

ASSEMBLY JUDICIARY COMMITTEE

April 12, 1977

8:15 a.m.

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

Chairman Barengo brought this meeting to order at 8:15 a.m. for the purposes of committee action on certain bills.

COMMITTEE ACTION:

Assembly Bill 240, Mr. Price moved for a DO PASS, Mr. Ross seconded the motion. The motion carried unanimously. *

Assembly Bill 261, Chairman Barengo appointed a sub-committee to study this bill comprised of Mr. Price, Mr. Coulter and Mr. Barengo.

Assembly Bill 309, it was decided to give this bill no further consideration.

Assembly Bill 365, Mr. Banner moved for a DO PASS, Mr. Price seconded the motion. The motion carried unanimously.

Assembly Bill 76, Mrs. Wagner moved for a DO PASS, Mr. Price seconded the motion. The motion carried unanimously.

Assembly Bill 479, Mr. Polish moved for an INDEFINITE POSTPONEMENT, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 472, it was decided to hold consideration on this bill until receipt of a senate bill (SB 298) which is a comprehensive bill dealing with all controlled substances.

Assembly Bill 476, Mr. Ross moved to AMEND THE BILL, Mr. Sena seconded the motion. The motion carried unanimously. The amendments are as follows: On page 1, line 7, delete the words "or other person"; on line 8, page 1, delete the words "legally responsible for the care and support"; on page 9, line 28, delete the brackets around "14" and eliminate "16"; line 38, page 9, delete brackets around "14" and eliminate "16"; line 48, page 9, delete the brackets around "14" and eliminate "16"; and on page 10, line 2, delete brackets around "14" and eliminate "16".

Mr. Ross moved for a DO PASS AS AMENDED on this bill, Mr. Sena seconded the motion. Mrs. Wagner abstained from voting, Mr. Banner abstained from voting. The motion carried.

Assembly Bill 519, Mr. Price moved for a DO PASS AS AMENDED, the amendment to be on line 27 to change "shall" to "may", Mr. Sena seconded the motion. Mrs. Wagner voted "no", Mrs. Hayes voted "no" and Mr. Banner voted "no". The motion carried.

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Assembly Bill 492, Mr. Coulter moved for an INDEFINITE POSTPONEMENT, Mr. Price seconded the motion. Mr. Polish voted "no" and Mr. Ross voted "no". The motion carried.

Assembly Bill 493, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Barengo seconded the motion. The motion carried unanimously.

Assembly Bill 367, Mr. Ross moved for INDEFINITE POSTPONEMENT, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 489, Mr. Price moved for a DO PASS AS AMENDED, Mrs. Wagner seconded the motion. The motion carried unanimously.

Assembly Bill 539, Mr. Ross moved for a DO PASS, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 303, Mr. Ross moved for INDEFINITE POSTPONEMENT, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 491, Mr. Ross moved for a DO PASS AS AMENDED, on the agreed upon amendments, Mr. Sena seconded the motion. Mr. Price voted "no" and Mrs. Wagner voted "no". The motion carried.

Assembly Bill 288, Mr. Ross moved that they CONCUR WITH AMENDMENTS proposed by Senate Judiciary, Mrs. Wagner seconded the motion. The motion carried unanimously.

Assembly Bill 36, Mrs. Wagner moved that they CONCUR WITH AMENDMENTS, Mr. Ross seconded the motion. The motion carried unanimously.

Assembly Bill 219, Mrs. Wagner moved that they CONCUR WITH AMENDMENTS, Mr. Polish seconded the motion. The motion carried unanimously.

Assembly Bill 199, Mr. Ross moved that they DO NOT CONCUR WITH AMENDMENTS, Mrs. Hayes seconded the motion. The motion carried unanimously.

Assembly Bill 214, Mr. Ross moved that they CONCUR WITH AMENDMENTS, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 288, Mrs. Wagner moved that they CONCUR WITH AMENDMENTS, Mr. Polish seconded the motion. The motion carried unanimously.

Senate Concurrent Resolution 11, Mr. Ross moved for a DO PASS, Mr. Sena seconded the motion. The motion carried unanimously.

Senate Bill 68, Mr. Ross moved for a DO PASS, Mr. Sena seconded the motion, the motion carried unanimously.

At this point, the Chairman introduced certain letters and/or materials furnished for the committee's perusal on various bills:

Assembly Bill 355, Chairman Barengo introduced a letter from Robert D. Faiss

with regard to this bill, which is attached hereto and entered as Exhibit "A". In addition a fiscal note was introduced on this bill by the Chairman, by way of a letter from Philip P. Hannifin dated March 29, 1977, said letter and fiscal note are attached and marked as Exhibit "B".

Assembly Bill 253, the Chairman introduced a letter from the Clark County Democratic Central Committee, Las Vegas, Nevada indicating their support of this bill. Said letter is attached hereto and marked as Exhibit "C". In addition, Assemblyman Price also wanted to note that the North Las Vegas Chamber of Commerce was also in support of this bill.

Assembly Bill 375, the Chairman introduced a letter from A.J. Hicks which contained a Resolution from Peter Echeverria, Chairman of the Nevada Gaming Commission with regard to this bill, section 8. A copy of said letter and Resolution are attached hereto and marked as Exhibit "D".

The Chairman also introduced a letter from Mr. Robert E. Lyle, Director of Legal Services Ombudsman Program requesting the committee's consideration of the sponsorship of a certain bill. This letter is attached hereto and marked as Exhibit "E".

Assembly Bill 268, the Chairman introduced a letter from Roger S. Trounday regarding this bill and the committee decided to deliver a copy of same to the Chairman of the Senate Judiciary Committee. A copy of said letter is attached hereto and marked as Exhibit "F".

There being no further business to discuss, the meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Anne M. Peirce

Anne M. Peirce, Secretary

SAMUEL S. LIONEL
GRANT SAWYER
JON R. COLLINS
ROBERT M. BUCKALEW
GEORGE C. ABERNATHY
STEPHEN L. MORRIS
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS

DAVID N. FREDERICK
LENARD E. SCHWARTZER
WILLIAM O. VAN DOREN
ANDREW S. BRIGNONE
DENNIS L. KENNEDY
ALBERT G. MARQUIS
JOHN R. LUSK
AUDREY A. DAINES
JOE E. COLVIN
DAN C. BOWEN
CHARLES H. McCREA, JR.
MARK A. SOLOMON

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW
1700 VALLEY BANK PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

AREA CODE 702
TELEPHONE 385-2188

copy
April 8, 1977

The Honorable Robert R. Barengo
Chairman
Assembly Judiciary Committee
Legislative Building
Carson City, Nevada 89710

Dear Mr. Chairman:

A. B. 355, which will clarify ambiguities and remedy deficiencies in the present law, will also provide the basis for resolution of pending matters awaiting an expression of intent by the legislature.

In my opinion, it would be in the public interest if the legislation, should it be adopted, would become effective upon passage and approval.

Dep. Atty. Gen. Bud Hicks has authorized me to state that he concurs in this recommendation.

Sincerely,



Robert D. Faiss

RDF:ls

cc: Dep. Atty. Gen. A. J. Hicks

EXHIBIT A

MIKE O'SALLAGHAN
GOVERNOR

PHILIP P. HANNIFIN
CHAIRMAN

JOHN H. STRATTON
MEMBER

JEFFREY A. SILVER
MEMBER

IRENE F. MORROS
EXECUTIVE SECRETARY

STATE OF NEVADA

GAMING CONTROL BOARD

1150 EAST WILLIAM STREET
CARSON CITY, NEVADA 89710
(702) 885-4701

LAS VEGAS OFFICE:

VALLEY BANK PLAZA, SUITE 501
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89158
(702) 385-0151

March 29, 1977

Honorable Robert R. Barengo, ..
Chairman
Assembly Judiciary Committee
Nevada State Legislature
Carson City, Nevada

Re: Fiscal note for AB 355

Dear Assemblyman Barengo:

The xerox copy of the fiscal note provided is only to expedite your consideration of AB 355. The original fiscal note, identical to this copy, is in process through normal channels.

Very truly yours,

Philip P. Hannifin, Chairman
State Gaming Control Board

PPH/ac
attachment

1504

EXHIBIT B

FISCAL NOTE

BDR _____
A.B. 355 _____
S.B. _____

Date Transmitted March 29, 1977

• STATE AGENCY ESTIMATES Date Prepared March 29, 1977

Agency Submitting State Gaming Control Board

<u>Revenue and/or Expense Items</u>	<u>Fiscal Note 1976-77</u>	<u>Fiscal Note 1977-78</u>	<u>Fiscal Note 1978-79</u>	<u>Continuing</u>
Out-of-state Travel --	_____	_____	_____	_____
Audit Expense	<u>-0-</u>	<u>\$17,814</u>	<u>\$17,814</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total	<u>-0-</u>	<u>\$17,814</u>	<u>\$17,814</u>	_____

Explanation (Use Continuation Sheets If Required)

- SEE ATTACHED -

Local Government Impact YES NO
(Attach Explanation)

Signature _____

Title Chairman

• DEPARTMENT OF ADMINISTRATION COMMENTS

Date _____

Signature _____

Title _____

• LOCAL GOVERNMENT FISCAL IMPACT
(Legislative Counsel Bureau Use Only)

Date _____

Signature _____

Title _____

FISCAL NOTE
ATTACHMENT
A.B. 355
March 29, 1977

Explanation

Assuming one audit each year for an out-of-state credit office for each of the fifteen licensed establishments with the highest percentage of credit play, and further assuming elapsed time of 5 days for each audit, we can project per diem expenses of \$7,350.

Hotel	\$35 per day	\$49 x 5 days x 2 auditors=
Food	<u>14</u> per day	\$490 per trip x 15= <u>\$7,350</u>
Per diem	\$49 per day	

Airline tickets at the rate of 5 trips to New York, 5 to Miami, and 5 to Chicago/Cleveland each year will amount to \$10,464:

New York - round trip - \$376	
\$376 x 5 trips x 2 auditors=	\$ 3,760
Miami - round trip - \$368	
\$368 x 5 trips x 2 auditors=	3,680
Chicago/Cleveland - round trip avg. - \$302.40	
\$302.40 x 5 trips x 2 auditors=	<u>3,024</u>
TOTAL	<u>\$10,464</u>



Handwritten initials



Clark County Democratic Central Committee

MARGUERITE SEGRETTI
CHAIRMAN

LAS VEGAS, NEVADA

AILINE STEPHENS
SECRETARY



March 31, 1977

Robert Barengo, Chairman
Assembly Judiciary Committee
Nevada State Assembly
Carson City, Nevada 89701

Dear Bob;

The Legislative Committee of Clark County Democratic Central Committee has studied various bills in your committee and has come to the following positions and recommendations which it is hoped your committee will consider when coming to a decision.

AB 253 SUPPORT PASSAGE

Sincerely,

Clark County Democratic Central
Committee Legislative Action
Committee

Jan MacEachern, Chairman
Laura Past
Felix Valdez
Jude Gary
Harry Holblick
Cliff Alexander
Laura Kelly

Comm./as

Handwritten signature
Chairman, Clark County Democratic Central Committee

1507

Handwritten text



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STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
GAMING DIVISION

ROBERT LIST
ATTORNEY GENERAL

A. J. HICKS
DEPUTY ATTORNEY GENERAL
CAPITOL COMPLEX
1150 EAST WILLIAMS STREET
CARSON CITY, NEVADA 89710
(702) 885-4701

MIKE SLOAN
DEPUTY ATTORNEY GENERAL
VALLEY BANK PLAZA, SUITE 501
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 385-0151

March 31, 1977

Hon. Robert Barengo
Nevada State Assembly
Legislative Building
Carson City, NV 89710

Dear Bob:

During the last hearings on A.B. 375 a request was made by your committee for an expression of opinion by the Nevada Gaming Commission on section 8 of that bill. As you will recall, section 8 of A.B. 375 relates to the vote requirement at Commission level following a Board recommendation of denial upon an application.

Pursuant to your committee's inquiry, the Nevada Gaming Commission adopted the enclosed resolution on March 24, 1977.

Sincerely,

ROBERT LIST
Attorney General

By

AJH
A.J. Hicks
Deputy Attorney General
Gaming Division

AJH:lc
Enc.

cc: Nevada Gaming Commission

1508
EXHIBIT D

PETER ECHEVERRIA, CHAIRMAN
WALTER COX, MEMBER
CLAIR HAYCOCK, MEMBER
GEORGE C. SWARTS, MEMBER
JACK C. WALSH, MEMBER

STATE OF NEVADA
NEVADA GAMING COMMISSION

1150 EAST WILLIAM STREET
CARSON CITY, NEVADA 89710
(702) 885-4701



IRENE F. MORROS
EXECUTIVE SECRETARY

GAMING POLICY COMMITTEE
GOVERNOR MIKE O'CALLAGHAN, CHAIRMAN

RESOLUTION

I, Peter Echeverria, Chairman of the Nevada Gaming Commission, certify that at a meeting of the Nevada Gaming Commission on March 24, 1977, in Carson City, Nevada, it was moved and unanimously passed by all members of the Commission that the Commission should advise the Senate and Assembly Judiciary Committees of its official position on the matters contained within Section 8 of A.B. 375 relating to an amendment to NRS 463.220. It was the resolution of the Commission that NRS 463.220(4) should not be amended or changed in any fashion from the manner in which it is currently existing. More specifically, it is the opinion of the Commission that the unanimous vote requirement at Commission level to override a Board recommendation of denial of an application should remain unchanged.

NEVADA GAMING COMMISSION

By *Peter Echeverria*
Peter Echeverria, Chairman

March 30, 1977

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES

ROGER S. TROUNDAY, DIRECTOR

DIVISION FOR AGING SERVICES

JOHN J. McSWEENEY, ADMINISTRATOR

ADMINISTRATIVE OFFICE

KINNEAD BUILDING, ROOM 101

505 EAST KING STREET

CAPITOL COMPLEX

CARSON CITY, NEVADA 89710

March 21, 1977

The Honorable Robert Barengo, Chairman
Assembly Judiciary Committee
Legislative Building
Carson City, Nevada 89710

Dear Mr. Robert Barengo:

The purpose of my letter is to introduce myself, a new program for the elderly in Nevada, and a proposed new piece of legislation I would like your committee to consider and hopefully sponsor.

In 1976 the Administration of Aging of the federal government made a decision to make available limited funding to each of the fifty states to encourage the development of legal services delivery systems to the elderly. Of the 50 states Nevada became one of the 21 states which had their grant approved.

In January of 1977 limited funding in the amount of \$20,000 was made available here. In February of this year I was selected to develop the necessary program. In this regard the primary focus of our program will be to help strengthen the existing agencies in Clark and Washoe counties who deal with legal problems of the elderly, while at the same devoting most of our time and resources to the rural elderly who to this date have had no help.

As you and members of your committee may well be aware NRS 19.031 provides financial help to the existing agencies in Clark and Washoe Counties. The purpose of the proposed amendment to that statute (see copy enclosed) would provide the same financial help for the rural elderly.

I believe it to be a dearly needed service, one worthy of your committees support. On behalf of Nevada's rural elderly I am asking for

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March 21, 1977
The Honorable Robert Barengo
Page 2

that the support and sponsorship of such a bill.

Thank you for your time and consideration.

Sincerely,



Robert E. Lyle, Director
Legal Services Ombudsman
Program

REL/gr
encl.

cc: Assembly Judiciary Committee Members
The Honorable James J. Banner
The Honorable Steven A. Coulter
The Honorable Karen W. Hayes
The Honorable John Polish
The Honorable Robert E. Price
The Honorable R. Ian Ross
The Honorable Nash M. Sena
The Honorable Sue Wagner

NEVADA LEGAL SERVICES OMBUDSMAN PROGRAM

Proposed Amendment to NRS

- 19.031 1. In each county in which legal services are provided without charge to indigent or elderly persons through a legal aide or legal services program organized under the auspices of the State Bar of Nevada, the Federal government, a county or local bar association or a county legal services program, the county clerk shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect a fee of \$1 from the party commencing or appearing in such action or proceeding. Such fees shall be in addition to any other fees required by law.
2. On or before the first Monday of each month the county clerk shall pay over to the county treasurer the amount of all fees collected by him pursuant to subsection 1. The county treasurer shall remit quarterly all such amounts received by him to the organization operating the legal services program.



Me

STATE OF NEVADA
 DEPARTMENT OF HUMAN RESOURCES
 CAPITOL COMPLEX
 ROOM 600, KINKEAD BUILDING
 505 E. KING STREET
 CARSON CITY, NEVADA 89710
 TELEPHONE (702) 865-4730
 April 1, 1977

- DEPARTMENTAL DIVISIONS
- AGING SERVICES
 - CHILD CARE SERVICES
 - HEALTH
 - MENTAL HYGIENE-
MENTAL RETARDATION
 - REHABILITATION
 - WELFARE
 - YOUTH SERVICES AGENCY

MIKE O'CALLAGHAN
 GOVERNOR
 ROGER S. TROUNDAY
 DIRECTOR

MEMO #98

TO: ASSEMBLYMAN BOB BARENGO, CHAIRMAN
 MEMBERS OF THE JUDICIARY COMMITTEE

FROM: ROGER S. TROUNDAY *[Signature]*

SUBJECT: A.B. 268

I regret missing the hearing you conducted on A.B 268. Certainly, it was an inadvertent oversight by someone in my office, and I appreciate having this opportunity to express my concern about this bill.

Being an administrator of state programs becomes more precarious all the time because of the many lawsuits being filed. Most of these lawsuits are brought against an employee and his supervising personnel such as division administrators and department directors. I have several lawsuits currently pending against me based on alleged actions of employees in some of the divisions. While I realize I am ultimately responsible, it is simply impossible for me - or any other administrator - to constantly supervise the actions of our employees.

Under current legislation, division administrators and department directors are usually named in these lawsuits.

However, the language in A.B. 268 makes the administrator of Mental Hygiene/Mental Retardation personally liable. I believe that enactment of this legislation would make it almost impossible for an administrator to function. It is the problem doctors are facing from malpractice suits and the cost of malpractice insurance is well-known. While I am in sympathy with physicians' problems, I can assure you that no division administrator or department director is able to afford liability insurance in sums sufficient to protect themselves and their families.

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EXHIBIT F

Memo #98
April 1, 1977
Page 2

The situation is difficult enough under existing legislation without the added difficulties that A.B. 268 would cause. If A.B. 268, as drafted, becomes law, I don't think anyone would want to be the Prison Warden, or the Administrator of Mental Hygiene/Mental Retardation. It simply is not worth the risk that one would have to face when he supervises over 700 employees, the number currently in the Division of Mental Hygiene/Mental Retardation.

I hope the Committee reconsiders its action on this bill because I believe it would be extremely punitive for the administrator of a program to be held personally liable, as this bill so specifies.

Again, please accept my apologies for not appearing before you at the hearing.

ROGER S. TROUNDAY

RST/ljs