

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MAY 4, 1977

Meeting was called to order at 8:07 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 609 Distinguishes duties performed by county clerk when acting as ex officio clerk of district court.

Judge James Guinan stated that this bill has nothing to do with AJR 1. Over the years bill drafters have failed to distinguish between the functions of court clerk and county clerk. There are many areas in the statutes where the proper designation court clerk is used, and the proper designation county clerk is used. There are also many places in the statutes where the improper designation county clerk is used for court clerk function. So all this bill is designed to do is change that designation county clerk to court clerk where it is appropriate. The function of the court clerk's office is to provide services to the court, lawyers, litigants, and to a lesser degree the public and the press. And as long as this is running smoothly the court does not interfere with their operation. The court has a general supervisory position over the operation of the court clerk's office. So this will simply designate those areas in which the court is interested and those areas in which it is not. So that if something is not operating properly in the court clerk's office it will be clear to the court clerk, deputy court clerks and anyone else who may be concerned that the court will take an interest in this rather than some other agency such as the Board of County Commissioners. Under this bill the county clerk would still be ex officio court clerk, is to perform all the same duties and would not affect the current operation except to give the proper title to the function that we are talking about.

AB 741 Establishes youth parole division within youth services agency of Department of Human Resources.

Frank Holzhauser, Dept. of Human Resources stated he was here for Mr. Trounaday. This bill was introduced by the Ways and Means Committee and they are in support of this bill. This would consolidate the currently two separate youth parole

sections into one separate unit within the department, rather than having them supervised out of the two schools, and will be supervised out of the central office. It will consolidate the efforts of the boys and girls parole program, making the program more cost effective, in the rural areas especially. In the past we have had to send both boy parole officers to the rural county as well as a girl parole officer. We feel that there can be some consolidation here. Both are supervised now out of the institution themselves.

Senator Gojack stated she thought this was identical to a bill that was killed on the Senate side in Human Resources.

Mr. Holzhauser stated that not to his knowledge. There was a bill on boys and girls probation, but that was not their issue.

Senator Bill Raggio stated he had with him copies of SB 94 which is identical to AB 741, exact wording. The Committee on Human Resources and Facilities consider this bill and we had testimony from Orv Wharenbrock, Ed Burgess and also Jay Miller from Caliente. They were unable to get together Jay Miller was adamantly opposed to this creation of a youth parole agency as an additional level. This had been tried in California and they were very disappointed with it. Our main objection to it was based upon Mr. Miller's concern. He feels that he has established a very good parole program for his girls at Caliente. We just did not want to go along unless everyone was in agreement with this situation. Mr. Burgess made a case that if he were relieved of this parole responsibility it would be helpful to him at the Elko facility. On balance however, we did not want to make that decision. Also, they had testimony that the Juvenile Court Service in Clark County was very much opposed to it too. So on that basis we indefinitely postponed this, and were greatly surprised when it showed up in the identical form at this late date on the Assembly side.

Senator Gojack moved to indefinitely postpone.

Seconded by Senator Bryan.

Motion carried unanimously, Senators Ashworth and Sheerin absent from the vote.

AB 745 Corrects technical error in chapter 148, Statutes of Nevada 1977.

Senator Bryan moved a do pass.

Senator Dodge seconded the motion.

Motion carried unanimously, Senators Ashworth and Sheerin absent from the vote.

AB 369 Raising limitation on number of permitted days of racing.

Senator Gojack stated her understanding was that the 300 days was intended to be put in last session and was inadvertently

left out, and came down as a 200 instead of a 300.

Senator Bryan moved do pass.
Seconded by Senator Ashworth.
Motion carried unanimously, Senator Sheerin absent from the vote.

AB 542 Specifies number of law library trustees in various counties.

Senator Close stated he had talked to Katy Slocum and what we have come up with is 6 judges, 4 attorneys plus herself. At the present time there are 3, 5 and 7. Three judges, 2 attorneys, the librarian, and 1 layperson.

Senator Dodge stated this was in three parts, Clark County, Washoe County and the small counties.

After some discussion by the Committee it was agreed that the bill was inappropriate because it is a technical area as to the priorities of law books and they didn't feel that it was a place where public members can really make a contribution.

Senator Ashworth moved to indefinitely postpone.
Seconded by Senator Gojack.
The motion carried unanimously, Senator Sheerin was absent from the vote.

AB 592 Reduces penalty for fighting or challenges to fight without deadly weapons.

Senator Gojack asked if the penalty now would be assault and battery?

Senator Dodge stated that he thought it would be.

Senator Close stated that all this does is make it a gross misdemeanor if there is a challenge, it goes to the duel aspect or the bar fight.

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

AB 387 Extends permissibility for arrests at night.

Senator Bryan stated that now under the law it does specifically address the gross misdemeanor. The breakdown is either felony or misdemeanor. So the first thing is to equate the felony with gross misdemeanor.

Senator Close stated there was a bill drafter in the room, what was his input into the bill. He stated the reason for this bill was that a shopkeeper can not arrest a shoplifter

at night.

Senator Gojack moved do pass.
Seconded by Senator Ashworth.
Motion carried unanimously, Senator Sheerin was absent from the vote

AB 489 Revises compensation for victim of crimes provisions.

Senator Close stated that the only part of the bill he wanted to consider was on page 3 starting with line 41. This creates a fund to pay victims of crime. We have already accepted Mary's bill, we sent it over to Finance and they killed it. The only part of the bill that is different is this part.

Senator Gojack stated that as she recalls from the information she has that there is one state back East that has this and apparently it has been challenged as to whether they can do this or not.

Senator Close stated what we would do is charge them \$25 for the offense and then it goes into this special fund.

After some discussion the Committee decided Senator Gojack should get back to them with some information on this.

AB 418 Eliminates jurisdiction of juvenile division of district court over child previously certified for trial as adult.

Senator Bryan moved to indefinitely postpone as the provisions are contained in AB 476.

Senator Gojack stated they then needed to rescind their previous action on this as it was passed on April 6 out of Committee, and she so moved.

Senator Ashworth seconded this motion.
Committee unanimously approved, Senator Sheerin was absent from the vote.

Senator Ashworth seconded the motion to indefinitely postpone.
Motion carried unanimously, Senator Sheerin was absent from the vote.

SB 436 Permits employment services for released prison inmates.

Senator Dodge moved to indefinitely postpone.
Senator Ashworth seconded the motion.

AYE: Senator Close
Senator Bryan
Senator Dodge
Senator Foote
Senator Ashworth

NAY: Senator Gojack

Senator Sheerin was absent from the vote.

ACR 28 Memorializes trustees of Mac C. Fleischmann Foundation of Nevada to reconsider decision to distribute foundation's total assets and to terminate activities.

Senator Close stated that he had distributed to the members of the Committee language offered by Fran Breen they should take a look at it to see if it did what they wanted it to.

The Committee did not like the third paragraph.

Senator Dodge stated that what they were trying to get in was the benefits to the people of the State of Nevada.

Senator Ashworth stated he did not like the resolved part to reconsider their actions.

The Committee after some discussion concurred that this did not do what the Committee had wanted.

AB 355 Makes administrative revisions to gaming control statutes.

Senator Close stated they would read through the bill to see if there were any other changes that needed to be made.

Senator Ashworth stated there should be something in there on the denial or unsuitability as to financial or moral character.

Senator Close stated there should also be something about constructive notice. Also, in section 13 line 19 "enhance the dangers", he feels is misleading.

The Committee had some difficulty over the term "constructive custody", however after some discussion they decided that it had to be this broad terminology.

Senator Bryan stated in section 17 lines 13 to 22, Mr. Ashelmann had described this as a catch 22.

Senator Foote stated she felt you had to go back to what Bill had said the previous night, and these people are street wise enough to not know when they have or haven't done something.

Senator Dodge stated this was discretionary enough and didn't think they would be harrassing anyone.

Senator Close stated he had just talked with Bud Hicks and told him they were concerned about three things, not denying the guys license because of the findings, putting into the statute the presumption that we have on the lease situation, and the immunity thing. He has no philosophical objection to those changes. He will go down and discuss this also with Bob Barengo, Bud Hicks will be in this afternoon and they can go over all of it then.

AB 201 Regulates landlord and tenant relationship in mobile home parks.

Senator Close stated they would go through the amendments to see if they were all concurred with.

The Committee went through the amendments and concurred with all the changes made.

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

Meeting was adjourned at 10:22 a.m.

Respectfully submitted.


Virginia C. Letts, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN