

SENATE JUDICIARY COMMITTEE

MINUTES

April 20, 1971

Chairman Monroe called the meeting to order at 9:20 a.m.

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

Absent: Senator Wilson

Others Present: Richard J. Edwards - Attorney, Highway Dept.  
Robert List - Attorney General  
Assemblyman McKissick  
Howard E. Barrett - Administrative Director  
Dick Morgan - Nevada Education Association  
Grant Davis - Legislative Counsel Bureau  
Bob Gagnier - Executive Secretary - Personnel

A.B. #426 - Adopts extensive provisions relating to voting machines.  
Assemblyman Dreyer.

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

A.B. #809 - Relieves person from child support payment if his visitation rights are denied.  
Committee on Judiciary.

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

A.B. #384 - Increases monetary limit on sovereign liability and provides for waiver of such limit.  
Assemblyman McKissick

Mr. Richard G. Edwards, attorney for the Highway Department testified for this bill. He said that in the event a plaintiff was precluded from suing the state, they would sue the employee. He felt there is no way the state can satisfy that judgment.

Mr. Bob Gagnier representing the State Employees, informed the committee that Line 12 in Subsection 1 is incorrect. It should read: "may not exceed". He also stated they were very much in favor of the amendments adopted by the Assembly.

Mr. Bob List testified against this bill. He felt that there was an ambiguity between Line 3 in Section 1 and Line 13 in Section 2. He questioned

2-221  
if the \$100,000 referred to in Line 13 is the same judgment as the \$100,000 referred to on the preceding page; or whether this means \$100,000 judgment against the state, and a second \$100,000 judgment against the employee.

Mr. List stated that he thought if this amount is increased, the State of Nevada will be in a lawsuit for everything filed, and there will be more cases filed because they will be getting larger awards.

Mr. Howard Barrett, Administrative Director of the State, testified that the state carries liability insurance on automobiles and vehicles. We have \$100,000 deductible up to \$1,000,000.

Assemblyman McKissick testified that this increase would raise the rates about 11%. If TCID pays \$10,000 for insurance now, if this bill passes they would be paying \$11,100.

Mr. Richard Morgan, Executive Director of the Nevada Education Association testified on this bill also. He had several questions the committee answered for him.

Senators Dodge, Foley and Young were reluctant to do anything with this bill in this short time. They felt the committee should take this up early in the next session and see what they can do all the way around. Senator Young made a motion to "hold" this bill. Senator Swobe seconded the motion. Motion carried.

A.B. #457 - Provides for organization of county courts.  
Committee on Judiciary.

Senator Foley felt that this bill is not needed because S.J.R. #23<sup>\*</sup> takes care of the initial implementation. He suggested we could take care of this when the next session begins. Senator Young was opposed to it because of the money it would cost to implement it, but felt it should be studied further in the interim.

Senator Close felt this would really cause a problem in Las Vegas.

Senator Foley made a motion to "bucket" this bill. Senator Young seconded the motion. The vote on the motion was as follows:

Yeas: Senators Close, Foley, Young and Chairman Monroe. (4)  
Nays: Senators Dodge and Swobe. (2)  
Absent: Senator Wilson. (1)

Motion carried.

A.B. #744 - Changes membership of Board of Pardons  
Commissioners if Constitution is amended  
in 1972.  
Assemblyman Fry.

Senator Dodge suggested that we change the amount in Page 2, Line 10 from \$30.00 to \$25.00, and provide a provision that not more than 2 appointed members from the public belong to the same political party. Senator Foley suggested another amendment to provide for a staggering system of appointments.

2-300

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

A.B. #301 - Codifies crimes of assault and aggravated assault.  
Assemblyman Fry.

Senator Close read a letter from Bob List stating that the purpose of the bill is to broaden the definition of assault, and to provide a penalty of a misdemeanor for battery without a deadly weapon, and a gross misdemeanor for battery with a deadly weapon. Senator Dodge was opposed to changing the definition of assault. He felt it is questionable if we should begin to create new concepts on a definition of a crime.

Grant Davis suggested retaining the existing definition of assault, and leaving the bill the way it is.

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

A.J.R. 31 - Proposes to amend the Nevada Constitution by  
creating a criminal court of appeals.  
Assemblyman Torvinen.

Senator Dodge stated that this should probably be started on its way this session as an alternative in case S.J.R. 23 does not pass. Then we could take another look at it next session.

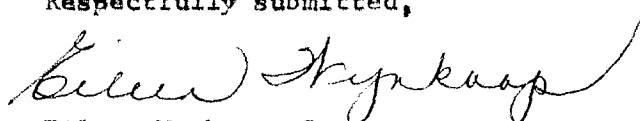
Senator Close felt that this should apply to both civil and criminal cases.

Senator Young suggested changing the wording to "has been docketed" on Page 3, Line 4.

Senator Dodge suggested offering an amendment on this bill and going to conference.

Meeting adjourned at 10:30 a.m.

Respectfully submitted,

  
Eileen Wynkoop, Secretary

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