

MINUTES

JUDICIARY COMMITTEE

February 10, 1977

9:10 a.m.

Members Present: Chairman Barengo
Vice Chairman Hayes
Mr. Price
Mr. Coulter
Mrs. Wagner
Mr. Sena
Mr. Ross
Mr. Polish
Mr. Banner

Guests Present: Mr. Gene Milligan, Nevada Assoc. of Realtors
Assemblyman Robinson

Chairman Barengo called this meeting to order at 9:10 a.m.

Assembly Bill 62:

Mr. Gene Milligan was first to testify on this bill, stating that they had not requested this bill, however, they thought it was a good bill and they would endorse it. Often times liens are placed and people don't know about it and they feel this measure would take care of it. Not as a suggestion to amend this bill, but merely as "food for thought", Mr. Milligan asked of the committee is there a way of validating a claim against a piece of property. Thereafter there was considerable discussion on this matter. Mr. Barengo then described to all the reasoning behind Mr. Robinson's bill and what happened to him personally.

At this point Chairman Barengo handed out to committee gaming information received from the American Civil Liberties Union of Nevada, Exhibit A.

Assemblyman Robert Robinson then testified on behalf of A.B. 62 stating that the one thing that concerned him about the bill, is if they fail to do it, nothing happens, that there is nothing in this bill to enforce it. He said that it seems to him that if it is important enough for a person to file a lien at the time of second trust deed or other encumbrances placed upon the property that they record it and at the time the encumbrances are lifted that recording of the reconveyance would be a routine thing. Thereafter there was considerable discussion on this bill and proposed changes and/or amendments to this bill. Chairman Barengo stated that perhaps they could delete section 3 in addition to Mrs. Wagner's proposal that there should be some period of time. Chairman Barengo stated that this addresses itself to the "Uniform Land Transfers Act" that does delve into this entire area. Chairman Barengo then appointed a sub-committee of Mr. Ross, Mrs. Hayes and Mr. Sena to look further into this.

Chairman Barengo then informed the committee that Senator Hilbrecht asked that they introduce a bill, the summary of which is: "An act relating to deeds of trust limiting the declaration of default or the acceleration of the duties secured and providing other matters properly relating thereto." Discussion followed. Mrs. Wagner moved to introduce the bill, Mr. Ross seconded it. Voting went as follows:

Assembly

Yea's: Chairman Barengo, Vice Chairman Hayes, Mr. Price, Mrs. Wagner, Mr. Sena, Mr. Ross, Mr. Polish and Mr. Banner.
Abstained: Mr. Coulter. Motion passed.

Chairman Barengo mentioned that he had another bill which he planned to introduce personally, however, if anyone was interested in making it a committee introduction they were welcome to. Mr. Barengo stated that this is a good senior citizens bill. Further, it deletes the requirement for deduction of social security from benefits payable under the Motor Vehicle Insurance Act. Discussion followed. Mr. Sena moved to introduce this bill as a committee; Mr. Ross seconded the motion. Motion passed unanimously.

Mr. Barengo and Mrs. Wagner then delivered testimony and insight as to Bulletin No. 77-3 "Training, Qualifications, Workloads and Leave Policies of the Judiciary and District Attorneys".

Assembly Bill 42:

Mr. Teen Patterson of the Associated Reporters of Nevada then offered information from their standpoint on this bill. Thereafter, Mr. Ross moved to Indefinitely Postpone this A.B. 42, seconded by Mrs. Hayes. Unanimously approved.

Assembly Bill 5:

Mrs. Hayes moved to indefinitely postpone A.B. 5, Mrs. Wagner seconded. Unanimously approved.

Mr. Nash moved to adopt the minutes of 1/31/77, 2/1/77, 2/3/77, 2/4/77 and 2/7/77, Mr. Price seconded the motion. Unanimously approved.

Assembly Bill 26:

Mr. Ross moved that the committee move A.B. 26 onto the floor with a DO PASS recommendation, Mrs. Wagner seconded. Motion for a DO PASS was unanimous.

Mrs. Hayes moved that the committee adjourn, Mr. Sena seconded the motion. Chairman Barengo adjourned the meeting at 11:13 a.m.

Respectfully submitted,

(A.B. 296)

Anne M. Peirce
Anne M. Peirce, Secretary

(A.B. 297)

american civil liberties union of nevada

401 E. Fremont, Suite 11, Las Vegas, Nv. 89101 386-4837

February 1, 1977

Hon. Robert Barengo
Legislative Building
401 S. Carson
Carson City, Nv. 89701

Dear Assemblyman Barengo:

It had been our intent to present the enclosed position papers to the now defunct joint committee on gaming. In lieu of that I hope that you will distribute these to the members of your Judiciary Committee, in hopes that some consideration can be given our comments in your deliberations.

I will be happy to answer any questions you or the other committee members may have regarding our position on gaming law reform.

Thank you for your consideration.

Very truly yours,


Stephanie Barrett
Executive Director

January 24, 1977

TO: The Legislative Subcommittee for Review of Gaming Laws
House Judiciary Committee
Senate Judiciary Committee
Governor Mike O'Callaghan

FROM: State Board of Directors,
American Civil Liberties Union

SUBJECT: Gaming law reform

The American Civil Liberties Union of Nevada fully supports the legislative revision of gaming regulations and procedures. The position of ACLUN is that strict gaming control and enforcement can be fully consistent with due process and equal protection rights of all concerned. However, if forced to choose between stern regulations and what is constitutional, clearly the Constitution has priority. It is not enough that Nevada has legalized gambling; it is essential that the administration of it be lawful and within the bounds of constitutional guarantees.

I. BACKGROUND

Legislation passed in the 1950's reflected official concern with the hazard that legal gambling might attract a criminal element. The State was mindful that federal regulations could be imposed if Nevada did not clean its own house. The result was a proliferation of laws which are now failing to pass constitutional tests.

Even in the early 1960's there was little legal gambling outside Nevada, but today 44 states have some form of legalized gambling and more are proposed. According to the 1976 report of the National Gambling Commission, an overwhelming majority of Americans (over 80%) regard gambling as an acceptable activity and nearly two-thirds of Americans make wagers of one kind or another.

As legalized gaming becomes more widespread, it is incumbent upon Nevada to present the best possible example of fair and lawful controls and regulations.

II. AREAS OF CONCERN

For laws to be effective they must be able to withstand constitutional tests and all regulations should be scrutinized with

this in mind. At this time, however, we point to those areas in which ACLUW has received the largest number of complaints--practices affecting low-level employees and customers.

EMPLOYEES

A. Work cards - Assuming that there is justification for the requirement of work cards for employees involved in the gaming industry, it is essential that:

1. Clear and unambiguous guidelines be established as to which job classifications must be certified acceptable by law enforcement agencies, and what standards of acceptability are to apply for each classification.
2. Applicants for work cards should be informed, in writing, of the requirement for meeting standards of acceptability prior to application.
3. Denial of a work card should be accompanied by a written statement of the reasons for such denial and an explanation of due process procedures for appeal.
4. Conditions, actions, grounds or procedures that may lead to revocation or suspension should be given, in writing, to each successful applicant at the time of issuance of the work card.
5. Notice of suspension or revocation should be given, in writing, a reasonable time prior to such action, with an explanation of grounds for the action and an explanation of procedural due process provisions for appeal or reinstatement.
6. Employees of the gaming industry should be protected from arbitrary action unrelated to job performance.

B. Lie detectors - Some statutory regulation should be considered preventing employers from requiring lie detector tests as a condition of employment. This practice is a violation of the employee's rights to privacy, against self-incrimination and to due process, as guaranteed by the Fourth, Fifth and Fourteenth Amendments.

CUSTOMERS

It is essential that laws and regulations governing casinos in their dealings with the public be clearly defined by statute to assure the protection of Nevada's reputation and the constitutional rights of patrons. The designation of gaming as a "privileged" industry simply means that it is permitted to exist so long as it is conducted in a suitable manner, and in no way implies that privilege is given to operate above and beyond the law.

The National Gambling Commission was highly critical of Nevada regulations in the area of player protection. The Commission said that if a state legalizes gambling, it should bear the responsibility for protecting the interests of those whose gambling it sanctions and promotes.

A flagrant example of customer abuse is the exclusion, ejection or harassment of persons designated as system players (card counters). Blackjack is currently the most popular casino game, primarily because of the personal involvement by the player in decision making. This characteristic of blackjack has greatly increased volume and revenues, and yet some casinos have embarked on a concerted program of harassment of selected players; an extraordinarily inappropriate policy to achieve a very limited objective, and one which tends to reflect discredit on the State of Nevada and on the gaming industry.

Casinos cite 463.151(3), saying that they are required to bar any individual "whose presence. . . may be inimical. . ." Although intended to apply to criminals listed by the State, casinos pretend this to mean they can exclude or eject anyone at will. This is clearly unconstitutional and persons excluded, ejected or harassed are without due process safeguards or remedies.

NRS Chapter 463 should be amended to include the responsibilities of gaming licensees to the public, especially with regard to the constitutional rights of the individual.

A. Rules of play - Rules and conditions of play should be applicable to all patrons alike and any discriminatory treatment of selected individuals should be specifically prohibited.

B. Exclusion or ejection - Statutory regulation should prohibit selective exclusion and/or ejection of patrons lawfully on the premises to engage in gaming or otherwise utilize the facilities offered to the public. Nevada casinos are licensed by the state to offer gaming to the public generally and cannot selectively pick and choose customers. Nevada Public Accommodations statute, (NRS 651.070) should be expanded to prohibit discrimination based on any arbitrary or selective characteristic or classification.

For further information and replied contact:

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2/10/77

GUEST LIST

NAME

REPRESENTING

WISH TO SPEAK

(Please print)

Yes

No

GENE MILLIGAN

NEV. ASSOC. of REALTORS AR62