

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Members Absent:

None

Guests Present:

Frank Daykin, Legislative Counsel
Paul DeLorey, Federal Firefighter, Nevada
James Ohriner

Chairman Hayes called the meeting to order at 9:30 a.m.

ASSEMBLY BILL NO. 205

Corrects language of certain provisions of law
on fiscal notes.

Mr. Frank Daykin stated the bill changes language used in the statute relating to fiscal notes on bills to conform to actual procedures. Mr. Daykin stated that the 1973 language of A.B. 205 was not specific, but that the fiscal division had worked up a form, actually in use for the past 2 years with respect to the bill. That form, he said, stipulates whether there is an effect on local government, insurance, etc., and that the bill language provides conformance with actual practice.

Chairman Hayes asked whether there is a bill in the Senate this session which has passed and addresses the same question.

Mr. Daykin replied that the Senate bill would make the same changes and additionally requires a fiscal note on a joint resolution as well as on a bill. He added that wording will be used from whichever bill passes first.

ASSEMBLY BILL NO. 206

Repeals session law relating to metropolitan fire departments.

Mr. Daykin explained that the bill recognizes the fact that the Nevada Supreme Court held the pertinent statute unconstitutional; hence the bill repeals that law as it was enacted because it never was effective.

Mr. Stewart asked if this bill was the one in which the chapter was wrongly designated. Mr. Daykin agreed, adding that the bill would revise both the statute title and text.

ASSEMBLY BILL NO. 208

Ratifies technical corrections made to various chapters of NRS.

Mr. Daykin explained that sometimes, near the end of a session, two or more amendments are made to the same section, and if the amendments appear simultaneously, the section may be amended to read two different ways. If this becomes a conflict of substance within the statute, a new statute is introduced at the next session. To date, differences have been only verbally inconsistent causing differences, not substantive ones. In the subsequent session, proposals are made to amend sections of the previous session law which contained errors so the statutes will read properly. Mr. Daykin added that corrections may be required, too, which do not result from multiple amendments but stem from the passage of parallel new sections. He then offered to get particular notes on each section of A.B. 208 so that Committee members might have an explanation of what the bill particularly does in its language. He re-emphasized that A.B. 208 simply ratifies the statute text as it was printed in NRS from other sessions.

Mr. Stewart referred to Section 3, page 3, line 30, regarding the bill language pertaining to appeals officers. Mr. Daykin answered that there were two different bills on that subject-- one bill created provision for two appeals officers and the other provided that the appeals officer would not have to have been previously licensed for a period of at least two years (line 44). One bill picks up the change, but the other makes its own change. This bill proposes to reconcile changes to the law, addressing the subject within a single statute.

Mr. Malone asked how the decision is made about which wording to use when there is duplication. Mr. Daykin answered that

the procedure is to follow the Legislative intent expressed in each bill, as different changes affect the same section. He noted that if the changes are consistent, there is no problem, and cited the example of the change of name of a State agency which had been reorganized as well. With the event of conflicts which cannot be reconciled, both statements remain, and the bench and bar can make its choice. Mr. Daykin added, however, that those sorts of conflicts have not occurred, so the double addition has not yet been necessary.

Mr. Daykin then left the meeting for a short time to obtain his notes regarding A.B. 208.

ASSEMBLY BILL NO. 213

Requires sheriff to notify next of kin of death of relative in certain circumstances.

James Ohriner appeared before the Committee on A.B. 213, representing himself, and read the statement attached to these minutes as Appendix A, concerning two types of problems he feels can be alleviated if A.B. 213 becomes law.

Mr. Horn asked whether his interpretation, that in order for a minor relative of a dead person to be informed of the death, the next of kin would have to receive a notarized statement from the relative, was correct. He added that he did not think that legal requirement would be realistic in such a situation.

Mr. Ohriner indicated he felt the notary could be brought to the injured relative required to provide the statement. In answer to Mr. Fielding's question, Mr. Ohriner said there is a law which requires that deaths be reported to the local public administrator's office for census purposes.

Mr. Ohriner then answered Mr. Horn's question about the bill's origin, stating that he had requested its introduction.

Chairman Hayes commented that her family had not been notified by the sheriff upon the death of a family member and that notification had been received from a private party.

Mr. Fielding said that in small areas the deputy coroner must make notification, someone is then appointed as a justice of the peace, and practice is that a minister is obtained to inform the relative. Mr. Malone agreed that notification is the responsibility of the coroner.

Mr. Sena cited a case in Henderson in which a police officer had informed a minor child of the death of the child's parents, said someone had hit the informing officer, and that the family is now in litigation with the City and the officer has been suspended from duty.

Mr. Horn asked if statistics are available on how many times these sorts of notifications have been given causing problem situations.

Mr. Ohriner stated that most instances go unreported because there is no law to cover the situation. He added his concern about prevention of these "verbal abuses" and said he personally knows of two such cases within the last six months.

Mr. Banner commented that he wouldn't be bothered by one of his children being so notified and would see the notification as part of the duty of the policeman.

Mr. Prengaman said that one of the most difficult things for him as a first-time legislator is whether or not the statutes should be changed to become adaptive to one or two situations which have occurred. He expressed his concern with obtaining statistical information on the subject.

Mr. Ohriner said that he felt the only way to determine those statistics would be to ask each police officer whether or not he had encountered such a situation.

Mr. Prengaman stated he felt it was natural for the police officer to look for the first family member who could be found for notification.

Mr. Ohriner stated that the bill would provide that if an adult relative or guardian could not be found within 24 hours, the child could be notified, but that the bill would provide for this sort of search.

Chairman Hayes said that would allow a very minor child to be unattended for a 24-hour period.

ASSEMBLY BILL 208

Mr. Daykin returned to the meeting with notes on this bill, which he used for detailed explanation of all affected sections. He agreed that if the Committee felt the bill should be placed on Consent Calendar, he would be available in the Assembly on the day of its hearing to give detailed explanation of sections which might be questioned by that body.

Mr. Stewart asked Mr. Daykin whether A.B. 208 would violate the constitutional provision pertaining to coverage of more than one subject in a single action.

Mr. Daykin answered that there would be no constitutional violation, because the single subject addressed is session law, and there is no involvement substantively with the multiplicity of subjects

referenced. He added that the bill would ratify corrections made to various chapters of NRS, and that in order to raise the constitutional question, an attorney would have to show that a substantive change to the law on which the attorney was applying was applicable, which could not be done.

Action taken on bills by the Committee was as follows:

A.B. 183

Mr. Stewart moved for Do Pass as Amended, seconded by Mr. Horn. The motion was unanimously approved by the Committee.

A.B. 205, A.B. 206, A.B. 208

Mr. Prengaman moved to place these bills on the Consent Calendar with a Do Pass recommendation. He then amended the motion to exclude A. B. 206, as an amendment to that bill was to be considered by the Committee.

The amended motion was as follows:

A.B. 205 and A.B. 208

Mr. Prengaman moved, seconded by Mr. Stewart, to place A.B. 205 and A.B. 208 on the Consent Calendar with a Do Pass recommendation. The motion carried unanimously.

A.B. 206

Mr. Prengaman moved for Do Pass as Amended, seconded by Mr. Sena. The motion carried unanimously.

A.B. 213

No action was taken on this bill by the Committee; however, Mr. Sena requested that it be reconsidered after two days so that he would have time to consult with the Henderson City Manager. The Committee agreed to reconsider the bill in two days.

There being no further business to come before the Committee, Chairman Hayes adjourned the meeting at 10:30 a.m.

Respectfully submitted,

Jacqueline Belmont
Jacqueline Belmont
Secretary

JUDICIARY COMMITTEE
TESTIMONY BY JAMES OHRINER
WEDNESDAY, FEBRUARY 7, 1979 - 9:30 A.M.

IMAGINE THE WORST, JUST FOR A MOMENT. LET'S SAY, GOD FORBID, THAT SOME CLOSE RELATIVE IS KILLED IN AN ACCIDENT. A LAW ENFORCEMENT OFFICER MEETS YOU AT YOUR DOOR AND INFORMS YOU OF YOUR LOSS. YOU, AS A MATURE ADULT, REQUEST THAT YOU BE THE ONE TO INFORM YOUR CHILD. YOU THEN LEAVE TO MAKE ARRANGEMENTS FOR THE FUNERAL. UPON RETURNING HOME, YOU FIND THE SAME LAW ENFORCEMENT OFFICER DEFYING YOUR WISHES BY INFORMING THE CHILD THAT HIS RELATIVE IS DEAD. YOUR IMMEDIATE REACTION IS ANGER, AND IN A FIT OF RAGE YOU SLUG THE OFFICER. YOU ARE THEN IMPRISONED FOR ASSAULT OF AN OFFICER OF THE LAW. WHAT A MESS, WOULDN'T YOU SAY?

OR IMAGINE AN INCIDENT TOTALLY OPPOSITE TO THAT. IMAGINE THAT YOUR RELATIVE IS DEAD FOR A DAY AND NO ONE FROM THE SHERIFF'S OFFICE MAKES ANY ATTEMPT TO INFORM YOU. YOU RECEIVE A SYMPATHY MAIL-GRAM FROM AN OBSERVER OF THE ACCIDENT IN WHICH YOUR RELATIVE WAS INVOLVED. WHAT A WAY TO FIND OUT, RIGHT?

IN THE STATUS QUO, EITHER OF THESE SITUATIONS CAN HAPPEN. THESE ARE THE TWO MAJOR ARGUMENTS FOR PASSAGE OF A.B. 213.

THIS BILL GIVES THE RIGHT FOR PARENTS OR GUARDIANS OF A CHILD TO INFORM THEM OF THE DEATH OF A RELATIVE. IF THE PARENTS ARE NOT ABLE TO INFORM THEIR CHILD OF THE DEATH OF A LOVED ONE, THEY MAY SUBMIT A NOTARIZED STATEMENT TO THE

SHERIFF'S OFFICE RELEASING THEIR RIGHTS TO THEM. IF NO GUARDIAN CAN BE FOUND WITHIN 24 HOURS, THE SHERIFF'S OFFICE MAY INFORM THE MINOR.

IN THE SECOND CASE, WHERE NO NOTIFICATION WAS MADE, THE BILL FORCES THE LAW ENFORCEMENT AGENCY TO INFORM NEXT OF KIN OF THE DEATH OF A RELATIVE.

I PERSONALLY KNOW OF SITUATIONS IDENTICAL TO THE ONES I HAVE STATED. BOTH WERE TRAUMATIC, BOTH WERE UNNECESSARY, AND NEITHER WILL EVER HAPPEN AGAIN AFTER THE PASSAGE OF A.B. 213.

IF, IN YOUR LIFE, YOU HAVE SUFFERED FROM EITHER ONE OF THESE UNFORTUNATE OCCURRENCES, YOU CAN EASILY SEE THE NEED FOR A.B. 213. IF NOT, JUST FOR A MOMENT, IMAGINE THE WORST, GOD FORBID.

THANK YOU.