

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

APRIL 21, 1975

The meeting was called to order at 8:20 a.m. Senator Close was in the Chair.

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

SB 324 Makes certain conduct in state parks unlawful.

Eric Cronkhite and Dave Neasham, Nevada State Park System, testified that passage of this bill would enable the Park Service to enforce their rules and regulations. *(See attached.)*

The Committee objected to the bill as written as being too specific and suggested they localize the rules and regulations to apply to different areas. They felt it was not flexible on a statewide basis.

The Committee suggested that Mr. Cronkhite contact other park departments in the West, including federal parks, to see how they enforce their rules and regulations and to report back to the Committee.

There was no action taken at this time.

SB 519 Provides for use of postmarked date on certain mailed documents and payments as date of filing or payment.

Leonard Winkleman, Department of Motor Vehicles, asked for clarification of "other competent evidence" and the section on written notification on documents not received.

Bruce Robb, Guild Hagen & Clark, Attorneys, stated that paragraph 2, a and b, provides that burden of proof of payment is on the taxpayer and that he must show the state agency two things in order to avoid a penalty: 1) prove that he mailed it timely, and 2) file a duplicate within 30 days after notification by the state agency. He said this did not put the burden of notification on the state agency.

The Committee requested Frank Daykin to provide language for "evidence of content" of mailed items; on line 6 say "post office postmark", on line 9 delete "erroneous", change line 16 to read "15 days after the sender becomes aware that it was not received."

No action was taken at this time.

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SB 507 Conforms law concerning state militia to practice of non-discrimination on basis of sex.

Senator Bryan was requested to consult with Tony Clark and report back to the Committee.

There was no action taken at this time.

SB 517 Defines crime of aggravated robbery.

The Committee agreed to hold this bill until they see what action is taken on AB 502.

There was no action taken at this time.

SB 521 Clarifies entitlement to judicial review of final decision in contested case.

Senator Sheerin moved a "do pass",
 Seconded by Senator Hilbrecht,
 Motion carried unanimously.

SJR 23 Proposes to amend Nevada Constitution by providing for chief judge in certain judicial districts.

The Committee made amendments on: line 1, page 2, change "qualified electors" to "qualified registered voters"; line 13, delete brackets around "divisions"; line 15, to read "administrative powers and duties".

Senator Wilson moved a "do pass as amended",
 Seconded by Senator Dodge,
 Motion carried unanimously.


SJR 30 of the 57th Session - 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.


Senator Bryan moved a "reconsider this bill",
 Seconded by Senator Sheerin,
 Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

APPROVED:


 Senator Ollson, Chairman


 Katherine Berry, Secretary



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
CONSERVATION AND NATURAL RESOURCES DIVISION
NYE BUILDING, ROOM 216
201 S. FALL STREET
CARSON CITY 89701

ROBERT LIST
ATTORNEY GENERAL

L. WILLIAM PAUL
DEPUTY ATTORNEY GENERAL

April 18, 1975

The Honorable Mel Close
Chairman, Senate Judiciary Committee
Legislative Building
Carson City, Nv 89701

Dear Senator Close:

Re: S.B. 324

This letter is written in support of the above referenced Park legislation. It is similar to legislation proposed in the 1973 Session and is brought about due to the refusal of some District Attorneys to prosecute citations for violation of park regulations on the constitutional grounds that only the Legislature can define a crime.

Specifically, the District Attorneys in Churchill and Pershing Counties have taken this position. In addition, Assemblyman Barengo, when he was with the Washoe County District Attorney's office likewise took this position, as did Judge Peter Breen when he was in private practice and represented a client who had been cited into Justice Court. In this later instance, it was reported to me that Judge William Beemer, of Reno, agreed with Peter Breen's theory and made a statement to the effect that if a person were cited into his Court for an alleged violation of a State park regulation, and pleaded guilty, he would fine him, but that if he pleaded not guilty, he would dismiss the case or refer it to District Court for a determination of the constitutional question.

This situation leaves our park rangers in the untenable position of attempting to enforce regulations that have no teeth. It is a frustrating experience for them, and I respectfully urge your favorable consideration of this bill.

Yours very truly,

A handwritten signature in cursive script, reading "L. William Paul".

L. William Paul
Deputy Attorney General

LWP:m

cc Members of Judiciary Committee



**NEVADA
STATE
PARK
SYSTEM**

ERIC R. CRONKHITE
Administrator

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201 S. FALL STREET
CARSON CITY
NEVADA 89701
702/882-7339
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April 21, 1975

Senator Mel Close, Chairman
Senate Judiciary Committee
Legislative Building
Carson City, Nevada 89701

Dear Senator Close:

The Nevada state parks are maintained for the convenience and enjoyment of the public. To assist the visitor in enjoying a visit, park rules and regulations have been established.

We have been asked by district attorneys to have our administrative rules and regulations replaced by statute law so that there would be no question of misdemeanor prosecution for the rare visitor who will not cooperate in protecting the parks and other visitors.

The bill which you are considering consists, mainly, of present regulations established by the State Park Administrator under NRS 407.047 and NRS 233 B. These regulations are not covered elsewhere in the Nevada Revised Statutes, and are required to enable the State Park System to carry out its duties as outlined in Section 407.065, 2 of the NRS; "Protect state parks and property controlled or administered by it (The Nevada State Park System) from misuse or damage and to preserve the peace within such areas."

We rarely need to cite a visitor; most of our contacts are educational. We find that visitors are eager to help us protect our parks, and often ask us what the park rules are. In the last three years, with a visitation of over 4,500,000, we have issued less than 40 citations.

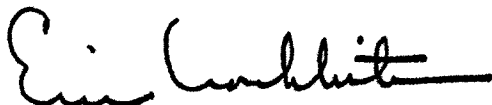
All of our ranger personnel have been certified as Peace Officers and have completed the basic 120-hour Peace Officer Standard Training course, presented by the Crime Commission.

Quoting from our Law Enforcement Policy Manual, the following summarizes our attitude regarding the Peace Officer's duties:

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"The Nevada State Park System's primary function is not law enforcement. Our job is to acquire, protect, develop and interpret a well balanced system of areas of outstanding scenic, recreational, scientific and historical importance for the inspiration, use and enjoyment of the people of the State of Nevada and that such areas shall be held in trust as irreplaceable portions of Nevada's natural and historic heritage," NRS - 407.013 - Declaration of Legislative Intent.

Sincerely,



Eric R. Cronkhite
Administrator

ERC:lk

copy to: Judiciary Committee