

April 7, 1969

Meeting was called to order at 3:45 P.M. by Chairman Torvinen.

PRESENT: Torvinen, Kean, Fry, Bryan, Reid. Mr. Lowman, Swackhamer and Schouweiler came in later.

ABSENT: Prince.

SB 286: Provides for immediate suspension or expulsion of public students for certain reasons.

SENATOR FRANSWAY: Mr. Mason from Clark County came over and we were discussing some of his problems and he suggested that this bill be drawn. He has three known rapists in school. The other students do not want to go to school with them, yet he cannot expel them. He thinks this bill would be a good thing for the school system. He went into Mr. Daykin's office with me and suggested some wording.

In this, no one is stripped of his rights. They have the right to appeal to the School Board. I think it is a good bill and that we need it. We should not wait any longer. Senator Young was opposed until I got the amendment. After that, he voted for it.

MR. FRY: The language "expel" is still left in several sections, line 22 page 1, lines 5 and 11, page 2.

MR. BRYAN: Did you have any testimony from the Chiefs of Police or from the Probation Department that this would be a burden administratively difficult to put into action?

SENATOR FRANSWAY: We heard no testimony along those lines. However, that is a valid point. They have all been aware of this bill and there have been no complaints at all about it. I think it is not unworkable. There would be very few instances where this would apply and would have to be done.

MR. KEAN: Three known rapists: You cannot cure by dismissing them from school. They have not even been tried. Why don't they prosecute?

MR. TORVINEN: The Attorney General's opinion was that if an offense occurs off the school grounds the school authorities have no jurisdiction. This gives the school administrator an opportunity to review the case with the district attorney to determine if there is a reason for suspension. We have to leave the discretion with someone somewhere along the line with these problems. We can't draft statutes that will cover every possible situation.

SENATOR FRANSWAY: I just don't believe the school authorities would abuse this privilege.

MR. BRYAN: I have been familiar with cases where, it seems to me, there have been abuses. We have a national problem of dropouts. If we say let's suspend these kids, don't we make them vocational invalids? We put them in a position where they may never catch up. Then what will happen to them? We just can't sweep them under the table.

MR. REID: These kids being in school may take some others with them down the road to nothing. 2-279

SENATOR FRANSWAY: Yes. We will find more people following the bad trend that we are concerned about. In my day, you could get suspended for maybe chewing gum but now everybody is looking out for the rights of these bums and they are just taking over. They should know the Legislature does not condone this type of thing.

MR. BRYAN: I am talking about conduct which occurs off the school grounds. I have some reservations about power to suspend merely because a person was arrested for an offense.

MR. REID: They do not automatically expel some one. They do look at the facts and determine what should be done.

MR. BRYAN: The thing that bothers me is that there are no guide lines.

MR. KEAN: I agree with Senator Fransway. There should be some way to handle these bad guys.

I move Do Pass SB 286.

MR. BRYAN: We had better not vote at this time. There are not enough members of the committee present.

MR. REID: The teachers complained a lot at a meeting I was to that these kids do so much wrong and they, the teachers, cannot do a thing about it. However, it would be a shame if someone were arrested for larceny and he didn't even do it.

I don't know if we can vest this power with the principal of the school. I agree with Mr. Kean and Senator Fransway, but we have got to decide if we can give this unfettered authority to the principal.

MR. BRYAN: A girl I know of was charged with possession of marijuana. It had nothing to do with the school. She was suspended for three months. The evidence was never examined until the day before the hearing, which was approximately 60 days after she had been arrested. I think her education is finished. She missed 60 days and will never make it up. In the classroom she was no problem.

The school people say suspend them and get them out of here. I hate to see these kids suspended, because it marks, for many of them, the end of the academic road.

MR. FRY: I wonder if this bill is constitutional.

MR. REID: What is wrong with it?

MR. KEAN: They are sentenced before they are proven guilty.

MR. BRYAN: I don't know why this girl was suspended. If they have that power now, I don't see why they need this.

AB 465: Permits minors to sell liquor under certain circumstances.

MR. TORVINEN: We took out lines 16 and 17. This section has been ignored

or declared unconstitutional. An amendment was submitted and apparently if we pass it, it will take care of the objections of some people to the bill. 2-280

It will read "18 through 20 inclusive may be employed in a retail food store for sale or disposition of liquor if ---."

Section 1 says "he is supervised by person 21 years of age or older."

MR. REID: The Labor guy wants to speak on this.

MR. TORVINEN: These amendments take care of his objection. It limits to 18 to 20 age group and puts retail food store in there by name.

MR. REID: I will move the amendments.
MOTION CARRIED UNANIMOUSLY.

MR. KEAN: I move we Do Pass AB 465 with those amendments.
MR. REID: I second the motion.
MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: This doesn't change the law but it makes it mandatory for the County Commissioners to set up a rule.

SB 141: Prohibits use of state seal for illegal purposes.

MR. TORVINEN: The amendment we requested has been prepared. It adds "intent to mislead or defraud."

MR. KEAN: I move Do Pass SB 141 as amended.
MR. BRYAN: I second the motion.
MOTION CARRIED UNANIMOUSLY.

AB 528: Requires statement from district attorney after rendition of conviction in a felony case.

MR. TORVINEN: I have a Senate amendment which deletes lines 1 through 13 and inserts the following: Chapter 176 of NRS shall be amended "when-ever a sentence of imprisonment in the Nevada State Prison is imposed, the judge shall cause a copy of the presentence report to be delivered to the Chairman of the State Board of Pardons and the Warden of the Nevada State Prison.

This bill just deals with sending the report to Parole and Probation. It is an entirely new bill.

MR. FRY: I move we do not concur.
MR. BRYAN: I second the motion, if it needs a second.
MOTION CARRIED UNANIMOUSLY.

MR. TORVINEN: Why should a presentence report be sent back to Parole and Probation who prepared it?

MR. BRYAN: You are right. It is utter nonsense. They must have mis-construed what we were trying to do.

AJR 46: Proposes constitutional amendment to alter composition of State Board of Pardons.

MR. TORVINEN: I have a Senate Amendment on this. Do we concur? We 281
did say that the term of office would be set by the Governor and this
could cause complications.

MR. BRYAN: Has anyone consulted with the Governor on this?

MR. TORVINEN: Our present Governor is in favor of the basic concept
of AJR 46.

MR. LOWMAN: He gets the heat from it anyway, so he might as well do it.

MR. TORVINEN: In our version of this, he doesn't have to.

MR. SWACKHAMER: Would you not rather have four persons working with
you on this, even if you did appoint them?

MR. FRY: Let's say we do sometime have a Governor that is against the
death penalty. He would be free to let all of these guys off.

MR. REID: As it now stands, every member could agree to commute but
if the Governor does not concur it cannot be commuted.

MR. SWACKHAMER: I move we do not concur and I will go to conference on it
MR. FRY: I will go with you.

MR. BRYAN: AJR 46 as amended says it takes a simple majority. The way
we had it, the Governor is only one of five votes. They want us to
scrap that and make the Governor the sole one to decide.

MOTION TO DO NOT CONCUR CARRIED UNANIMOUSLY.

MR. LOWMAN: In connection with AB 70, I was apparently not wise in
the ways of the Legislature and brought the Senate proposal back here.
Mr. McDonald says I should have taken it to the floor. I am going to
try to get the horses for it and go ahead and concur. Movies are back
in and minors working in movies are exempted.

The conference committee considered AB 70 and AB 116 together. The
Senate went all the way with us on 116 and we went almost all the way
with them on AB 70.

SB 280: Provides for jury selection and exemption and establishes two
grand juries.

MR. TORVINEN: This has an improper summary.

MR. REID: I would like some explanation on this.

MR. SWACKHAMER: Briefly it is that now they just use the list of
registered voters and many people won't register to vote because they
don't want to serve on a jury.

MR. TORVINEN: We allowed them to use other lists at the last session.

MR. SWACKHAMER: This is now saying they "shall."

MR. BRYAN: We have a very able county clerk, but I doubt that she is
going to be able to apply this.

MR. REID: It seems to me what we are saying is you naturally use the registered voters list but you may use other lists. It says here they can use other lists but they don't have to.

MR. BRYAN: Could we hear Senator Young on this?

MR. SWACKHAMER: I talked to a woman last fall who looked to be about 40 and she has never voted because she was not about to get on that jury.

MR. REID: I think we should change that and make it "shall."

MR. TORVINEN: I think the other lists are enumerated elsewhere now, unless that bill died in the Senate last session. (Mr. Torvinen then called Mr. Daykin to find out what happened to a similar bill in 1967). Mr. Daykin said what we passed last session was a bill to enable us to use qualified electors whether they were registered or not.

MR. KEAN: How do you find qualified electors?

MR. TORVINEN: Everyone over 21 years of age, except felons, resident aliens, etc.

MR. BRYAN: Why couldn't we do that in Clark County?

MR. TORVINEN: You could. There is no reason you couldn't.

Bart, will you speak to Senator Young about coming in tomorrow?

AB 606: Authorizes formation of limited reciprocal insurers for medical malpractice.

MR. REID: A lot of questionnaires were sent out and all doctors who returned them are in favor of this. There is a real problem with them getting insurance. If they are willing to do something like this to take care of their own problems, I don't see how we can oppose them.

MR. KEAN: Page 2, line 14: I have a bill identical to this that is dead in the Commerce Committee. There you only need \$100,000 but they said we needed more on this.

MR. FRY: \$300,000, if you are going on a deductible basis.

MR. TORVINEN: Limited insurance with an umbrella policy.

MR. KEAN: I move we change page 2, line 15 to \$300,000 and Do Pass AB 606.

MR. REID: I second the motion. Many of these doctors do not even have insurance because they are so fed up with it.

MOTION TO AMEND AND DO PASS AB 606 CARRIED UNANIMOUSLY.

SB 362: Revises eminent domain procedure.

MR. TORVINEN: Would you consider this if we took out section 2 of the Act?

MR. BRYAN: I think I could go for it.

MR. TORVINEN: Section 2 is a substantial departure from the present²⁻²⁸³ law.

MR. BRYAN: It may be an excellent provision, but I would like to have someone give us the opposite point of view.

MR. REID: I move we do nothing.

SB 183: Grants subpoena power and related powers to Advisory Personnel Commission.

MR. TORVINEN: We still have hanging fire this subpoena bill of Senator Pozzi's.

MR. FRY: I asked for an amendment on that.

MR. REID: The bill is lousy, but I move the amendment.

MOTION CARRIED UNANIMOUSLY.

MR. FRY: I move Do Pass as amended.

MOTION FAILED FOR LACK OF A SECOND.

MR. REID: I move we adjourn.

MR. LOWMAN: I second the motion.

Meeting was adjourned at 5:00 P.M.