

## Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, Feb. 3, 1965

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Meeting commenced at 2:05 P.M.

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

Absent: Jacobsen

AB 186 Concerns sale, destruction, or removal of encumbered property worth \$500 or more be made a felony.

Mr. Olsen moved to defer until Mr. Swobe gets a list of felonies he has asked for.

Swobe seconded

Motion passed unanimously

AB 210 Provides for separate property of spouses to include enhanced value.

Mr. Swobe reported he had not yet prepared the amendment on this bill.

Mr. Olsen moved to defer.

Parsons seconded

Motion passed unanimously

SB 13 Corrects law relating to destruction of or interference with radio or television signals, equipment.

Mr. Delaney reported that he had talked with Senator Snow on this and that the Senator said this bill is for the purpose of clearing errors out of the original bill.

Mr. Knisley moved Do Pass

Mr. Delaney seconded

Motion passed unanimously

AB 35 Secures redemption rights of debtor under trust deed against acceleration clause. Gives 35 days grace.

Mr. Swobe: There is no case law in Nevada on this. Private lenders are quite disturbed. They feel this should be a matter of a contract between the lender and the borrower.

Mr. Close said he thinks there should be some grace period but that 35 days is too much.

Mr. Swobe offered to write up something more realistic. He said you already have 35 days grace now if you don't have an acceleration clause. He added that what Ed Fike is really after is to make the law conform to the way this thing is being handled.

It was decided to invite Mr. Fike to speak to the Committee on this bill.

AB 102 Obscenity statute. Mr. Close announced that Sidney Whitmore will be in Carson City in a day or two. Will try to get him in to speak to the Committee on AB 102.

BDR 18-430\* Governor's bill. Criminal investigation.

Mr. Close polled the Committee individually and it was unanimous to introduce.

*Not Olsen*  
\* A.B. 252

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AB 208 and AB 209 Have to do with fire protection districts.

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Mr. Kean suggested holding over these two bills awaiting amendments.

Mr. Knisley asked that the Committee hear Jacobsen, Howard, and Zapatina on these two.

Mr. Kean said that he can see a flaw in 208 because it says 50% and doesn't mention how many people. Maybe should include that a district should consist of so many people.

AB 228 Allows a third conviction of petit larceny to be punished as felony.

Mr. Close said he thinks this could be good to curtail those people who make a living out of stealing small amounts.

Mr. Swobe said the bill might keep some accused persons from entering a plea of guilty because they would not know just what they were pleading guilty to as the court has the right under this bill to make it a misdemeanor, a gross misdemeanor, or a felony. Could it be re-written so that it is stated on the charge what the crime is, or that it is multiple.

Mr. Kean: Does this limit to where the crime is committed.

Mr. Close: No, it can be any state or any time. We might want to put a time limit on it.

Mr. Close stated that he would draft an amendment to the bill.

AB 81 Installment sales.

Howard Gray, Attorney, William Sanford, Attorney, George Nichols, Beneficial Management, Vince Jones and Phil Knox, Attornies for Sears and Roebuck, were present to be heard on this bill.

Mr. Knox said that Sears approves of the bill but they suggest that Section 39 which makes the effective date July 1, 1965, might be changed to give a little more preparation time. Might make it effective same date as the Uniform Commercial Code, Jan. 1, 1966.

It was brought out that Section 20, lines 40-41 "which shall be set out in the sequence appearing below" might be a serious inconvenience to some companies who have the same things listed, but not exactly in this sequence.

Mr. Sanford mentioned that section 21 seems to apply only to motor vehicles. Should be changed to fit goods and services.

Mr. Nichols said that the rate section seemed to be aimed at motor vehicles rather than goods and services.

Mr. Knox and Mr. Nichols expressed themselves that the rates were fair and were not inconsistent with what is being done in other states.

Mr. Sanford suggest adding the words "Notwithstanding the requirement that the contract be paid in installments" to clear up the interest rates. As it is now it is 1% per month on a declining balance.

There was discussion to clarify why sections 8 and 21 were both necessary. ~~33~~ was clarified that section 8 is concerned with revolving charge accounts and section 21 concerns installment sales contracts.

Section 8 means a percentage which is equivalent to the service charge on an installment contract and applies to revolving charge accounts. Maximum rate 1.8%.

Section 21 has service charge on installment contracts. To compute charge 1% times outstanding balance multiplied by number of months.

Mr. Kean suggested the bill be re-written in more understandable language.

Mr. Close suggested it maybe should be re-written making a more distinct division between the two sections.

Mr. Nichols presented to Mr. Close for study a copy of a similar bill being introduced in the New Mexico legislature.

Mr. Knox urged the Committee to keep the distinction between service charge and interest. Said it would cause confusion otherwise.

Mr. Sanford suggested again that section 8 be spelled out a little plainer.

Mr. Close asked if the gentlemen were aware of any instances where companies are meeting or exceeding the amounts named in this bill.

The gentlemen all agreed that they did not.

A committee, consisting of Mr. Rosaschi, Mr. Kean, Mr. Jacobsen, and Mr. Close was appointed to re-write the bill.

AB 229 Makes it a felony to steal a car. At the present time it is only a gross misdemeanor to steal a car the first time. The second time is a felony. This bill makes it a felony the first time.

Mr. Knisley moved Do Pass  
Mr. Rosaschi seconded  
Motion passed unanimously

AB 19 Public records. Mr. Swobe reported that he had discussed the wording of this amendment with Russ McDonald who said the bill will do what is wanted.

AB 233 Person must be a resident of Nevada for at least one year before he can prepare income tax returns for a fee.

Decided to invite Miss Herr in to speak for the bill.

AB 234 Amends provisions relating to licensing and practice of professional engineers and land surveyors.

Mr. Swobe said that these changes were requested by the State Board of Engineers and that the bill has the approval of all the engineers.

Copies of the bill are being circulated and Mr. Swobe suggested we hold up for awhile to see what reaction the bill gets.

AB 236 Creates new mechanics' lien law.

Mr. Close said that he thinks the bill is very good. He said, also, that Gordon Miles of Las Vegas is willing to pay his own expenses and come up to speak for the bill.

Mr. Kean is to notify some contractors in Reno who would like to be heard.

Mr. Swobe said the bill needs some changes which he will write out. He suggested the bill be held for a week to see what reaction it gets.

AB 240 Allows arrest without warrant on reasonable belief a misdemeanor has been committed.

Mr. Close suggested it might not be a bad idea to get opinion of some peace officers.

Mr. Kean moved to postpone indefinitely

Mr. Delaney seconded

Motion passed unanimously

SB 50 Removes obsolete provision for district court seal.

Mr. Swobe was assigned to check on this bill.

Mr. Close announced that to avoid conflict with other committees the Committee on Judiciary will from now on meet in the afternoon.

Meeting adjourned 4:15 P.M.