

JUDICIARY COMMITTEE
57th NEVADA ASSEMBLY SESSION

MINUTES

APRIL 12, 1973

The meeting was called to order by Mr. Keith Hayes, Chairman.

MEMBERS PRESENT: MESSRS: HAYES, BARENGO, GLOVER, TORVINEN, HUFF, FRY,
LOWMAN, HICKEY, AND MISS FOOTE.

MEMBERS ABSENT: NONE

GUESTS PRESENT: see attached

Col. Lambert testified in behalf of A.B. 943. He stated that the basic purpose of this bill is to try and clarify some of the problems in the traffic code. There were some omission and language in the Uniform Vehicle Code adopted in 1969. In Section 6 on Page 4 there are some amendments on "right of way", this is a section which was objected to by AAA and COL. Lambert presented a list of prepared amendments. These should remove the objections.

Mr. Torvinen commented that these amendments will restore the presumption of innocence.

Mr. Virgil Anderson representing AAA said that the amendments would be an improvement, but a policy decision is in order. An implication in this bill is that it would remove any obligation on the part of the driver of a vehicle making a left hand turn on a thru street to exercise caution or to yield. This should be attended.

Mr. Hannifin testified on A.B. 779 and S.B. 385 which are similar bills. S.B. 385 has had several minor amendments and is at this time in more polished form than A.B. 779. At present the only reason for revoking or suspending a work permit is cheating. The premise behind these two bills is that there are several other reasons that should be grounds for revocation or suspension of a work permit. As the gambling industry has increased the original concern that an employee might cheat the public has expanded to the employee who cheats the house. It has become a highly organized operation. We feel this legislation is necessary and the only difference in these bills is that S.B. 385 already has been amended.

Mr. Hannifin also spoke in favor of S.B. 547 saying that it made the handling of certain problems more practical.

Mr. Bill Adams, Assistant City Manager of Las Vegas, said that they would like to go on record as being in favor of the amended version of S.B. 385.

Mr. Les Kofoed stated that these bills (S.B. 385 & A.B. 779) are necessary tools and the control board needs them to continue the fine job they are doing in this area.

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Teen Patterson from Las Vegas, and a free lance shorthand reporter addressed the Committee in favor of A.B. 929. This bill is similar to one passed in California to set up and establish procedures for certifying shorthand reporters. There would be a once a year examination. He called Committee attention to specific instances of incompetency and gross error in the area of shorthand reporting. He said this could be conducted without dipping into the tax payers till. Shorthand reporters should be certified and this would be a barometer by which attorneys especially could judge competence.

Mr. Torvinen asked what the provisions would be for those presently engaged in shorthand reporting in the state.

Mr. Patterson said that it would grandfather them in. This has been the topic for several debates, but after passage it would allow for immediate administrative control so that if someone was not doing the job it could be handled. There are also provisions for reciprocity.

Mr. R. Tuttle, a freelance shorthand reporter from Reno said there are only two things this bill attempts to do. 1. Protect the public and 2. Protect ourselves. This will upgrade the quality of reporting.

Mr. Roy Woofter, Clark County District Attorney, spoke in favor of S.B. 461. He stated that there is a need to compensate for the loss of private practice otherwise there is likely to be a mass exodus of deputies. He said that he had already requested the County Commissioners to eliminate deputies private practice and raise their salaries approximately 25%.

Mr. Torvinen pointed out that the effective date of this bill is 7-1-75. Therefore, if the County Commissioners have not acted by that time the 75' legislature could.

Mr. Allen Bray, Chief Criminal deputy attorney for the City Attorney's Office in Las Vegas testified on S.B. 461. The Mayor and four Co. Commissioners of Las Vegas are in favor of allowing private practice for the City Attorney and his deputies, including them in this bill would be contrary to their wishes. The City Attorney only makes \$19,000 per year which is gross undercompensation for the job. We feel that the Las Vegas City Attorney should not be included in this bill.

Jim Thompson representing the Attorney General's Office said that they are really not opposed to this bill if a salary increase is included. The current raises range from 2 to 10% which is really not considered meaningful.

Mr. Larry Hicks, Chief Criminal Deputy for the Washoe County DA's Office, talked in support of S.B. 461 which seems to be in the best interest of the County and the State. It is also very important to have compensating increases. He said that the feeling in their office is that city attorney and their deputies be included, because since all of these public offices draw from the same pool for employment and would otherwise create an unfair advantage.

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Mr. Woofter re-appeared to speak in favor of S.B. 262, the wire tap bill. It changes our statute to conform with the federal statute. It even strengthens this since an illegal tap is a felony. It changes the consent consideration to only one consenting party.

He stated that he would also like to comment on the death penalty bill, S.B. 545. In discussing this bill with Bob Rose, Washoe County DA, there are strong reservations concerning Section 5, Page 3, sub-section d. This is too all encompassing. Mr. Hicks and Mr. Thompson joined in this discussion. This bill would imply that every time in the past when a jury gave a life sentence they were wrong. If they followed the law as it is presented in this bill they would be imposing the death penalty in a vast majority of murder cases so if they felt that a person would get death they would be very likely to change 1st to 2nd degree verdict. It was felt that S.B. 545 should be expanded along the lines of A.B. 265. The senate has said in this bill that all murder can be capitol murder. This will probably run afoul according to the court guidelines. A.B. 265 also has legislative findings which is an aid to the court. Under S.B. 545 only capitol murders could be denied bail and this should extend to other murders too according to Mr. Torvinen's conversation with a judge. The opinions of these three gentlemen seemed to be in accord with A.B. 265, but it was pointed out that S.B. 545 is further along the way and has a better chance of passage. Mr. Hayes asked if Mr. Barenco, Mr. Hickey, and Mr. Torvinen can get together with Mr. Hicks, Mr. Thompson, and Mr. Woofter and work out the necessary amendments and report back to Committee. This was agreed upon. It was felt that A.B. 265 could be incorporated into S.B. 545. Mr. Hayes said that he has talked with members of the Senate and they have conceded that they will agree with reasonable amendments.

Mr. Stan Warren, representing Nevada Bell, spoke to the Committee concerning S.B. 262. He suggested some amendments to this bill (see attached) In the section of judicial supervision Mr. Warren asked that a good faith reliance by a public utility be included.

Mr. Jim Thompson told the Committee that S.B. 262 brings Nevada law into line with federal statutes and that our present law is unconstitutional. He also said that Nevada had a wire tap statute 11 years before there was federal regulation.

MEETING ADJOURNED

April 12, 1973
Assembly

AMENDMENTS TO NEVADA PUBLIC BILL NO. 762
(Second Reprint)

Amendment No. 1

On page 1 of the first reprint of the bill, line
25 after "11." insert:

"1."

Amendment No. 2

On page 2, between lines 36 and 37 insert:

"2. A good faith reliance ^{by a PUBLIC UTILITY} on a court order
shall constitute a complete defense to any civil or criminal
action brought under this Chapter."

Amendment No. 3

On page 2, between lines 47 and 48 insert:

"3. A good faith reliance by a public utility
on a written request for interception by one party to a
conversation shall be a complete defense to any civil or
criminal action brought against the public utility on
account of such interception."

484.317 - Proposed Amendments - Sec. 6
484.319 - Proposed Amendments - Sec. 7

AB 943

Sec. 6. NRS 484.317 is hereby amended to read as follows:

484.317 The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle [which has approached or is] approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. [, but such driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn.]

Sec. 7. NRS 484.319 is hereby amended to read as follows:

484.319 [1. Where proper signs have been erected, the driver of a vehicle shall stop or yield at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard, but such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on such through highway shall yield the right of way to the vehicles so proceeding into or across the through highway.] Except when traffic is being controlled by a police officer or a traffic-control signal:

1. When proper signs have been erected, the driver of a vehicle shall stop or yield at a clearly marked stop line or, if there is none, before entering the crosswalk on the near side of the intersection or, if there is none, then at the point nearest the intersection where the driver has a view of approaching traffic on the through highway. After having stopped or, in the event of a yield sign, slowed or stopped, the driver shall yield the right of way to other vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

2. The driver of a vehicle shall stop in obedience to a stop sign or yield in compliance with a yield sign [at], in compliance with the manner prescribed in subsection 1, prior to entering an intersection if a stop sign or a yield sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obligated to stop or yield and which are within the intersection or approaching so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

AGENDA FOR COMMITTEE ON JUD. JUDICIARY

Date THURSDAY APRIL 12 Time 2:00 PM Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
A.B. 779	INCREASES AUTHORITY OF NEVADA GAMING COMMISSION TO REVOKE GAMING EMPLOYEES' WORK PERMITS.	
A.B. 929	ESTABLISHES CERTIFIED SHORTHAND REPORTERS BOARD AND PROVIDES FOR EXAMINATION AND LICENSING OF SHORTHAND REPORTERS.	
AB. 313	SPECIFICALLY PROHIBITS CONVERSION OF RENTED OR LEASED MOTOR VEHICLES.	
S.C.R. 21	SUGGESTS AN AMENDMENT TO AN ILLUSTRATIVE FORM IN THE NEVADA RULES OF CIVIL PROCEDURE.	
S.B. 385	INCREASES AUTHORITY OF NEVADA GAMING COMMISSION TO REVOKE GAMING EMPLOYEES' WORK PERMITS.	
S.B. 450	PERMITS COURT TO ALLOW JURY TO SEPARATE AFTER IT RETIRES TO DELIBERATE.	
S.B. 461	PROHIBITS PRIVATE PRACTICE OF LAW BY DEPUTY ATTORNEYS GENERAL AND CERTAIN DISTRICT ATTORNEYS, PUBLIC DEFENDERS AND THEIR DEPUTIES.	
S.B. 547	PERMITS NEVADA GAMING COMMISSION TO EXEMPT BANKS FROM GAMING LICENSING REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.	

*Please do not ask for counsel unless necessary.