

The meeting was called to order at 8:05 a.m. Senator Close was in the Chair.

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

ABSENT: None

AB 803 Authorizes certain city employees to issue written citations for ordinance violations.

Marsha Hudgins, City of Las Vegas, stated that this was a bill that was requested by the city, and when we testified in the Assembly Government Affairs Committee, the county asked to be included. Right now the statutes imply that you have to be a peace officer to issue a citation. Several departments issue citations in the course of business, such as Animal Control and Business Licensing. All this bill does is allow certain employees, who are designated by their governing bodies, to issue citations.

Sam Mamet, Clark County, stated that the county supports this bill.

Senator Ashworth moved that AB 803 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Sloan. Motion carried vote was as follows:

AYE: Senator Close	NAY: None	ABSENT: Senator Hernstadt
Senator Ashworth		Senator Raggio
Senator Sloan		Senator Ford
Senator Dodge		

SB 547 Allows any attorney to be appointed as alternate for police judge.

Senator Close stated that this bill seems to apply only to non-charter cities, and he doesn't quite understand what the bill is trying to get at.

Senator Raggio stated that there are only 3 or 4 cities that are not incorporated in the state.

Senator Dodge stated that he thought this bill was trying to get at appointing someone where the judge is on vacation or something of that nature.

Senator Sloan stated that if a police judge is appointed, he would have no problem if it were the Justice of the Peace.

or another judge, but he does have a problem if they are going to appoint an attorney. In a small town there could be only two or three attorneys, and they could really get something going.

Senator Raggio stated that he thought the original bill provided for the mayor to oversee the selection. In Washoe for example, the city judge does not have another city judge that he can appoint, so in the past if the judge were unable to serve he called upon other members of the bar. The mayor had the list of people that were willing to serve, and he would call on one.

Senator Dodge stated that the problem in this bill is that it also includes the inability to act. You could have someone appointed to finish filing out a term. He felt that could also create some problems.

Senator Close stated that he would check with research and find out which charters would be affected, and then get back to the Committee.

Senator Close stated that in front of the Committee was a list of bills (See Attachment A). These are studies proposed for the interim. The interim-committees will be made up of members of both the Assembly and Judiciary Committees. Down at the bottom of the sheet are some of the alternatives to having the Committees meet as a whole. He asked the Committee to vote on the proposed studies and he would submit the top four for consideration. In order of the vote the top four are as follows:

- SCR 49 Directs legislative commission to study gaming industry.
- ACR 41 Directs legislative commission to study Nevada prison system and alternatives to incarceration.
- SCR 50 Directs legislative commission to study proposals for full state funding and unitary budgeting for the court system of the state.
- ACR 53 Directs legislative commission to study grand jury system in Nevada.

AB 30 Changes certain procedures for defending actions against public officers and employees.
(See minutes of May 9 and 15 for testimony and discussion.)

After a lengthy discussion the Committee felt that they should have some more input on this. There was still too much confusion by the members as to whether wanton and malicious acts were within or without the scope of employment, and just how much liability the state should have in these acts.

Larry Struve was called in to testify on this bill. He stated that in discussion with people that have actually defended these type cases, the facts involved in a particular case would probably be handled through a motion to dismiss on the grounds, say where a guy goes berserk, that it was clearly beyond his scope of employment. He would think in the normal

case the case would go to the jury and they would be the ones to decide if it was within the scope and course of his employment. The way the amendment before the Committee reads, the state would be liable and He stated he had been told that is consistent with general common law principals.

Senator Hernstadt stated that as far as a fellow going berserk, there are usually signs along the way, it doesn't happen over night.

Senator Dodge stated that he didn't think that the employer could be responsible for every employee's mental stability.

Mr. Struve stated that this again would be up to the jury. It would be another argument before the jury and it would be found that if the incident could have been prevented then the employer would be liable.

Senator Raggio stated that present law does not impose strict liability on the state. This bill is a departure because it does.

Mr. Struve stated that the present law states that the state has a right of contribution, so it would be consistent.

Senator Dodge asked if wanton and malicious were covered under present law.

Mr. Struve stated that it is not covered per say. The way it works is that if there is an allegation of wanton and malicious conduct, defense attorneys will seek to make a motion to convince the court that because it was wanton or malicious, it was therefore outside the course and scope of employment. There is apparently a line of case law that can be used by the defense lawyers that has held that in several situations, wanton and malicious misconduct is ipso-facto outside the course and scope of employment. That argument can still be made if you amend this statute back to the current law.

Senator Close stated he would like to go through what has been amended to see if there are any other problems Mr. Struve can see. The time the state has to answer the complaint is 45 days. If the A.G. declines to defend, all parties shall be notified at least 10 days prior to a response of pleading. In Section 11, we have said that if you decide not to defend you can make the appearance and pull out later on.

Mr. Struve stated that he felt it was critical to have Section 11 in, because current law does not provide that.

Senator Close stated that Section 4, subsection 1, will now be deleted because of the 45 days accross the board. On Page 4, line 6, we are adding the words "Federal Court." On line 37, page 4 we are changing "requiring an insuror to defend" to "tentatively defend the insuror." Because the insuror

may decline for some reason. Page 6, line 19, we are going to adopt the language on Page 3, lines 19 through 23, which is the existing language. We are also raising the \$35,000 to \$50,000. Also, on line 2 we are leaving out the wanton and malicious language in that part only. That would leave it up to the jury.

Mr. Struve stated he felt the amendments were good ones.

Senator Closed asked Mr. Struve if he would go down to the bill drafters with him, so that they could work on this to make sure that it tracks not only the Committee's intent, but also Mr. Struve's intent.

Mr. Struve agreed.

Senator Ford moved that AB 30 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Dodge. Motion carried as follows.

AYE: Senator Ford	NAY: None	ABSENT: Senator Hernstadt
Senator Dodge		Senator Ashworth
Senator Close		Senator Raggio
Senator Sloan		

AB 784 Revises provisions relating to renting, leasing and unlawful detainer of mobile home lots and restricts renting of lots by dealers, installers and salesmen of mobile homes. (See minutes of May 10 for testimony.)

Section 1 - Add in members of the general public, along with owners and tenants of mobile home parks. Also, in this section bring in about the local ordinances.

Section 2 - No change.

Section 3 - The contract or lease should be made at the request of either the landlord or the tenant.

Sections 4 and 5 - No change.

Section 6 - If there is a deposit required it should be in written form.

Section 7 - The rules and regulations should not include payments of fees. Also, there should be a provision in here that there will be no additional rent or charges brought for occupancy. That if there are rules and regulations they may not be inconsistent with NRS 118, and they must be consistent with the general plan for operation, construction or improvements, and must not arbitrarily restrict the conduct or activity previously approved.

Section 8 - Lines 1 and 2, add in after landlord, or his

agent or employee. After Charge, add in or receive. In sub-section D change immediate family to spouse or children. In sub-section E, allow for an additional charge for cleaning up after pets. And add in that no unreasonable fee for pets kept by the tenants in the park will be charged. Sub-section 2(a) add in, "rental rate or increase of service fees applies in a uniform manner to all tenants similiary situated." Change "disabled" to "handicapped" on line 39. On line 50 add in after "one sign" "of reasonable size".

Section 9 - On the sub-leasing add in that he can do that unless specifically prohibited in the lease. If it is not contained in the lease it could be in the rules and regulations. On line 28 change the 120 days to 60 days.

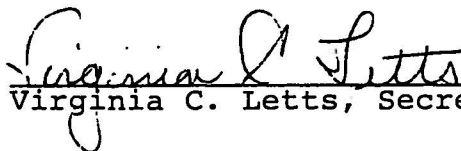
Section 10 - On line 44 change 60 days to 45 days. That termination must be consistent with the provisions of Chapter 118.

Section 11 - Under condemnation or change of land use, it would be limited to moving to a radius of 10 miles.

As the Committee had to go into session, the Committee will continue through this bill tomorrow.

Meeting adjourned at 10:55 a.m.

Respectfully submitted,


Virginia C. Letts, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

