

## SENATE JUDICIARY COMMITTEE

## MINUTES OF MEETING

MARCH 4, 1975

The meeting was called to order at 9:10 a.m. Senator Close was in the Chair.

PRESENT:                    Senator Close  
                               Senator Wilson  
                               Senator Bryan  
                               Senator Sheerin  
                               Senator Dodge  
                               Senator Foote  
                               Senator Hilbrecht

## ABSENT:

AB 124 Amends provisions on suspension of drivers' licenses, issuance of demerit points, and time for hearings.

William Fitzpatrick, Chief of Drivers' License appeared on behalf of this bill. He stated that it is primarily a housekeeping bill under the area in which they may suspend a license. The first amendment he proposed would be in the case of a conviction of two or more traffic violations on a single occasion. He requested that points be assessed for one violation only, and in the event the point values differ, the offense having the greater point value will be assessed. He stated that this was presently being done through rules and regulations but they felt it advisable to include it in the appropriate statute.

He stated that the deletion on line 24 of page 2 of "the most recently acquired" was also in keeping with present practice. Three points are cancelled irrespective of the date of conviction so that language is superfluous.

Under Section 10, which pertains to the hearings under the provisions of the Motor Vehicles Safety Responsibility Act, they are requesting that the time for a hearing be extended to 60 days. The reason for this being that because of the types of hearings conducted and the involvement pertaining to notifying attorneys, witnesses, etc., 20 days is just not sufficient.

In regard to this point, Senator Wilson questioned as to whether or not the person's license would be suspended during that 60 day period. Mr. Fitzpatrick replied that any suspension action is waived until the completion of the hearing.

Senator Bryan moved an "amend and do pass,"  
 Seconded by Senator Hilbrecht,  
 Motion carried unanimously. Senators Wilson and Dodge were absent from the vote.

AB 187 Clarifies procedures upon arrest of certain traffic law offenders.

Col. James L. Lambert, Department of Motor Vehicles stated that the purpose of AB 187 was to clarify the present language in

Senate Judiciary Committee  
 Minutes of Meeting  
 March 4, 1975  
 Page Two

AB 187 NRS 484.791. The first amendment requested would substitute the term "controlled substances" for "narcotic drugs" to be in compliance with the statutes that deal with controlled substances. He stated that in Section 1, subsection (d) the NRS statutes are improperly referenced in that the general frame of the subsection (d) is that of failure to stop, give information, or render assistance while the NRS referenced deals with accidents involving damage to property or vehicles. In response to a question by Senator Bryan pertaining to a penalty provision for NRS 484.223, Col. Lambert stated that all of the sections of Chapter 484 contain misdemeanor penalties unless specifically listed as a gross misdemeanor or felony.

Senator Bryan moved an "amend and do pass,"  
 Seconded by Senator Foote,  
 Motion carried unanimously. Senator Dodge was absent from the vote.

SB 173 Enacts the Nevada Antitrust Act.

Fran Breen, Nevada Banker's Association presented some amendments to the bill. The bill as drafted now, exempts, under subsection 3 of Section 8, "conduct which is expressly authorized, regulated or approved by a statute of this state or of the United States, or the administrative agency of this state or the United States having jurisdiction of the subject matter". He would like to broaden this by adding "activities authorized ... matter". He informed the Committee that at the present time, banks and other financial institutions involved in merger activities or in putting banks into holding companies must have approval of the State Bank or the Superintendent of Banks and on the national level, the Comptroller of Currency and in some instances, the Federal Reserve Board. Mr. Breen stated he had given a copy of these amendments to the Attorney General's office and they had no objections to them. In regard to the second proposed amendment, he stated that in the field of antitrust, if a matter deals purely with interstate commerce, the state cannot become involved and vice versa. The Clayton Act, which comprises Sections 12 through 22 and 27 of Title 15 of the U.S. Code (specifically Section 21) places jurisdiction over banks and other financial institutions with the Federal Reserve Board so therefore there would be no need for state legislation in this area.

Donald Klasic, Attorney General's Office reviewed the bill, section by section with the Committee and made the following observations:

Section 3 - Legislative declaration as to the purpose of the bill. Stated that this is basically self-explanatory and that hopefully it would serve as a guide to the court's interpretation of the bill.

Section 4 - Proposed amendment to subparagraphs 3 and 4 which would read "service means any activity performed for the purpose of economic gain which does not substantially affect interstate

Senate Judiciary Committee  
Minutes of Meeting  
March 4, 1975  
Page Three

SB 173 commerce." Suggested that by confining it exclusively to intra-state commerce, it might be too restrictive.

At this point, Senator Wilson suggested that the Committee try to settle on what they wanted to accomplish with this bill. He stated that it takes very little to affect interstate commerce and that we may be creating jurisdictional problems by putting in limiting language. By putting this language in here, you are seriously limiting jurisdictionally the thrust of the state's court remedy. After a brief discussion on this point, Senator Close suggested that Mr. Klasic re-examine the language and report back to the Committee.

Section 5 - Basically a restatement of the Sherman Acts, One and Two.

Section 6 - No discussion.

Section 7 - Merger provisions taken almost verbatim from the federal act. Senator Close suggested the term "person" (as defined in Section 4, subsection 2) be inserted in lieu of "corporation" in this section and throughout the entire bill.

Section 8 - Discussed amendments as proposed by Mr. Breen and stated that their office had no objection to them.

Section 9 - Spells out authority of the Attorney General with regard to enforcement, investigation of suspected violation, types of proceedings that may be instituted, etc.

Section 10 - Delineates jurisdiction of district courts.

Section 11 - Establishes procedures by which the Attorney General may obtain information on suspected violations. Subparagraph 2 outlines the safeguards for the person under investigation.

Mr. Klasic will report back to the Committee on the suggested amendments and the bill will be set for further hearing at a later date.

No action was taken at this time.

SB 229 Provides for certain changes in provisions relating to juveniles and juvenile court judges.

Senator Bryan stated that he had several objections to the bill in its present form. One problem is with subsection 3 of Section 2 in that the district attorney and the probation officer will be in conflict with each other. He stated that according to previous testimony, the problem only existed in the rural counties where a

Senate Judiciary Committee  
 Minutes of Meeting  
 March 4, 1975  
 Page Four

SB 229 conflict of interest might arise.  
 Senator Hilbrecht stated that he did not believe a peace officer should be able to file a petition when the district or city attorney has declined to do so.  
 Senator Sheerin moved to delete subsection 3 of Section 2; motion was seconded by Senator Hilbrecht and carried unanimously. Senator Dodge was absent from the vote.  
 Senator Sheerin pointed out that in order to delete this subsection, lines 43 and 44 of page 2 will have to be amended to retain the original language.

Senator Bryan stated that he would like to see the "Actual Bias" provision ingrafted into this bill.  
 Senator Wilson responded that this may create a problem in that some judges may give severe warnings to first-time offenders in an attempt to keep them out of further trouble and in doing so, may lay the groundwork for an actual bias affidavit. Senator Bryan felt this problem could be taken care of by eliminating the affidavit of disqualification, which requires no showing at all. Then they must prove actual bias.

Senator Close stated that subsection 6 of Section 2 was being amended to include "The petition may be dismissed upon successful completion of the terms and conditions of the supervision and consent decree."  
 Senator Bryan felt that before the provisions of this subsection become operative, there should be a petition before the court. It was his concern that the subsection does not affirmatively state that there has to be a petition before the court.  
 Senator Close suggested amending it to read "Upon petition, the judge or master may..."

Senator Close read to the Committee the following amendments:  
 Page 4, line 6, after the word "shall" insert "upon application";  
 Page 4, line 8, after the word "excluding" insert "Saturday."

In regard to Section 4, Senator Bryan informed the Committee that NRS 62.060 is a provision which presently vests with the juvenile court, discretion to certify a minor that is between the ages of 18 and 21 as an adult in the appropriate case, and that it was his opinion that this discretion should be retained.  
 Senator Dodge moved to delete Section 4; motion was seconded by Senator Bryan. Motion carried. Senator Foote voting NO.

Senator Wilson moved to "amend and do pass,"  
 Seconded by Senator Bryan,  
 Motion carried unanimously.

SB 230 Grants justices' and municipal courts original jurisdiction of juvenile traffic offenses.


Senate Judiciary Committee  
Minutes of Meeting  
March 4, 1975  
Page Five

SB 230 Senator Sheerin stated that what the bill basically does is to let minor juvenile traffic offenses be handled in the regular court system. Additionally, although the bill does not say it, the proponents of the bill would like to have it apply only to Clark County in that there is not much of a problem in the other counties. Senator Dodge informed the Committee that the Department of Motor Vehicles wished to amend page 3, line 18 to give them the authority to suspend or restrict a driver's license.

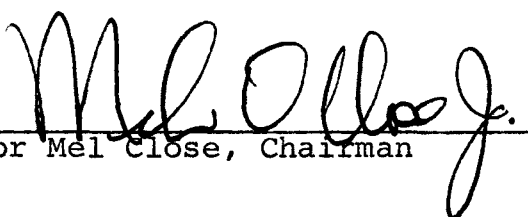
No action was taken at this time.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Cheri Kinsley, Secretary

APPROVED:

  
Senator Mel Close, Chairman