into court. He said they have had a problem of stepparents not appearing, and felt that their appearance and involvement is necessary for control in the home in instances of probation.

Senator Foley made a motion to "do pass." Senator Young seconded the motion. Motion carried.

A.B. #141 - Grants justices' and municipal courts original jurisdiction for juvenile traffic offenses.

Judge Mendoza testified that this bill would change the procedure for handling minor traffic offenses for juveniles. He said that the juvenile courts could no longer handle the volume of these cases.

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

A.B. #203 - Establishes probation subsidy program for youthful offenders.

Judge Mendoza testified that if children can not function in the home, the only other place they can be sent is to a state institution. The Welfare Department can not treat delinquent children. This bill would provide for treatment in

the community so that they would not have to be sent to a state institution, which are filled to peak capacity on all facilities. It provides for intensive supervision by probation officers, half-way houses, etc. Judge Mendoza said that there is available a matching federal grant for this purpose in the amount of \$350,000.

Jean Ford of the League of Women Voters said that the League is very much in support of the 5 bills regarding juveniles.

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

A.B. #569 - Authorizes persons 18 years old and over to vote in national, state elections depending on result of state special election.
Committee on Elections.

Jean Ford stated that the Assembly did not look at S.B. #175 when they passed this bill out. She said the bills are alike except A.B. #569 does not provide for participation in party affairs. Senator Dodge felt they should have participation in the state convention and other party affairs.

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

A.B. #548 - Requires state, county, city, and local governments to grant employees leave of absence while serving in elective or appointed public offices.

Senator Dodge felt this bill was unfair because it would remove the sheriff from exposure, and leave all other state employees subject to exposure. The Sheriff would be the only public servant in Nevada who would be removed.

After further discussion, the committee will ask Russ MacDonald for further testimony.

Meeting adjourned at 10:45 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____