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Public Entities, Officers, and Employees; termination for controlled substance conviction

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is done through an association that provides free legal service to indigents; and (4) the attorney receives no compensation.⁶

Existing law allows any person desiring to prosecute or defend a civil action to file an affidavit requesting the court to waive costs.⁷ Upon determining that the person is unable to pay the costs, the judge can allow the person to continue the action without costs and to file or issue any writ, process, pleading, or paper without charge.⁸ Chapter 89 provides that any required reporting, recording or transcription will be performed at the expense of the county.⁹ In addition, Chapter 89 states that filing an affidavit requesting a waiver of costs does not constitute a general appearance or grant the court personal jurisdiction over the person.¹⁰

KRI

6. 1989 Nev. Stat. ch. 89, sec. 1, at 201 (enacting NEV. REV. STAT. § 7.____).

7. NEV. REV. STAT. § 12.015 1 (1987) (amended by 1989 Nev. Stat. ch. 89, sec. 3, at 201) (affidavit must be accompanied by a certificate from an attorney that the action is meritorious). *But see* Barnes v. Eighth Judicial District Court, 103 Nev. 679, 684, 748 P.2d 483, 487 (1987) (holding that Nevada Revised Statutes section 12.015, waiving court costs for indigents, violates the equal protection guarantees contained in the Nevada and U.S. Constitutions by requiring a certificate by an attorney that the action is meritorious).

8. NEV. REV. STAT. § 12.015 (amended by 1989 Nev. Stat. ch. 89, sec. 3, at 201) (the sheriff or a public officer must not charge for personal service, and the court order is not appealable).

9. 1989 Nev. Stat. ch. 89, sec. 3, at 201 (amending NEV. REV. STAT. § 12.015).

10. *Id.*

Public Entities, Officers, and Employees; termination for controlled substance conviction

NEV. REV. STAT. § 193.____ (new).

AB 223 (Fay); 1989 STAT. Ch. 78

Under Chapter 78, any Nevada public employee¹ who is convicted of an unlawful sale of a controlled substance² must be terminated.³

1. Public employee includes any employee of Nevada or any of its political subdivisions, any county, city, or township officer of Nevada, or any elected or appointed officer of Nevada. 1989 Nev. Stat. ch. 78, sec. 1, at 186 (enacting NEV. REV. STAT. § 193.____).

2. See NEV. REV. STAT. § 0.031 (1987) (definition of controlled substance). See generally 21 U.S.C. §§ 801-970 (1988) (Federal Controlled Substances Act); NEV. REV. STAT. §§ 453.011-453.348 (1987) (Nevada's Uniform Controlled Substances Act).

3. 1989 Nev. Stat. ch. 78, sec. 1, at 186 (enacting NEV. REV. STAT. § 193.____). The state employer must terminate the employee after discovery of the conviction, whereas the court

The provisions of Chapter 78 apply only to convictions during the employee's course of employment or office.⁴

BJM

must remove a convicted officer of a county, city, or township as part of the conviction penalty. *Id.* If an elected or appointed officer of Nevada is convicted, the prosecuting officer is required to file a certified copy of the judgment roll with the Secretary of State. *Id.* The Secretary of State must present a copy of the judgment at the next Assembly session for preparation of articles of impeachment. *Id.*

4. *Id.* The provisions of Chapter 78 do not apply to any justice or judge in the Nevada court system. *Id.*

Public Entities, Officers, and Employees; use of water by public utilities and political subdivisions

NEV. REV. STAT. § 533.030 (amended).

AB 512 (Committee on Natural Resources, Agriculture and Mining); 1989 STAT. Ch. 249

Existing law allows water to be appropriated¹ for beneficial use.² Chapter 249 expands the definition of "beneficial use" to include appropriation by a political subdivision or public utility³ to satisfy the water needs of its customers.⁴

VJG

1. See NEV. REV. STAT. § 533.035 (1987) (beneficial use is the basis of water use rights). See also *State v. Morros*, No. 18105, slip op. at 3 (Nev., Dec. 21), 766 P.2d 263, 266 (1988) (analysis of the scope of appropriation rights).

2. NEV. REV. STAT. § 533.030 1 (1987). Use of water for recreational purpose is a beneficial use. *Id.* § 533.030 2 (1987).

3. See *id.* § 704.020 (1987) (definition of public utility).

4. 1989 Nev. Stat. ch. 249, sec. 1, at 535 (amending NEV. REV. STAT. § 533.030) (appropriated water from a stream system or underground is a beneficial use if it is intended to meet the needs of customers).