

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
January 29, 1969

Meeting was called to order by Chairman Torvinen at 3:35 P.M.) - 34

Present: Torvinen, Kean, Swackhamer, Bryan, Reid, Prince, Fry, Lowman

Absent: Schouweiler

AB 3: Adopts Uniform Anatomical Gift Act.

Mr. Torvinen: Mr. Reid talked to the hospital administrators and they have no objection to this bill.

Mr. Neff said those from Reno who wanted to speak on the bill couldn't make it today. There is one other matter they want to bring up but they want to clarify it with the undertakers, concerning disposition of parts of the body that were not useful to be banked.

Mr. Bryan: Section 4 provides for this to be taken care of by cremation.

Mr. Reid: Should we be concerned with that?

Mr. Torvinen: We don't want this legislation to put unreasonable restrictions on the undertakers. The remaining anatomical parts should be disposed of in the way the family would desire.

Mr. Prince: Would this be a big problem? Wouldn't the banks take what they could use and leave the rest to the family right then?

Mr. Reid: I had a telegram from David Brandsness. He urged the adoption of AB 3, but he could not attend the hearing. The American Hospital Association is all in favor of AB 3. However, they are not happy with the consent standards. They have recording equipment to take these donations.

Mr. Torvinen: We have Uniform Law Commissioners. They are Coe Swobe in the Senate and Mel Close in the Assembly. This is one of the Uniform Laws they recommended that we adopt.

Mr. Bryan: Would we create an endless ambiguity with lines 15 to 20 page 2? Would we build in a conflict situation? Such as girl 18 - is the girl of legal age?

Mr. Torvinen: Adult is to the law of the domicile. I don't know how you could word this any better.

Mr. Bryan: We might say "under the laws of Nevada". One other question Sub-section F, line 20: "any other person authorized or under obligation to dispose of the body".

Mr. Torvinen: This is the catch-all.

Mr. Swackhamer: We have a law to take care of these people who die with no relatives or friends.

Mr. Kean moved that AB 3 be given a Do Pass
Mr. Prince seconded the motion
Motion was carried unanimously

AB 22: Conforms penalties for unlawful conduct in care of mentally ill to related crimes and penalties.

Mr. Torvinen: Yesterday we passed this bill with a Do Pass as amended. I think we should reconsider it, because there is something on page 1, line 5 which I think should be changed. I believe this is inappropriate as it makes bringing in drugs, etc. a misdemeanor. I suggest we move AB 22 out without this and perhaps get new legislation.

Mr. Swackhamer: The way we have it amended now the administrator could not even bring in drugs to treat the patient.

Mr. Bryan: I move to rescind our action on AB 22
Mr. Kean seconded
Motion carried unanimously

Mr. Swackhamer: I move Do pass AB 22
Mr. Kean seconded
Motion carried unanimously

Mr. Kean: I am slightly disturbed because some of these militant groups have teachers who have joined with students in inciting riots and rebellions of all kinds. We don't have that problem in Nevada, but if we did we have nothing to deal with it. I am asking for something to put on the books which could be relied on, if and when this thing occurs.

Mr. Prince: If you discharge one teacher, then they all walk out.

Mr. Lowman: The teachers' associations are running the universities instead of the presidents.

Mr. Torvinen: Are you asking Committee introduction for this piece of legislation?

Mr. Kean: Yes.

Mr. Swackhamer: It would also give the authorities the opportunity to nail someone like the Black Panthers if they came into town.

Mr. Bryan: This only makes it a basis for dismissal for cause.

Mr. Prince: There was no law with which they could get rid of Clevenger apparently.

Mr. Torvinen: We have insurrection laws on the books now, don't we?

Mr. Kean: Does my legislation duplicate anything?

Mr. Torvinen: No. New York has the Taylor Bill - - -

Mr. Prince: ---but the teacher's and others strike anyway.

Mr. Torvinen: Senator Dodge has a bill on this, SB 87, which prohibits strikes by public employees.

Mr. Swackhamer: We would probably be able to handle it from another angle.

Mr. Reid: I have talked with Mr. Lingenfelter and Hal Smith and they have got a bunch of bills on the rights of public employees to strike and perhaps they should consider this one also.

Mr. Reid: It all relates to their right to organize and collectively bargain and perhaps strike.

Mr. Lowman: Mr. Kean's primary interest is in the field of education.

Mr. Kean: We hire them to be teachers and they should help keep order and peace in the community, not disrupt it.

I move we introduce this legislation.

Mr. Lowman seconded

Mr. Swackhamer: Where will we refer it?

Mr. Torvinen: My inclination is to bring it back here.

Mr. Lowman: I suggest you talk to Hal Smith and see where to refer it.

Motion to introduce BDR 23678^{*} carried unanimously.

AB 84: Provides for parole under indeterminate sentences.

Mr. Torvinen: Dick, are you prepared to talk on this bill?

Mr. Bryan: Mr. May gave me permission to talk on it, but very little information. The main thing, I think, is that our new act may not apply to persons already incarcerated at the time of passage of the act.

Mr. Reid: I would be interested in the reason for the legislature asking for this section 2.

Mr. Bryan: A life sentence with no possibility for parole used to be 7 years and now it is 10. Right now we have no standards.

Mr. Reid: Why don't we make it the same as it is now?

Mr. Torvinen: The point is if a fellow was sentenced in 1965 he thought he would be eligible for parole in 7 years and that is what the judge thought when he sentenced him. To sentence him now to 10 years is a post-conviction raising of his sentence.

Mr. Bryan: Now a judge does not sentence 1 to 10. It must be a fixed sentence. There is really no guide line at all for this.

Mr. Swackhamer: This only makes him eligible for parole. It doesn't say he will get out. /-37

Mr. Fry: My impression is that he is subject to the penalties in effect at the time he went in.

Mr. Bryan: The only way a man could get an indeterminate sentence now is to be tried now for an offense committed prior to 1967 when the new criminal law was passed.

AB 81: Permits use of minor as informant in investigating dangerous drug law violations.

Mr. Reid: Why do we need a statute on this? Can't we do it now?

Mr. Lowman: It is my understanding that you cannot use them right now.

Mr. Bryan: Maybe I can give a little background on this. Until lately Judge Compton served as Juvenile Judge. He told police officers, no you are not going to use kids as informants. The Juvenile Attorney told the officers the same thing. The officers, knowing that Juvenile Court is a separate entity, relied on this information. Really, it is just a policy decision which Judge Compton relayed.

Mr. Lowman moved the committee put this with the group of bills to be considered at a hearing where there will be representatives of the District Attorneys present. It was so decided.

AB 83: Increases small claims limit in justices' courts.

Mr. Kean: To raise it to \$1,000 is already in the act, but it will be three or four years in the future. This will temporarily give us another \$100.

Mr. Bryan: This will keep some claims out of small claims court that might have been collected there.

Mr. Prince: Mr. Kean's idea is in line with the cost of living.

Mr. Bryan moved Do Pass AB 83

Mr. Prince seconded

Motion carried unanimously

AB 93: Provides time limit for sale of real property for delinquent taxes and for disposition of excess sale proceeds.

Mr. Torvinen: I want to call this bill to your attention. The City of Reno has this in mind and I have talked to them about it.

On many occasions, property comes up on the delinquent tax list that need to go to the city to become part of a park or something. Sometimes, subdividers will intentionally carve up a street until the city will not accept it, then he lets it go tax delinquent. Then in order to acquire it, the city must petition for a bid sale to the county treasurer, and then at the sale you may get a sharpie in who will get it because he is willing to pay more than the city can afford.

But it is open to bid and there is nothing the city can do about it even though it is needed very much. Sometimes city officers just refuse to bring it up to bid because of this.

My personal view is to amend this somehow to provide some way where the city or county can say it is necessary for public use and it won't be lost at a public sale. This is a gimmick to get around the subdivision laws. The subdivider just lets it go tax delinquent.

Mr. Prince: Doesn't your Master Plan cover that for the subdividers?

Mr. Torvinen: Sure, but this is the way they get around it. There ought to be a provision to alleviate the situation. The County Master Plan will not take care of this. At one time Reno tried to discipline the subdividers by refusing to give building permits but the courts mandamus'd it.

AB 85: Grants certain powers to State Board of Architecture; requires proof of license in certain court actions.

Mr. Lingenfelter was invited to come in and speak about the bill to the committee.

Mr. Lingenfelter: The first idea is to eliminate the \$200 per year and let this amount be determined by the Board. \$200 presently does not begin to cover the cost. So far they have been getting by because Mr. Hellmann has donated the use of his secretary, but he would like to be relieved of that.

Mr. Kean: Where do the funds come from to pay this person?

Mr. Lingenfelter: The Board has their own fees and has control of them. What they want to do is to be able to retain a secretary to do their work.

Mr. Swackhamer: I say it is the people's money. The more of a closed shop they can make it, the more they will dig the people.

Mr. Lingenfelter: I think this part is really necessary. I am under the impression that these funds are paid in by them.

The most important section is page 2, #5. The second part is important, too.

Mr. Reid: I knew an ex-convict who had learned to be a brick mason. He would go around and build beautiful fences for people. People would not pay him and he could not collect because he was not licensed. The District Court so ruled.

Mr. Kean: We have another statute or section that covers people who have the right to design houses or buildings but they are not architects. They are called designers. If you had a law case and needed such a person to be a witness how could you take his testimony?

Mr. Torvinen: This has nothing to do with expert witness.

Mr. Lingenfelter: Remember the case of Arlington Towers in Reno? A lot of design that went into there was done by a man from out of town. He did everything, the electrical, the plumbing and all of it and they had everything done wrong from top to bottom. It became quite a serious incident because they used a man not qualified.

Mr. Torvinen: Don't we have a special provision where you can associate a California Broker and split the fee?

Lingenfelter: I can split a commission with him, but if I did work with him and I did not want to split with him he could not make me. I would have hung him.

Mr. Torvinen: This bill effectively denies a Nevada builder the right to select an out-of-town architect.

Mr. Lingenfelter: Before you make a decision on this, I wish you would invite Jack McCauliffe in and hear him. The Board feels they must have section 2, #5. They do not feel quite so strongly about the fee.

Mr. Swackhamer: What you mean is they want to get their monopoly first and raise the fees later.

Mr. Bryan: I did receive a call from some local architects who were all upset because everyone is going out of town for their architects.

Mr. Reid: This is true, but they still associate with the local architects.

Mr. Torvinen: We will set a hearing on this for Monday, Feb. 3rd, at the PM recess or 2:00 o'clock.

Mr. Prince moved adjournment

Mr. Bryan seconded

Meeting was adjourned at 4:31 P.M.