

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

January 31, 1977

The meeting was called to order at 9:00 a.m. Senator Close was in the chair.

PRESENT:            Senator Close  
                      Senator Bryan  
                      Senator Dodge  
                      Senator Sheerin  
                      Senator Foote  
                      Senator Gojack  
                      Senator Ashworth

ABSENT:

SB 65      Amends certain session laws to correct conflicting amendments and repealers.

Testimony was presented before the Committee by the following:

John Ciardella, Department of Motor Vehicles stated that he had no argument with the bill. He was only here to answer any questions pertaining to the placement in the fire marshall's office of certain jurisdictions over mobile homes. Also, the conflict between the limited mobile home dealer and the regular mobile home dealer.

Frank Daykin, Legislative Council Bureau stated that this bill was merely to correct language changes in 482 and 489. These changes would be in certain sections where references were omitted in preparing the text of the supplements to NRS. This is amending the new sections to omit these improper references.

Senator Dodge moved "do pass".  
Seconded by Senator Gojack.  
Motion carried unanimously.

SB 132      Allows religious congregation or denomination to incorporate as nonprofit corporation.

Testimony was presented before the Committee by the following:

Merlin Anderson, Commission on Post Secondary Institutional Authorization stated that he would recommend that the language in this bill be killed. He had particular concern over the last paragraph on page 3 relative to the corporation not being subject to examination by the state. He stated that religious institutions, under the guise of secondary or any educational institution, not wanting to be supervised or licensed, could organize themselves

as a religious corporation. Therefore, being exempt from the licensure aspects. He is however in accord with the remainder of the bill.

Senator Close stated that perhaps it would be possible to add something to the effect that if the corporation is utilized to conduct an educational institution, or something of that nature, then it could be subject to review.

Senator Bryan stated that one religious group in Las Vegas had approached him on this bill. Apparently some groups for religious reasons cannot accept the corporation-sole concept, which is the way most other religious groups hold title to property. There was no other provision for them to incorporate under.

Donald Klasic, Attorney General's Office, stated that to amend 81.340 merely clarifies the Attorney General's common law powers to look into the fund raising activities of non-profit corporations. He feels they want to eliminate the broad language, to prevent tying their hands. He feels that the First Amendment to the Constitution of the United States would adequately cover these corporations from harassment by the state. He too agrees with the remainder of the bill.

Frank Daykin, Legislative Council Bureau stated that section 82 only relates to corporation-sole, which is the form which the Episcopal Church holds title, as well as others. Some religious denominations cannot hold title that way for various reasons of conscience. They are broadly based or representative, rather than hierarchy. Under the 14th amendment no religious corporation is subject to examination by the Attorney General, as to its religious activities. He felt what might be needed here, because of the Attorney General's concern over the use of religious cloaks of fraudulent non-religious activity, is that it would be appropriate to say in relation to its religious activity, that may meet the concern of the Attorney General's Office.

Senator Dodge stated that if it were deleted in our law and if the church felt that it there was an interference by the state, that was in violation of the 14th amendment, they could always challenge the Attorney General's Office.

After further discussion, Frank Daykin stated he would draft the amendment.

Senator Bryan moved amend (striking Section 4) and "do pass".

Seconded by Senator Gojack

Motion carried unanimously.

SCR 2 Urges Attorney General to assert all claims of State to the public lands.

Testimony was presented before the Committee by the following:

Senator Blakemore stated that this bill came from their study committee and it is to derive more benefits from the public lands. He said the thrust of the committee was devoted to the trust lands theory as the land footing doctrine was already being pursued by the Attorney General's Office. He believes that there should be a complete legal investigation as the status of Nevada in regard to the lands. He stated that this is urging that we keep this open and that we create a select committee to go to Washington to plead our case to get back all of the selection process. He stated this would put us on equal footing with the surrounding states.

Bob Warren, Nevada League of Cities stated he was also speaking on behalf of the Nevada Association of County Commissioners. He stated on behalf of both organizations he would urge that this be kept alive, if at all possible, to pursue any chance of recovering any portion of the lands that might be available to Nevada. They want more public land as well as private lands to increase the tax base for the counties, if this is deemed legal.

Senator Dodge recommended "do pass".  
Seconded by Senator Ashworth.  
Motion carried unanimously.

SB 21 Requires payment of all veniremen summoned for a civil case by party demanding jury.

Testimony was presented before the Committee by the following:

George Vargas, American Insurance Association stated it would impose on a person asking for a jury in a civil case, substantial requirement of advance payment. He stated he felt that imposing the cost of an entire venire on one person was pretty close to depriving that party litigant of a jury in a civil case. He stated that because of the insolvency clause it was difficult to determine just what that meant. Also, from an insurance standpoint all of the costs going into defending an insured, in civil cases, eventually wound up as a part of the premium and came back to the public

in rising insurance costs. He feels that it should be supported by general revenues of government rather than be put on a person who is only requesting his constitutional rights.

Harold Jacobson, Mayor of Carson City stated his interest in the bill was because Carson City had been forced to take up some excessive monetary outlays which should have been paid by the litigant, and Carson City had become strapped for funds.

Senator Sheerin stated that the point is does government pay for civil trials or do you want the party litigant to pay. In terms of jury fees the balancing process was what the bill was getting at.

After further discussion Senator Ashworth moved "an indefinite postponement".

Seconded by Senator Gojack.

Motion carried. The vote was as follows:

|             |                  |             |                 |
|-------------|------------------|-------------|-----------------|
| VOTING AYE: | Senator Close    | VOTING NAY: | Senator Sheerin |
|             | Senator Bryan    |             |                 |
|             | Senator Dodge    |             |                 |
|             | Senator Gojack   |             |                 |
|             | Senator Foote    |             |                 |
|             | Senator Ashworth |             |                 |

SB 81 Permits probation officers to discuss juvenile court records with school principals.

John Ray, Special Master of the Juvenile Court in Carson City stated that because of the requirements of the confidentiality law of the juvenile court act, it sometimes hampers them in the rehabilitation of the young. He stated that he was not happy with the way the bill was written it limits them to only exchanging information with school principals. What he would like is a bill that would allow them to work with any agency that was involved in the care, treatment, control or custody of children, when it is in the best interest of the child for the necessary performance of the probation. He stated that he could not support the bill in it's present form.

Senator Bryan agreed that this must be clarified. He feels it raises the question as to whether an outsider has a right or access to this information. He feels the probation officer must exercise his discretion as to what is best for the child and who by law may acquire this information.

Frank Carman, Director, Clark County Juvenile Court

Services stated that they oppose the bill. He stated that 62.122 right now allows counties of two hundred thousand or more, to release information through the Chief Probation Officer. He feels that counties under that figure should have some way of having similar authority and perhaps the officer or director of the court can be given permission to release certain kinds of information for specific purposes. There should be a central information area where information could be released on a need to know basis for the best interest of the community and child.

After some discussion the Committee decided that 62.120 should conform with the language in 62.122 so that both the large counties and small counties would operate under the same rules.

Senator Bryan moved amend and "do pass".  
Seconded by Senator Sheerin.  
Motion carried unanimously.

SB 142 Makes either husband or wife eligible to be appointed in substitution for incapacitated executor or administrator.

The Committee had a very short discussion finding nothing lacking in this bill.

Senator Bryan moved "do pass".  
Seconded by Senator Dodge.  
Motion carried unanimously.

SB 82 Extends remedy of summary eviction to commercial premises.

Senator Sheerin stated he felt this was a good bill. Eviction status applies mainly to renter of apartments, houses or mobile homes. This bill would allow summary eviction to apply to commercial premises as well as residential premises.

Senator Foote moved "do pass".  
Seconded by Senator Sheerin.  
Motion carried unanimously.

SB 89 Reduces time convicted person must wait to apply for restoration of civil rights.

Assemblyman Joe Neal stated that this bill would reduce the time from ten years to one year, in the case of an ex-felon, the time of probation. He stated that the theory behind this was that once a person had served his time for a particular offense, that person should not be encumbered with additional procedures that would not allow

him to move back into society. Any interest that society may have, should extend no longer than the sentence.


Senator Dodge commented he questioned the one year, because of the high rate of recidivism. Therefore, we could be restoring rights and taking them away again and this could get very involved.

Bud Campos, Parole and Probation stated is was in opposition to the bill as written. He stated that the way rights are now restored are: honorable discharge from probation, honorable discharge from parole, to apply for restoration of rights, to apply to the board of pardons for a pardon and restoration of rights. He does not like the like having restoration only on the lack of a criminal conviction. He felt it was possible to have a person under indictment, in the county jail awaiting trial, while under this bill he could have applied and be granted restoration. He felt a reduction from the 10 years would be acceptable and perhaps a 3 year time period would be a fair amount of time, as most paroles were running an average of 22 months. In response to Senator Dodge's question, he felt he would rather submit changes in writing to the Committee within the next few days.

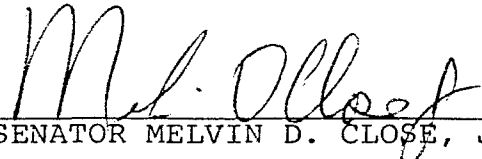
Senator Close recommended he modify the language in the bill to make it more acceptable and more consistent and then return with his recommendations.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
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Virginia C. Letts, Secretary

APPROVED:

  
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SENATOR MELVIN D. CLOSE, JR., CHAIRMAN