

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 9, 1977

Meeting was called to order at 10:10 a.m. Senator Close was in the chair.

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

ABSENT:            None

AB 18      Allows librarian of Supreme Court Law Library to determine quantity of Statutes of Nevada and Nevada Reports needed by that library for interchange purposes.

Frank Daykin stated that the Committee had recommended to kill this. He suggests rather than killing it to draft a new bill and amend. The amendment would state "not less than 500", that is sufficient in the opinion of the Director of the Counsel Bureau to meet the requirements of pre-distribution in the state.

Senator Dodge moved we reconsider.  
Senator Ashworth Seconded.  
Motion carried, Senator Sheerin was absent from the vote.

Senator Dodge moved amend and do pass.  
Seconded by Senator Bryan.  
Motion carried, Senator Sheerin was absent from the vote.

SJR 10      Proposes constitutional amendment to establish staggered terms for district judges.

Senator Bryan stated he felt it was a good bill, but we should also build into it a provision for the Legislature to increase the rate of compensation during the term of office of the judge, so that they can equalize out.

Senator Ashworth stated then we amend it to read a four year term instead of two.

Senator Close stated he had a note on line 36 to delete "under such regulations as provided by rule of the Supreme Court".

Senator Gojack moved amend and do pass.  
Seconded by Senator Ashworth.

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Motion carried, Senator Foote and Senator Sheerin were absent from the vote.

SB 183 Amends provisions relating to collection of corporate stock subscriptions.

Senator Close stated this had been scheduled on February 16 and no one appeared, he felt there should be some type of testimony.

Senator Bryan agreed that they shouldn't take action on it until they had heard some testimony.

The Committee agreed that it should be rescheduled and then if no one appeared at that time they would then have to make their own decision or kill the bill.

SB 199 Provides procedure on failure to appear in court on traffic citation.

Senator Bryan stated he had talked with some people that felt there would be enough revenue generated.

Senator Dodge stated it seemed to him that we ought not to process this bill. There was enough interest in the local jurisdictions that neither jurisdiction would be benefited by this bill. There was also testimony by the Motor Vehicle Department that if you put the burden on them, you are going to have to spend some additional money and where will that come from.

Senator Ashworth felt that the Department was already overloaded and that this was just going to create more burden and it was going to get too involved.

Senator Ashworth moved to indefinitely postpone.

Seconded by Senator Dodge.

The vote was as follows:

YEA - Senator Ashworth	NAY - Senator Bryan
Senator Dodge	Senator Foote
	Senator Gojack
	Senator Close

Senator Sheerin was absent from the vote.

Senator Close stated that the problem is that the people who are going out to arrest people for failure to appear are policemen and he feels they can better serve the public by not arresting people on these citations.

Senator Ashworth said that this is a revenue producing area in the cities, counties and state. But we are just getting more laws to put on the books for more people to do things and charge the public more. He feels there are already areas where you can get at the violators.

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Senator Bryan asked if they would have any appetite for amending the bill, deleting the \$5 provision and the re-refer to finance?

Senator Dodge felt if we rereferred it it should be left in this form. He felt there were going to be some additional costs to the Department of Motor Vehicles, even afterward. His point is he doesn't see where it benefits the state that much.

Senator Close stated he felt that these were flagrant violators. It gets so involved now trying to get at these people and this would be a much simpler way to handle it and the return of revenue will be greater than the cost.

After some discussion by the committee Senator Bryan moved amend and do pass with a re-refer to finance.  
Seconded by Senator Gojack.  
Motion carried unanimously.

SB 207 Guarantees employment of jurors following term of service.

Senator Close stated there were a few minor amendments to the language and then in section 1 page 1 delete lines 10 and 11 and insert "as a consequence of the service as a juror or prospective juror or who asserts to such a juror or persons summoned that his service as a juror or prospective juror will result in termination of his employment is guilty of a misdemeanor". Then on section 1 page 1 after line 18 insert "each summons to appear for jury duty shall be accompanied by the notice to the employer of the person summoned and the notice shall inform the employer that the person has been summoned for jury duty and shall include a copy of the provisions in sub-section 1 and 2 of this section. If the person is employed the notice shall be given to his employer at least one day before he is to appear for jury duty".

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

SB 214 Makes cumulative voting rights for corporate stockholders the general rule.

Senator Ashworth moved to indefinitely postpone.  
Senator Bryan seconded.  
Motion carried unanimously.

SB 167 Subjects grand jurors to civil liability for publication of prohibited report.

Senator Dodge felt it was a good bill, but improperly drafted because it doesn't really do what it is intended to do. He feels both the DA and AG should be included.

Senator Close felt the AG should not have the right to examine the report unless he is the presenting officer.

Senator Bryan stated he felt there was an ambiguity on rhw point of the Grand Jury issuing a report in violation of this sub section. The ambiguity is what constitutes a violation. That is, the violation of the DA's opinion or violation in returning a report which contains an indictable offense. There are two possibilities here, first the Grand Jury should have no liability if they return a report that contains an indictable offense if the DA has told them; look there is.

Senator Dodge stated he felt what really was intended here was that they ought to be entitled to the shield if they relied on the advice of the DA, even if he were wrong. He thinks maybe we need to clarify the nature of the action for the civil damages. Is it liable? If so maybe we ought to say that.

Senator Close stated he thought independent counsel should be included, if he makes the presentment also.

Senator Dodge said well then we are saying there is an answer, if whoever is involved is under investigation himself?

Senator Close stated then either the AG or the independent counsel makes the presentment, that should be spelled out.

Senator Foote stated then you don't need all this because even if he does turn out wrong they have a shield.

Senator Dodge felt the record still indicates that people are not paying any attention to the former language and it needs to be beefed up.

Senator Sheerin said, suppose you do that. He doesn't like the whole Grand Jury system, but as long as we have it and are using it, he thinks you are going to be thwarting it. The citizens are not going to want to sit on a Grand Jury. They are going to be afraid of what they are doing and the end result is that they won't do anything. So what we are balancing is the right of the entire public to have the Grand Jury do something. And we want to keep that right against the few of us elected officials who somehow, sometime, might get abused. And that outweighs the right of the poor elected official who gets turned around once in a while. And that is why he has problems with this bill at all.

Senator Dodge stated this is a situation that the person is not really given the proper opportunity to defend himself. It is a star chamber proceeding. He is not entitled to counsel, he is not entitled to confront his accusers and cross examine, on things that they are ultimately going to have to report on him. If those things could be preserved

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then I wouldn't be so concerned about trying to protect the individual.

Senator Bryan felt that a person subpoenaed before the Grand Jury has no idea if he himself is under investigation or whether it is with respect to another person. He really thinks that person should be entitled to have his own attorney go with him into the Grand Jury room.

Senator Close stated he would have no objection if the bill were amended further, to give the guy who is a witness or accused before a Grand Jury have the right to have his counsel present.

Senator Dodge stated that as far as he was concerned that would be satisfactory but he would talk with Cliff Young.

Senator Close stated he had some bills for introduction.

BDR 3-1054, from Cliff Young, requires consolidation and priority for civil actions based upon environmental violations. This would be if there was an environmental violation rather than 10 people bringing lawsuits individually it would be a joint action.

Senator Gojack moved they put it in for committee introduction. There were no objections.

BDR 3-749, from Bill Raggio, abolishes civil action for seduction and criminal conversation. Being no objection it will be introduced by the committee.

BDR 11-1073, this is another Cliff Young, establishes property rights of unmarried persons in cohabitation. Being no objection this will be introduced by the committee.

BDR C-1018 proposes to amend the constitution to permit the appointment of temporary district court judges. Senators Dodge and Ashworth opposed committee introduction. There being no others opposed it will be introduced.

Senator Close stated that the Committee would meet back up here after adjournment on the floor to continue malpractice.

Respectfully submitted,

  
Virginia C. Letts, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN