

MEMBERS PRESENT

Chairman Dini  
Mr. Marvel  
Mr. Fitzpatrick  
Mrs. Westall  
Mr. Harmon  
Dr. Robinson  
Mr. Craddock  
Mr. Jeffrey  
Mr. Getto  
Mr. Bedrosian  
Mr. Bergevin

GUESTS PRESENT

See Guest List attached

\* \* \* \* \*

Chairman Dini called the meeting to order at 9:00 A.M.

AB 497 - CREATES COMMITTEE ON STANDARDS AND TRAINING  
FOR PEACE OFFICERS

JOHN COMPSTON, Training Coordinator, Peace Officers  
Standards & Training, State of Nevada

Mr. Compston advised the Committee in 1977, when the Governor tried to realign the number of commissions and committees in the state government, a portion of the "POST" enabling legislation was done away with as it existed prior to that time. Mr. Compston stated what they were asking is that the legislation be put back in enabling "POST" to again do the jobs they were doing before, seeing that standards are met, and providing training for peace officers on a state-wide basis. Mr. Compston referred the Committee to a letter which had been distributed to them, dated March 20, 1979, indicating some of the minor wording changes they would like to see made in the Bill, a copy of which is attached hereto and made a part hereof.

Chairman Dini asked Mr. Compston to give the Committee some background on why the Governor took it out of his reorganization. Mr. Compston replied he was trying to cut down on committees that were being funded at that time and moved the legislation over to the Crime Commission, the members had existed as Crime Commission members in the past, but the Commission felt there was a need for this special

sub-committee so they reappointed the same five members as a committee of the Commission and they continued to function as before and it only cut down several paragraphs of enabling legislation into two sentences. He stated the legislation that was changed slightly restricted the Committee at that time.

Mr. Marvel inquired concerning a fiscal impact and Mr. Compston responded there was none.

BARNEY DEHL, Chairman, Crime Commission

Mr. Dehl stated the Crime Commission totally endorses the Bill with the slight modifications made, and the modifications were made at the suggestion of the Crime Commission itself. Mr. Dehl advised the Committee the Commission is made up and representative of all the law enforcement agencies throughout the state and the whole criminal justice committee supports the Bill also. Mr. Dehl stated the Commission feels that doing away with the enabling authority was strictly an oversight when they tried to streamline the legislation previously.

GENO MECCHETTI, Chief, Crim. Div., Attorney General

Mr. Menchetti said he was in support of the Bill, and referred the Committee to copies of the Minutes of the Law Enforcement Meeting, dated December 15, 1978, indicating that the members voted unanimously to support the Bill, a copy of which is attached hereto and made a part hereof.

COMMITTEE ACTION:

AB 497 - Dr. Robinson moved AMEND and DO PASS; seconded by Mr. Getto, and unanimously carried.

Chairman Dini then announced the next Bill to be heard would be AB 502.

AB 502 - LIMITS COUNTY RELIEF TO INDIGENTS WHO ARE OR INTEND TO BECOME RESIDENTS OF COUNTY

SAM MAMET, Management Analyst, Clark County

Mr. Mamet advised the legislation is the request of the Nevada Association of County Welfare Directors.

Mr. Mamet stated the intent of the Bill arises from a 1969 U.S. Supreme Court decision which declared residency requirements for welfare recipients unconstitutional; the Court felt that the residency requirements as set forth in state statutes requiring same acted as a denial of the freedom to travel between states; and that the statutes in setting forth a one year residency requirement discriminated between people of the same class, i.e., welfare residents of more than one year and less than one year which conflicted with the 14th Amendment (Equal Protection Clause of the Constitution). He stated the U.S. Supreme Court also set out in their decision that two things constituted domicile for purposes of receiving welfare: actual physical presence in a County or actual physical presence within a state or county, and the intent to reside permanently in that area. Mr. Mamet advised the Committee there is a three year residence requirement in the State of Nevada and a six month residence requirement in the County immediately preceding the date of applying for welfare assistance, and the Attorney General stated that the residency requirement under the U.S. Supreme Court decision was unconstitutional and under various Nevada case law the only thing that constitutes residence or domicile was that the person declare his or her intention to reside permanently in the County. Mr. Mamet advised the Committee the Association wishes to have the residency requirements deleted under the statute. He stated the Bill as drafted was slightly broader than recommended and the representatives had some tighter language. Mr. Mamet stated they do not request 428.060, the second section of the Bill, be repealed. The 428.060 sets forth the procedure of an individual who makes application for welfare in one county but is, in fact, a resident of another county; Clark County can seek a claim from Esmeralda County for the welfare payments and costs of other services provided to a welfare recipient who may be a resident of Clark County but makes application in Esmeralda County. Mr. Mamet stated it is desired to make the Nevada statutes consistent with the U.S. Supreme Court decision.

DORIS CARPENTER, Washoe County Welfare Dept.

The proposed amendment, Mrs. Carpenter advised the Committee, states that the residence will be accepted by declaration of intent by the applicant and there is a problem with that; a declaration of intent has led to abuse of welfare programs, and they propose that the statute provide for satisfactory evidence of the applicant's intent

to establish residence be required.

Mr. Bergevin inquired of Mrs. Carpenter whether she felt 428.060 should be repealed and she replied they had some suggested amendments to that statute.

The Chairman had requested the appearance of Mr. Frank Daykin, Legislative Counsel, and Dr. Robinson explained to Mr. Daykin that in AB 502, section 2, where N.R.S. 428/060 is repealed, sponsors of the Bill stated they did not request that that section be repealed, and asked for Mr. Daykin's opinion.

FRANK DAYKIN, Legislative Counsel

Mr. Daykin explained to the Committee that they had supplied the repeal of 428.060 because it is so closely tied back to the former residency requirement of .040. Mr. Daykin advised it would be possible to retain .060 with substantial amendments that if an individual does not intend to become a resident of the county in which the individual applies, the individual could be given temporary relief and the individual could be returned to the county of his last residence. However, Mr. Daykin explained, what this seemed to do was to open the door wide, do away with any resident requirement, and .060 might just as well be forgotten.

Dr. Robinson pointed out that perhaps .060 could be amended to require some material evidence of the intention in addition to just the verbal exclamation. Mr. Daykin stated if that were the case it wasn't conveyed by the request and it certainly could be done.

Dr. Robinson asked Mr. Russell McDonald if he would get together with Mr. Daykin and address themselves to section 2, .060 portion, of the Bill.

PHYLLIS MATHEWS, Lyon County Welfare

Mrs. Mathews stated it was Section 2 she was most interested in because if it is repealed she wondered if all indigents are treated as residents and could no temporary assistance be given. She wanted to know if it would prevent them from helping transients, traveling from one place to another, who do not want to be residents in any event.

AB 504 - AUTHORIZES BAILIFFS IN SMALLER COUNTIES  
UNDER CERTAIN CIRCUMSTANCES

BILL MacDONALD, District Attorney, Humboldt County

Mr. MacDonald advised the Committee that their District Court calendar is getting larger and larger, and the amount of time the Sheriff has to devote to the Court assisting as Bailiff is becoming burdensome to him. He stated the law presently allows the Court to appoint a Bailiff in counties polling more than 4500 votes and they are asking that the law be changed to permit Bailiffs to be appointed in smaller counties than 4500. He advised the Committee the County Commissioners under present law have to fix the salary.

A discussion ensued between Committee members as to the Sheriff's functions, salaries, and the general problems involved in smaller counties.

The testimony was concluded on AB 504.

Chairman Dini called upon Mr. Russell McDonald who had been working on amendments to AB 379. Mr. McDonald submitted the amendments which he read into the record, a copy of which is attached hereto and made a part hereof

COMMITTEE ACTION:

AB 379 - Mr. Craddock moved AMEND and DO PASS; seconded by Mr. Getto, and unanimously carried.

AB 504 - Mr. Getto moved AMEND and DO PASS; seconded by Mr. Marvel, and unanimously carried.

Chairman Dini stated he had a proposed amendment to the Economic Development Law concerning multiple family residences which came from Washoe County's Housing Authority, and requested a Bill Draft from the Committee on the item; Mr. Jeffrey moved for the Bill Draft; seconded by Mr. Bergevin, and unanimously carried.

Chairman Dini stated they would take no action on AB 502 pending receipt of the amendments from Mr. Daykin.

There being no further business to come before the meeting, the same was adjourned.

Respectfully submitted,

Sandra Shatzman  
Assembly Attache

STATE OF NEVADA



ROBERT LIST  
Governor

MICHAEL A. de la TORRE  
Director

*Department of Law Enforcement Assistance*

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March 20, 1979

Assemblyman Joe Dini, Chairman  
Committee on Government Affairs  
Nevada State Legislature  
Carson City, NV 89710

Dear Chairman Dini:

I have reviewed AB 497 with the Crime Commission, and it was felt that the language in lines 14 and 15 should be changed to reflect the language in line 20.

We would like to propose the following minor changes in the bill:

Change lines 14 and 15 to read as follows:

- 14 Adopt regulations establishing minimum standards for recruitment,
- 15 selection and training of peace officers. These

These changes reflect the wishes of the Crime Commission and does not change the intent of the legislation that existed prior to the 1977 session.

Sincerely,

Michael A. de la Torre  
Director

By: *John L. Compston*  
John L. Compston  
Training Coordinator

MAdLT/JLC/cac

## MINUTES OF LAW ENFORCEMENT MEETING

December 15, 1978

A meeting of members of the Attorney General's Office, Nevada law enforcement and criminal justice officials was held on December 15, 1978, in the Heroes Memorial Building Annex, Carson City, Nevada, for the purpose of considering proposed criminal legislation for enactment by the 1979 Nevada Legislature.

Those attending were as follows:

ROBERT LIST  
RICHARD BRYAN  
GENO MENCHETTI  
BRUCE GREENHALGH  
NORMAN HERRING  
WALT LLOYD

JACK L. EMERY  
LORNE BUTNER  
PETE RASNER  
DAVE BANOVIICH  
FRANK WESTON  
HAL DUNN  
THOMAS FETTIC

BOB ANSELMO

LARRY KETZENBERGER  
LES W. JONES  
DICK KIRKLAND  
DAVE KIECKBUSCH  
BERNARD SCHNEIDER  
THOMAS A. HILL  
JACK C. HEWITT  
DANNY WOOD

RUPERT SCHNEIDER  
BILL MACDONALD  
DAVID SMALL  
PETE KNIGHT  
BOB MILLER  
STEVE McMORRIS  
CAL DUNLAP  
MIKE MALLOY

RICHARD WAGNER

STEPHEN H. DOLLINGER  
JAMES B. KELLY  
JOHN FLECKENSTEIN  
WALT HINES  
PAUL McGRATH  
CHARLES WOLFF, JR.,  
MIKE MEDEMA  
J. C. SWINEHART  
JUDGE SEYMORE H. BROWN

Governor-Elect  
Attorney General-Elect  
Chief Criminal Deputy Attorney General  
Chief Investigator  
Deputy Attorney General  
Deputy Attorney General, Welfare Div.

Sheriff, Erueka County  
Washoe County Sheriff's Office  
Sheriff, Carson City  
Sheriff, Churchill County  
Sheriff, Humboldt County  
Sheriff-Elect, Carson City  
Appointed Undersheriff of  
Sheriff-Elect, Carson City  
Director, Department of Public Safety  
Henderson

Las Vegas Metro Police Department  
Chief, Winnemucca Police Department  
Reno Police Department  
Reno Police Department  
Chief, Lovelock Police Department  
Chief, Sparks Police Department  
Sparks Police Department  
Fallon Police Department

District Attorney, White Pine County  
District Attorney, Humboldt County  
District Attorney, Carson City  
District Attorney, Nye County  
District Attorney, Clark County  
District Attorney, Douglas County  
District Attorney, Washoe County  
Assistant District Attorney,  
Washoe County  
District Attorney, Pershing County

Municipal Court Judge, Reno  
Justice of the Peace, North Las Vegas  
Justice of the Peace, Dayton  
Major, Nevada Highway Patrol  
Nevada Highway Patrol  
Director, Department of Prisons  
Nevada Department of Prisons  
President, Nevada Peace Officers Assn.  
President, Nevada Judges Association

SHERMAN SIMMONS  
A. A. CAMPOS  
DOROTHY YUILL

STEVE MAHONEY  
JOHN COMPSTON  
RICHARD STAUB  
VERN CALHOUN  
DAVID STANKOW  
DARREL HAROLD  
SGT. ED SMITH  
BOB MINGES  
SAM ITO  
SAM VAN CUREN  
WILL DIESS

GORDON MARTIN

JAY EHLERS

Governor's Office  
Chief, Parole and Probation  
President, Nevada Check Investigators  
Association  
Division of Brand Inspection  
DLEA - Planning & Training Division  
DLEA - Planning & Training Division  
DLEA - Chief, Narcotics Division  
Legislative Council Bureau  
Department of Fish and Game  
University Systems Police  
Nevada National Bank  
Nevada Check Investigators Association  
Nevada Check Investigators Association  
President, Las Vegas Police Protective  
Association  
President, Western Nevada Peace Officers  
Association  
President, North Las Vegas Police  
Officers Association

Geno Menchetti opened the meeting at 9:40 a.m. He briefly explained the purpose of the meeting and advised that any proposals receiving an affirmative vote today would be drafted and anyone concerned with the wording or who might think of additional issues were invited to attend the second meeting scheduled for January 12, 1979. At this point, the attendees introduced themselves and the agency they represented.

Mr. Menchetti then introduced Governor-Elect Robert List who welcomed everyone and explained how this group had accomplished their goals in the past. He stressed the importance of approaching each proposal with the spirit of compromise with the end result being to present a constructive package to the Legislature which would give the feeling of unity between the law enforcement community. He pledged his continued support of law enforcement and urged everyone to support the program by personally attending the hearings during the legislative session.

Robert List asked the group to consider a bill which would bring about a mandatory sentence for individuals who commit crimes with a deadly weapon. He then turned the meeting back over to Geno Menchetti.

Mr. Menchetti advised that during the legislative session the Attorney General's Office would be keeping track of the law enforcement bills and if any information is needed on a particular bill to call his office.



proposal to allow exchange of information between bank and law enforcement personnel. He explained the purpose of and the necessity for such a bill. Problems with complying with federal guidelines were discussed whereafter it was decided that the Banking Association should contact other jurisdictions and banks to ascertain what legislation if any they have been able to pass in their state, taking into regard the federal legislation, constitutional principles and court liability and to then relay the information to this group at a later time for determination.

John Compston from the Department of Law Enforcement Assistance explained that in 1977 the legislature, at the request of the Governor, cut back on commissions and committees and in so doing abolished the POST legislation that was enacted in 1965. His proposal was to have the POST legislation reenacted and to also enact some type of statutory adherence to the standards. He pointed out that the problem now is some agencies are totally ignoring the standards and are not sending their men to POST school. Following a discussion on different methods of enforcing the standards it was recommended that John meet with different chiefs and sheriffs to obtain their input on the problem, and to then come back to the next meeting with a different approach to the problem. John then requested the group to approve the proposal to reenact the POST rules and regulations without any enabling requirement. All voted in favor.

78 497

AB 115

Walt Lloyd, Deputy Attorney General with Welfare, briefly explained the objectives of the Child Support Enforcement Unit. He advised that they were introducing the Uniform Parentage Act which would allow in court the results of a blood test as evidence in proving parentage and asked the group for their support. All were in favor.

AB 461

Bud Campos, Parole and Probation, proposed legislation to provide that in the event of consecutive sentences the time for parole would be figured on the aggregate. He explained the problems now being experienced by his Department and the necessity for such a bill. Director Wolff also spoke in favor of this proposal. It was unanimously voted to support such a bill.

Amendments to AB 379

Amend section 1, page 1, by deleting lines 2 to 18, ~~and~~ and inserting in lieu thereof:

" 244.085 The meetings of the boards of county commissioners shall be held at the county seats of their respective counties or at a place not more than 10 miles from the county seat within the boundaries of the county at least once in each calendar month, on a day or days to be fixed by ordinance, provided that:

1. Such day does not fall on a Saturday or on any nonjudicial day, in which event the meeting [shall] must be held on the next judicial day.
2. The first meeting of the board in odd-numbered years [shall] must be held on the 1st Monday in January, [.] but if the 1st Monday in January is a nonjudicial day, the meeting must be held on the next judicial day.
3. [Such] The meeting day [or days] and place as fixed by ordinance [shall] must remain unchanged, unless notice of a proposed change is published once a week for 3 consecutive weeks in a newspaper of general circulation in the county.

U/S

4. When the board of county commissioners resolves itself to the committee of the whole the committee of the whole may meet for informational purposes at any place within the county to discuss only matters of general interest to the particular area. Meetings of the committee of the whole must comply with the provisions of chapter 241 of NRS. The committee of the whole cannot take any final action and its power is limited to recommendations to the board of county commissioners.

Amend the title of the bill by deleting the title of the bill in its entirety and inserting in lieu thereof:

" An Act relating to county government; providing for fixing the time and meeting place of the board of county commissioners by ordinance; providing for meetings of the committee of the whole of the board of county commissioners; and providing other matters properly relating thereto."

RW McDonald

March 16, 1979

