

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, February 19, 1965

Meeting was called to order at 2:00 P. M.

Present: Close, Swobe, Delaney, Parsons, Kean, Knisley, Olsen, Jacobsen, Rosaschi

Minutes of the previous meeting were approved.

Mr. and Mrs. Maag, of the Maag Real Estate School, were present to speak on S. B. 82, which amends real estate law with respect to brokers' licenses.

Mr. Maag stated that he is a licensed broker and realtor, and operates the Maag Real Estate School, which is approved by the University of Nevada, the Nevada Real Estate Commission, and the Department of Education. He stated that S. B. 82, to some extent, would no longer allow approved real estate schools.

In Section 1, Page 2, the proposed deletion would make illegal for employees of a landlord to collect rent, show apartments, etc., unless they had a license. He feels this allows too much control to real estate brokers.

He also stated that this bill does away with approved real estate schools other than the University. In order to get a broker's license an individual must have taken a university course which has been approved by the Commission, or have been a salesman for two years. If for any one month while working you did not take in a commission this would disqualify you. Mr. Maag stated that he would like to have these items seriously considered.

A. J. R. 20 Amend Nevada Constitution by guaranteeing protection of property owners rights.

Mr. Wood stated that many people would like to appear in the interest of this bill if the need arises. The purpose of this bill is that an individual has the right, when they own their own personal property, to have protection as well as ownership. The only thing they agree to do is pay taxes. He stated that the reason for this resolution is because there is much "trickery" going on. Deals are made by phone, then when interested party comes in to complete sale it may be someone undesirable. This bill gives us the right to sell, rent, etc., to whom we wish. He stated that he hoped the Committee will consider this.

A. J. R. 19 Allow Legislature to amend or repeal after 3 years a statute adopted by referendum.

Mr. Pozzi stated that having worked on the Finance Committee he noted that the \$15,000,000 in the general fund will be about \$4,000,000 in June, 1967. It appears that during 1967 the state may go in the hole. This bill was proposed for the purpose of having enough foresight to not get in the same condition the state of Michigan did. It had been suggested to Mr. Pozzi that it would be necessary to unlock the sales tax. This proposal would not take away the right of the people to vote on this. 40% to 50% of the people traveling in the state would pay the taxes. Mr. Pozzi feels that in 1967 they will have a difficult task finding an adequate source of revenue.

S. B. 27 Requires retail sellers to identify foreign-produced meat.

Mr. Knisley stated that this is a Federal law but they refuse to enforce it. He felt that if this were passed at state level it would be the livestock industry who would enforce it.

Mr. Kean felt this is under the Pure Food and Drug law.

Mr. Knisley stated that not all of this meat comes from friendly countries. He stated that meat coming from Australia and New Zealand comes frozen, and the labeling is not difficult. He stated that the practice of marking goods from other countries is not uncommon, and pointed out that much of our manufactured goods comes from other countries and is labeled to that effect. He felt it would be a good bill if it could be made workable. Processed meats are generally stamped. It is fresh meat that has not been.

Mrs. Parsons stated that Nevada gets a lot of meat from Argentina.

Mr. Jacobsen moved a Do Pass and Re-refer to Agricultural Committee.
Mr. Swobe seconded
Motion passed unanimously

S. B. 82 Amends real estate law with respect to brokers' licenses.

Mr. Swobe stated that Bob McDonald would like to talk on this bill.

Mr. Close presented a proposal from Mr. Wilson regarding Section 2, Page 2, Lines 5 and 6. He stated that Mr. Wilson is not in favor of bill.

Mr. Kean will contact someone to speak on this.

Mr. Kean made a motion to postpone awaiting additional information
Mr. Jacobsen seconded
Motion passed unanimously

S. B. 98 Clarifies requirements for judgment docket book.

Mr. Swobe has not yet gotten the information.

A. C. R. 5 Memorializes Research Division of Legislative Counsel Bureau to study state professional and vocational boards.

Mr. Kean moved Do Pass
Mr. Jacobsen seconded
Motion passed unanimously

A. C. R. 9 Directs Legislative Commission to prepare new Criminal Code

Mr. Close was going to hold this until Mr. Swobe could check on it.

Mr. Kean moved Do Pass
Mr. Swobe seconded
Motion passes unanimously

A. B. 236 Mechanics' Lien Law

It was suggested by Mr. Swobe that since there are some changes on this we set aside an afternoon for discussion. During the hearing Mr. Knisley had requested several of the gentlemen put their comments in writing and submit them to the Committee. We will wait until these comments are in to have the meeting.

Section 25 should be studied by the Committee. As it now stands Section 4, Page 1 states that anyone who furnishes labor or materials for the sum of \$5.00 or more can file lien. Mr. Close stated that he feels this should be changed.

A. B. 252 Establishes State Bureau of Criminal Identification and Investigation

Mr. Dickerson was not available to speak on this.

A. B. 303 Declares sheriffs not liable for charges incurred in safekeep of property.

Mr. Olsen suggested the following insertion: After the word "liable" insert "after he has delivered possession and control".

Mr. Swobe felt that the sheriff would have a tendency to become lacks in the safe-keeping of merchandise. Mr. Close stated that is not meant in this bill. It is just concerning the charges.

Mr. Knisley asked if it could be expressed in another way. "Any warehouse or place of storage receiving property from the sheriff do so at their own risk. They could only look to owner for fees."

Mr. Olsen moved to postpone indefinitely
Mr. Swobe seconded
Motion passed unanimously

It was suggested that the minutes of the Judiciary Committee meetings be given directly to each committee member and not left on the desk.

A. B. 307 Malicious killing of another's animal is a felony.

Mr. Knisley has not checked. He will report later.

A. B. 316 Makes solicitation of or consent to abortion a gross misdemeanor.

Mr. Olsen stated that it is easier to prove services are solicited than it is to prove abortion has been performed by doctor. Case against doctor does not usually hold up in court.

Mr. Jacobsen moved Do Not Pass
Mr. Swobe seconded
Motion passed unanimously

A. B. 321 Establishes uniform fees for county recorders.

Mr. Swobe stated that this bill was drafted incorrectly. He stated that on Page 3, Line 46, all of Section 5 should be deleted. This would allow recording of mining claims to remain as is at 75¢. Mr. Swobe has talked to Washoe County recorder, who had spoken to Clark County recorder.

Mr. Swobe moved Do Pass
Mr. Delaney seconded
Motion passed unanimously

A. B. 334 Consolidates penalty and restitution provisions for welfare frauds.

It was suggested that Mr. Bill Hadley, Assistant District Attorney from Reno, and Mr. Valentine speak to the Committee on Wednesday, February 24th, at 2:00 P. M.

Mr. Rosaschi will compare the sections being repealed and report back to the Committee.

A. B. 341 Amends North Las Vegas city charter to allow municipal judge to order intermittent periods of incarceration.

Mr. Swobe moved Do Pass
Mr. Olsen seconded
Motion passed unanimously
Mr. Swobe will speak on this.

A. B. 343 Provides for 30-day notice by either landlord or tenant to terminate month-to-month or other periodic tenancy.

This would be thirty days prior to the end of the month, thereby making a total of two months.

Mr. Swobe moved to indefinitely postpone
Mr. Jacobsen seconded
Motion passed unanimously

A. B. 344 Amends provision for good conduct credit in county and city jails.

Under this bill if a man works one day he gets two days off the end of his sentence.

Mr. Jacobsen moved Do Pass
Mr. Olsen seconded
Motion passed unanimously

A. B. 351 Authorizes Real Estate Division to audit and regulate collections and use of maintenance fees for condominiums.

This bill would give the Commission the right to see if monies being received by manager are being allocated to maintenance.

Mr. Close asked if there is a provision requiring these funds to be held in a trust account, and if not might not this be a good idea.

Mr. Knisley suggested in Paragraph 2, Line 5, after the word "the" insert "chief or his designee".

Mr. Swobe will check on this bill Saturday, February 20th.

A. B. 352 Provides penalty for false crime report.

Basically this bill is the same as A. B. 305, which has already gone to the Senate. The only basic difference is that 305 does not spell out the penalty.

Mr. Kean made a motion for the committee to authorize Mr. Jacobsen to contact the chairman of the Senate Judiciary Committee working out favorable features of his act into a favorable Senate Amendment, or by killing their bill and letting this go through, which ever is more amiable.
Mr. Swobe seconded
Motion passed unanimously.

A. B. 355 Authorizes adoption of rules of criminal procedure.

This bill gives the Supreme Court power to adopt same criminal rules as they now have power to adopt civil rules.

Mr. Knisley moved Do Pass

Mr. Swobe seconded

Motion passed unanimously

A. B. 367 Provides penalty for conversion of rented or leased vehicle.

When person renting a car skips and the owner demands in writing or orally for its return, they must return it in 72 hours unless it is beyond his control.

Mr. Kean and Mr. Close will work up a provision for things other than vehicles.

A. B. 371 Amends conflict of interest statutes.

Mr. Kean feels there is a flaw in this bill. He stated that the intent is where basically the price of goods is regulated. "Why should an assemblyman be denied business just because he became a member of the Assembly?"

Mr. Swobe would like to study this further.

Mr. Jacobsen felt Mr. Wood should have the opportunity to speak on this bill.

A. B. 372 Vests title to real property of University of Nevada in Board of Regents.

A gentleman from the University of Nevada talked to Mr. Close and stated that the property owned by the University of Nevada is held in many different names. This bill would put all land under the same name.

Mr. Swobe stated that he has an amendment he will bring in. It is a good act, but there is a little bit of a problem.

Mr. Close will hold for Mr. Swobe's amendment.

Mr. Jacobsen will check on making sure we have the proper grantees.

Mr. Knisley called attention to Section 5 and asked if anyone knew what this meant. Mr. Swobe stated this is what his amendment is on. Mr. Neil Humphrey will explain this if the Committee so desires.

Mr. Knisley stated that he would like to not legislate on any portion of the land given by the Evans family.

Mr. Close asked how this land became reduced, and Mr. Swobe stated that the highway is going through. If any funds are due from this condemnation procedure it should go to the university. Mr. Swobe will check on this section.

Mr. Kean asked if during this check it could be indicated the use of some of this land or the possibility of sale. Mr. Knisley said we have no control over this. We can't take it from the Regents.

Mr. Knisley would like to see it spelled out more specifically "Board of Regents of the University of Nevada".

A. B. 199 Provides for establishment of the office of public defender.

Mr. Close has had an amendment made to delete section 11 taking out \$1.00 marriage fees.

Mr. Knisley moved Do Pass as Amended
Mr. Jacobsen seconded
Motion passed unanimously

On the manner of selection of Public Defender and salary, Mr. Swobe will talk to the Bar.

This act will be discussed at the meeting Wednesday, February 24th, along with the Mechanics' Lien.

A. B. 304 Mr. Close reviewed procedure of tax delinquent property.

Mr. Knisley would like to hear Mr. Fike speak on this.

Mr. Swobe will check on this Saturday. We will hold bill until later date.

Mr. Knisley feels that two years is not enough time for tax delinquent property. He feels there is nothing wrong with the law as it is. Four years is not too long for a forced sale. He cited the case of Pine Valley. If these people had only two years in which to redeem their land they would have lost it. He feels this is entirely too harsh.

Mr. Close suggested three years and then mandatory sale.

It was decided to give this bill more thought.

A. B. 309 Provides penalties for possession of dangerous drugs without prescription.

Mr. Close reviewed the list of drugs.

Mr. Knisley proposed the following amendment; Section 1, Paragraph 2 "or a rancher who possess dangerous drug in a reasonable amount solely for the treatment of live-stock on his own premises".

Mr. Delaney made a motion Do Pass as amended
Mr. Jacobsen seconded
Motion passes unanimously

A. B. 228 Allows third conviction of petit larceny to be punished as felony.

It was suggested to strike out "felony". A gross misdemeanor could be received in the J. P. Court. It was also suggested to amend to two years.

Mr. Knisley moved the Chairman prepare amend to eliminate felony conviction and reduce it to a gross misdemeanor, put in time limit suggested, and put out on Do Pass.
Mr. Swobe seconded
Motion passed unanimously

A. B. 233 Prohibits certain persons from making out federal income tax returns for a fee.

Mr. Jacobsen inquired with Internal Revenue. This is not related to ability.

Internal Revenue feels this bill is not the solution but is a step in the right direction. Is it worth putting out?

Mr. Kean suggested a bill with a guarantee, such as many large firms are using in their ads. Mr. Knisley felt this would probably just up the fees.

Mr. Swobe moved to indefinitely postpone.

Mr. Delaney seconded

Motion passed unanimously

Meeting was adjourned.