

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

PRESENT: Senator Close
Senator Hernstadt
Senator Dodge
Senator Raggio
Senator Sloan
Senator Ford
Senator Don Ashworth

ABSENT: None

SB 256 Provides additional methods of service of process upon deputy sheriffs.

Larry Ketzenberger, Las Vegas Metropolitan Police Department, testified that their only concern with this measure was that the process might not reach the officer involved in time for the action that is to be taken.

He stated that as a matter of practice, this is being done at the present time. The subpoenas are brought to the Bureau Commander and he sees to it that it is given to the individual.

Marshall L. "Smokey" Stover, a state licensed process server in Las Vegas, testified in support of this measure. He stated that there is presently no provision for making a substitute service of process in Nevada.

In many instances it is impossible to track down the officer because he is out on the road or is working undercover. Mr. Stover felt that it was not in the best interests of the public to have to call an officer off duty, or to possibly blow his cover, merely to have to give personal service.

Senator Raggio asked why this was directed to deputy sheriffs only.

Senator Close responded that it should have been made applicable to all police officers.

It was the decision of the committee to withhold action on this measure until a review could be made of what other states do in this regard.

SB 257 Permits district court to confer powers of peace officer on private process server.

Larry Ketzenberger, Las Vegas Metropolitan Police Department, testified in opposition to this measure. He stated that these are individuals engaged in the private business of process serving and make a profit thereby. It was his feeling that with the additional protection of being a peace officer, having a badge and carrying a gun, the public might be unduly

intimidated. He was particularly concerned over their ability to carry weapons without having to submit to training with them.

Mr. Ketzenberger further stated that it was the opinion of the City Attorney's office in Las Vegas, that there was a considerable possibility of public liability should private citizens be granted the powers of a peace officer.

Marshall L. "Smokey" Stover, a state licensed process server in Las Vegas, testified in support of this measure. He stated that at the present time, a private process server has no protection under the law other than as an ordinary citizen. He felt that inasmuch as they are part of the judicial process (the serving of court papers) that they should have additional means of protection under the law.

In response to a question from Senator Hernstadt regarding the service of process on private, country club-type estates, Mr. Stover stated that in those instances, the service must be turned over to the civil division of the sheriff's department.

Senator Sloan stated that he was opposed to the whole concept of this. He felt that there was no real need for this and cited Mr. Stover's remark that difficult services can be made by the civil division of the sheriff's department, who are already peace officers.

Senator Dodge moved to indefinitely postpone SB 257.

Seconded by Senator Sloan.

Motion carried. The vote was as follows:

| | |
|--------------------|-------------------|
| AYE: Senator Sloan | NO: Senator Close |
| Senator Dodge | Senator Ford |
| Senator Raggio | Senator Hernstadt |
| Senator Ashworth | |

SCR 15 Urges Nevada supreme court to amend Nevada Rules of Civil Procedure relating to service of process.

Marshall L. "Smokey" Stover, testified in support of this measure. His reasons for his support were essentially those for his support of SB 257.

Mr. Joe Sikaty, an employee of Mr. Stover, concurred with his testimony.

Senator Dodge stated that he felt this was a policy question regarding the legal implications of departing from the present concept of absolute personal service. He stated that although there were certain hazards to this type of business, those hazards had to be equated with the profits received. He did not believe that the state of Nevada should attempt to cushion the hazards involved in those types of pursuits.

Senator Raggio concurred and further stated that he felt this would encourage the use of substitute service. It was his opinion that, whenever possible, persons who are being sued or named in process, should receive direct, personal notice of that.

Senator Dodge moved to indefinitely postpone SCR 15.

Seconded by Senator Sloan.

Motion carried. The vote was as follows:

| | | | |
|------|------------------|-----|-------------------|
| AYE: | Senator Sloan | NO: | Senator Close |
| | Senator Dodge | | Senator Ford |
| | Senator Raggio | | Senator Hernstadt |
| | Senator Ashworth | | |

SB 106 Limits liability of manufacturers and sellers for defective products.

For testimony and discussion on this matter, see the minutes for the meeting of February 9, 1979.

Senator Raggio stated that although he felt there was a definite need for some legislation of this type, he did not feel it should be handled in one bill. He suggested that an interim study be done on the present case law in this area; what the effect would be on insurance, and premiums; etc.

Senator Hernstadt moved to indefinitely postpone SB 106.

Seconded by Senator Raggio.

Motion carried unanimously.


Senator Hernstadt moved to adopt a resolution calling for an interim study on the liability of manufacturers and sellers of defective products.

Seconded by Senator Raggio.

Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cheri Kinsley, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman