

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

18th DAY OF APRIL, 1973

The meeting was called to order at 8:30 a.m. Senator Close in the Chair.

PRESENT: Senator Foley
 Senator Bryan
 Senator Dodge
 Senator Hecht
 Senator Wilson

Assemblyman Torvinen
 Assemblywoman Jean Ford
 Assemblyman Leslie Mack Fry
 Noel Manoukian
 Richard Morgan

EXCUSED: Senator Swobe

S.B. 479 - Expands jurisdiction of State
 Board of Parole Commissioners.

Assemblyman Torvinen explained that the Assembly Judiciary Committee amended the bill to allow for parole jurisdiction only until expiration of the term of imprisonment imposed by the court, but irrespective of any good time credits. The committee agreed to concur in the amendment rather than loose any extended jurisdiction.

Senator Dodge moved to concur in the amendment. Motion seconded by Senator Wilson. Motion carried.

S.B. 458 - Requires good-faith performance
 of franchises between liquor
 suppliers and wholesalers and
 provides sanctions for any breach.

The assembly amended this bill to be effective on passage and approval.

Senator Wilson moved to concur in the amendment. Motion seconded by Senator Bryan.

Yeas - 4
 Nays - Hecht (1)
 Absent - Foley, Swobe (2)

Motion carried.

SJR 30 - Proposes to amend Nevada Constitution by authorizing Legislature to expand membership of Supreme Court and to authorize division of Supreme Court into panels for hearing certain cases.

This bill arose from discussions of the resolutions concerning court reform broken out of Proposition 4 which was defeated at the last election. Chairman Close announced that it would be declared an emergency measure and transmitted to the Assembly for action.

Senator Dodge moved "DO PASS." Motion seconded by Senator Wilson. Motion carried.

S.B. 580 - Increasing burdens of importing, retailing or wholesaling intoxicating liquor.

Senator Dodge moved to indefinitely postpone action on this bill. Motion seconded by Senator Hecht. Motion carried.

A.B. 781 - Prohibits specifically larceny of vehicles.

The committee agreed to reinstate a "joy-riding" statute by making it applicable to intent to deprive as suggested by Senator Bryan.

Senator Dodge moved to amend and "DO PASS." Motion seconded by Senator Foley. Motion carried.

S.B. 575 - Revises extend and priority of mechanics' and materialmen's liens and certain notice procedures.

Senator Bryan requested that the record show that the committee had previously agreed to pass the bill out with an amendment addressing only the second part of the bill dealing with the time for the lien to run. When the Chairman consulted the bill drafter on the amendment, he was informed that the amendment would require a major overhaul of many sections to correct mechanical problems. It being late in the session, the committee felt there would not be enough time to consider and act on the bill.

Senator Dodge moved to indefinitely postpone action on the bill.

Yeas - 5
Nays - None
Not Voting - Bryan (1)
Absent - Swobe (1)

Motion carried.

A.B. 47 - Provides standards of ethical conduct for public officers and employees and established a State Ethics Commission.

Assemblywoman Jean Ford testified that S.B. 592 is the same as A.B. 367 which was killed by the Assembly; and A.B. 166 was also killed. Out of the three bills the Assembly considered and had hearings on, A.B. 47 is the one they agreed on. This bill is the result of an interim study committee, it received substantial support on the Assembly floor, and the Committee on Ways and Means has approved an appropriation of \$5,000 for the State Ethics Commission to operate for the next biennium.

Mrs. Ford stated that this is a "read and heed" type of bill which declares a policy which has not been declared in the statutes before applying to public employees, and sets up a code of ethical conduct. There was an effort to include a provision for a broad type of financial disclosure in the bill, but it only received 14 out of 40 votes in the Assembly.

Senator Wilson asked Mrs. Ford what the jurisdiction of the Ethics Committee would be. Mrs. Ford replied that they would only provide guidance and a place for Legislators or public employees to go for opinions. She stated that in other states they have printed advisory opinions which have been given to Legislators.

Senator Dodge asked if the provision on Section 5, subsection 1, relating to public officers seeking or accepting employment, engagement, or economic opportunity would preclude Legislators who are directors of banks from serving in the Legislature. Mrs. Ford stated that she did not read that in the bill, and referred to Section 9 which would give the Commission guidance on questions affecting public officers.

Senator Bryan remarked that he liked the concept of an ethics commission but was concerned about the method of appointment. He asked what the justification was to include a member appointed by the Attorney General, the Nevada State Employee's Association, Nevada Association of County Commissioners and the Nevada Municipal Association. Mrs. Ford replied that she personally preferred that the entire 5 members be appointed by the Governor. Senator Wilson commented that those municipal organizations included in the bill had been asked to develop standards and they have not responded. Mrs. Ford stated that since there was considerable sentiment among some members of the Assembly against the outlined appointment of the ethics commission, she felt that they would concur in an amendment making the commission appointed by the Governor.

Senator Dodge remarked that he has been in favor of this type of legislation for a long time but had never seen a proposal with

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enough teeth in it. He felt that the public needs assurance that the Legislature is drawing its attention to this matter, and that this is a desirable piece of legislation from the standpoint of the public.

Senator Bryan remarked that he preferred to act on S.B. 592 but understood that it was not likely to pass the Assembly. Senator Wilson stated that this bill should be passed or the chance of making any headway this session would be lost. Mrs. Ford agreed and added that the bill would still need to be referred to the Finance Committee. The Committee will ask the Finance Committee to adopt the amendment should they favorably report the bill out.

Senator Dodge moved to re-refer to the Committee on Finance. Senator Foley seconded the motion. Motion carried.

S.B. 265 - Enacts disclosure law for members of public agencies, boards, councils, commissions, or corporations.

Senator Wilson stated that since it is late in the session and in light of the action taken by the Assembly, this bill would not be processed.

Senator Hecht moved to indefinitely postpone action on this bill. Motion seconded by Senator Dodge. Motion carried.

S.B. 592 - Provides standards of ethical conduct for public officers and employees, creates State Ethics Commission and requires disclosure of economic interests.

Senator Dodge moved to indefinitely postpone action on this bill. Motion seconded by Senator Foley. Motion carried.

A.B. 33 - Permits district attorneys to obtain commitment of certain drug addicts.

Senator Dodge stated that he feels this bill is premature since at the present time there are no treatment centers set up in areas other than Washoe and Clark Counties. He also stated that in his opinion, probation offers law enforcement more leverage to keep a drug addict out of trouble than does this bill.

Senator Close objected to the fact that a drug offender would have the opportunity, with the concurrence of the judge and the court, to go to a treatment facility without getting a conviction. He stated that he would have less objection to the bill being amended

to allow an addict to go to a treatment facility after conviction.

Senator Bryan remarked that he liked the idea of the bill but agreed that the limitation of facilities is a serious problem.

A.B. 750 - Removes sheriff's responsibility for deputies' acts and power to remove them.

Assemblyman Mack Fry testified that there is presently a statute which exonerates the sheriff from acts of his deputies and this bill would merely conform those sections by removing the conflicting provision in NRS 248.040.

Senator Foley moved "DO PASS." Motion seconded by Senator Wilson.

Yeas - 5
Nays - Hecht (1)
Absent - Swobe (1)

Motion carried.

A.B. 273 - Establishes notice and hearing procedure for claim and delivery actions consistent with constitutional requirements.

Assemblyman Fry testified that this bill is the result of action taken by the Washoe County District Attorney's office. They directed the sheriff not to honor any more claim and delivery actions unless some form of due process is granted to the holder of the property. The due process aspect is a result of a recent supreme court decision.

Senator Hecht moved "DO PASS." Motion seconded by Senator Wilson.
Motion carried.

A.B. 898 - Provides greater protection for consumers under provisions relating to statutory liens.

Assemblyman Fry testified that the original bill attempted to bring the present lien statutes into line with the constitutional dictates of claim and delivery. However, since it was introduced so late in the session, they limited it to non-possessory liens.

A.B. 929 - Establishes certified shorthand reports board and provides for examination and licensing of shorthand reporters.

Assemblyman Mack Fry testified that the Assembly Judiciary Committee

had testimony from Teen Patterson of Las Vegas and Dick Tuttle who were very much in favor of this bill.

This would solve a problem of itinerant court reporters who are unable to read their own notes. It would require court reporters to be certified in the state. Nevada is one of the few Western states that does not certify court reporters.

A.B. 824 - Establishes a registry in Department of Health, Welfare, and Rehabilitation and requires report to department of motor vehicles of persons who are blind, partially blind, or night-blind.

The committee agreed to amend the bill to remove the reference to "financial inability" and leave the remaining definition of a blind person to be those whose visual acuity does not exceed 20/200 or a 20° field of vision. In order to get those persons who receive special property tax considerations through the assessor's office, an amendment which would require reporting from agencies of the state and political subdivisions would be inserted.

Senator Bryan moved to amend and "DO PASS." Motion seconded by Senator Hecht. Motion carried.

A.B. 234 - Imposes additional criminal penalties if certain crimes are committed while perpetrator is in possession of firearm.

Senator Bryan moved to reconsider the previous action taken on this bill. Motion seconded by Senator Foley. Motion carried.

Mr. Noel Manoukian submitted two sets of amendments to eliminate the objections pointed out by the committee in previous meetings. One amendment would delete everything and start from scratch making the prison sentence double for persons committing a crime with the use of a deadly weapon. The other amendment was quite lengthy in that it amended each statute separately and imposed additional sentences for the use of a firearm in certain crimes.

Senator Dodge spoke for the committee when he stated that although he had sympathy for the amendment which dealt with the use of firearms section by section, he felt that it was too late in the session to try processing such a lengthy amendment.


Senator Bryan moved to adopt the simpler amendment which would double the sentences for using a deadly weapon, and "DO PASS" as amended. Senator Foley seconded the motion. Motion carried.

S.B. 316 - Grant privilege against disclosure
for certain communications between
students, counselors, and teachers.

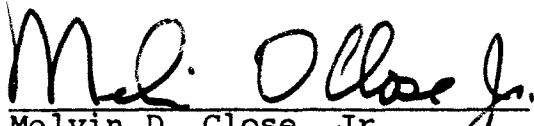
Mr. Morgan explained that the Assembly had amended this bill further (3rd reprint) and by so doing reinserted the common law privilege which was removed by this committee. Senator Bryan moved not to concur in the amendment and go to a conference committee to restore the bill to the form of the first reprint. Motion seconded by Senator Wilson. Motion carried.

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,


Eileen Wynkoop
Secretary

APPROVED:


Melvin D. Close, Jr.
Chairman