

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 12, 1965

Meeting was called to order at 1:35 P.M.

Present: Close, Delaney, Kean, Rosaschi, Swobe, Jacobsen

Absent: Knisley, Olsen, Parsons

AB 405: Requires plaintiffs in actions to attach personal property to deposit sufficient funds to cover expenses involved in taking and storing such property.

Mary Frazzini was present to speak with the Committee on the bill. She said that a friend of hers had had her car attached and held and she found there was no law saying who had to pay the storage costs.

Mr. Close asked what about paragraph 4 and Mr. Swobe was concerned about the 5 days.

Mr. Kean asked what was the purpose of not exceeding 5 days.

Mr. Close said the sheriff might decide to ask for a year's storage charges before he would let the car go.

Mr. Close suggested it might be amended to say not to exceed more than 5 days unless the plaintiff wanted to pay more at a time, like a week or a month.

Mr. Kean moved to make this amendment

Mr. Swobe seconded

Motion passed unanimously

Mr. Swobe was asked to check further to see if there was any law at all about who is responsible or liable for goods attached.

AB 569: Allows wrongful death and personal injury actions between spouses

John Flidder, Allstate Insurance Company of Sacramento was present and he said this type of bill would encourage collusion between husband and wife and cause insurance costs to rise.

Mr. Close suggested that Mr. Flidder check to see if California or any other states have a law such as this and let us know on Monday.

Mr. Kean said if California does have such a law he would like to know how long they have had it and what the case history is on it.

AB 447: Makes certain changes in law relating to acquisition of property by adverse possession and by eminent domain.

Howard Gray, Attorney, and Oliver Thompson, Southern Pacific Railroad were present to speak on this bill.

Mr. Kean gave a report on the study he had been asked to make of this bill. He suggested certain amendments.

Mr. Kean suggested amending the title to the bill.

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On page 2, line 44:

Mr. Swobe moved to delete word "conclusive"
Mr. Rosaschi seconded
Motion passed unanimously

Page 2, line 13: Makes this an easement.

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

Page 2, line 23, same thing

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

Page 2, line 33

Mr. Kean moved to change the wording to "where a public body claims" and cut out about the exemption from taxes.
Mr. Delaney seconded
Motion passed unanimously

Page 3, line 25:

Mr. Kean moved to strike the period and add "unless within 6 months, etc."
Mr. Rosaschi seconded
Motion passed unanimously

Mr. Close: Shall we let (b) under section 8 stay in?

Mr. Kean: The only argument for it is to protect absentee owners.

Page 4, line 17:

Mr. Kean suggested adding after period "notice of intended sale also shall be given by certified mail, etc."

Mr. Close asked what about the absentee owner who is notified by certified mail. Should he be allowed to come in later and receive damages if he did not say anything when notified?

Mr. Swobe moved the addition of "if he did not receive notice".
Mr. Jacobsen seconded
Motion passed unanimously

Page 6: Proposed amendment to strike lines 19 through 23 and add "failure to join any personal claim, etc."

Mr. Swobe moved to adopt the amendment
Mr. Kean and Mr. Jacobsen seconded
Motion passed unanimously

Mr. Kean moved to strike all new material in Section 15
Mr. Swobe seconded
Motion passed unanimously

Mr. Kean moved Do Pass AB 447 as amended
Mr. Swobe seconded
Motion passed unanimously

AB 519: Provides penalty for planting or cultivation or marijuana and peyote.

Professor D'Asivido of the University of Nevada appeared in a capacity of private citizen to ask for a reconsideration of this bill. He said he had worked with groups of Indians for years.

He said that peyote is not a narcotic. All investigators who have worked with Indian cultures take the position that it is a non-habit-forming innocuous plant. The Attorney General of the U.S. appearing before a Senate Investigating Committee in 1964, stated that peyote works no injurious effect on the human body. He cited two other similar cases and said that in all the cases no one has been able to prove anything about it being harmful or habit forming.

He said that if a bill linking marijuana with peyote is passed, it will immediately start a series of court cases because peyote is part of the church service of 225,000 Indians in the United States. Passage of this bill would make this illegal. His recommendation is to strike all reference to peyote from the bill. He said there has been no case against peyote in Nevada except one in 1936 where a woman said her son had died from peyote but it was thrown out of court.

In 1959 the American Church organized in the State of Nevada. They have a charter on file in the Secretary of State's Office. Mr. D'Asivido read from this charter. It states that they use peyote as part of the sacramental service. He estimates that there are 1,000 active members of this church in Nevada, and that around one-third of the 7,500 Indians in Nevada have taken part in this ceremony.

Mr. Close asked if there is a problem with peyote that is growing in the State of Nevada would Mr. D'Asivido object if the Committee amended the bill to say the Indians could grow peyote for religious purposes only.

Mr. D'Asivido said yes he would object, that he thought the word peyote should be stricken entirely.

Mr. Close: Did you say hallucinations are not the same as with marijuana?

Mr. D'Asivido replied that no bad effect on the general psyche has been established. He said he was speaking for 8-10 established anthropologists and they know of no cases in which religious users of peyote have caused any disturbances of any kind.

Mr. Close assured Mr. D'Asivido that the bill will be amended to allow religious use of peyote, or the word will be stricken entirely.

Mr. Earl James, Indian Church official of Carson City, said he had no objection to there being some control of peyote, if they are allowed to use it with their church sacramental service.

Mr. Close said he would discuss this problem further with Ted Marshall.

SB 102: Limits use of word "hospital" as descriptive title and provides that district attorney shall conduct investigations of violations of hospital licensing law.

Mr. Jacobsen was asked to speak with the bill drafting office and see if this includes dog and cat hospitals and what they are really trying to get at. Also, he is to talk with the Senate people. Also, he is to find out if this concerns Christian Science hospitals.

SB 153: Clarifies distinction between grand larceny, petit larceny, and unlawful taking of motor vehicles.

Mr. Close said he would like to amend the bill to include a first car theft as a felony. Thinks it should be changed to conform to the Committee's thinking on the new dollar value.

SB 158: Provides that intoxicated person driving vehicle who, with consumption of liquor as a contributing factor, injures another person is guilty of a felony.

Mr. Delaney moved to kill the bill
Mr. Rosaschi seconded
Motion passed with a majority of the committee
Mr. Kean voted No

SB 163: Provides penalty for assaulting police officers.

Mr. Rosaschi moved to postpone indefinitely
Mr. Delaney seconded
Motion passed unanimously

SB 166: Requires judge to inform jury in criminal cases that they may take notes.

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

SB 216: Exempts state prison officers and correctional officers from jury duty.

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

SB 252: Corrects obsolete references to Mental Health Division of Department of Health and Welfare.

Mr. Kean moved Do Pass
Mr. Jacobsen, Mr. Rosaschi, and Mr. Delaney seconded
Motion passed unanimously

BDR 4-1148: Mr. Close asked what the Committee thought about introducing this bill which has to do with taking away the attorney's privilege of saying in effect you can't question me because it is a confidential matter between me and my client. Concerns public services or quasi-public services. Mr. Close asked if there were any strong objections. It was decided to introduce.

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BDR 16-1191: Mr. Close explained that this bill came from Bunker and asked if any member of the Committee objected to putting it in. Mr. Kean objected.

BDR 14-1129: Mr. Close asked if the Committee objected to introducing.

Mr. Jacobsen moved to introduce

Mr. Kean seconded

Motion passed unanimously

Meeting adjourned at 3:50 P.M.