

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 16, 1965

Meeting was called to order at 2:50 P.M.

Present: Close, Kean, Olsen, Jacobsen, Rosaschi, Parsons

Absent: Knisley, Delaney, Swobe (present for a few minutes at beginning)

AB 236: Mechanic's Lien Law

Ed Fike and Geraldine Tyson were present to speak for the bill. R. Guild Gray was also present.

Mr. Fike said that mailing lien notice to the owner by certified mail does not give notice to the public.

Mrs. Tyson made an urgent appeal to the committee to get AB 236 on its way.

Mr. Kean suggested that the committee send the bill out Do Pass and then on second reading add on the Oregon amendment which will require notice to be sent to the owner by material suppliers, but will not require that this notice be recorded. It will also require that the lien itself will contain information that there was a right of lien notice sent.

Mr. Swobe so moved
Mrs. Parsons seconded
Motion passed unanimously

Mr. Jacobsen moved to kill AB 312, AB 313, AB 314, AB 315
Mr. Kean seconded
Motion passed unanimously

AB 159: Civil Rights Bill

Mr. Jacobsen moved the bill be killed
Mr. Kean seconded
Motion passed unanimously

AB 527: Provides for exclusive control by trustee in deed of trust foreclosure proceedings and notice of default and sale to grantor.

Emerson Wilson, Nevada Title Company, was present to explain this bill. He explained that AB 473 covers the situation much better than AB 527 and that if 527 is reported out the committee should delete all of section 1 to avoid duplication.

Mr. Kean moved to eliminate Section 1 (all new material) from AB 527.
Mr. Jacobsen seconded
Motion passed unanimously

Mr. Kean moved Do Pass AB 527
Mrs. Parsons seconded
Motion passed unanimously

AB 528: Provides procedure and redemption period for termination of rights upon default of contract to sell real property.

Mr. Wilson suggested striking "within a reasonable time" from page 1, line 13. Also on page 2, line 2, he suggested that instead of "the publication" "the" should be deleted to leave just "publication".

On Section 5, line 4, Mr. Wilson suggested striking "order" and "for" and making it "30 days after the publication of such notice".

Mr. Kean asked Mr. Wilson if he thought this was a good bill.

Mr. Wilson said he thinks probably it is. It feels a need.

Mr. Kean moved Do Pass as amended

Mr. Rosaschi seconded

Motion passed unanimously

AB 529: Makes one action rule for collection of secured debts applicable to deeds of trust and permits action of remedies where security is waived.

Mr. Wilson suggested changing line 5 to make it read "mortgage, deed of trust". This will make it the same as line 4.

Mr. Kean moved amend as suggested by Mr. Wilson and Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

AB 525: Provides that no judgment lien arises until transcript of docket is recorded in county recorder's office.

Both Mr. Wilson and Mr. Close commented that this is a very good bill.

Mr. Kean moved Do Pass

Mr. Rosaschi seconded

Motion passed unanimously

AB 526: Gives preference to bona fide purchasers and encumbrances over vendor's lien on real property.

Mr. Wilson explained that this bill spells out what is already being done.

Mr. Jacobsen moved Do Pass

Mr. Kean seconded

Motion passed unanimously

AB 488: Allows notary seal to be in stamp or other form which will legibly reproduce under photographic methods.

Mr. Wilson said this bill is in conflict with AB 477 and 477 is a better bill.

Mr. Kean moved that AB 488 be killed

Mr. Rosaschi seconded

Motion passed unanimously

AB 294: Construction Control

Mr. Close reviewed with the committee once again all the proposed amendments.

Mr. Wilson suggested adding on page 3, line 47, after the words "United States" add "title insurance companies or underwritten title insurance companies authorized to do business in the State of Nevada".

Mr. Kean moved to adopt this amendment and Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

AB 588: Authorizes Public Service Commission to regulate advertising and promotional activities of public utilities.

Mr. Jacobsen moved Do Pass

Mr. Rosaschi seconded

Motion passed unanimously

Ted Marshall, District Attorney for Clark County, was present to speak for the following bills.

AB 539: Provides for tolling statute of limitations pending appeal by State in criminal action.

Mr. Marshall explained that sometimes the defense attorney will use delaying tactics until the statute of limitations runs out so the State cannot prosecute.

Mr. Kean said he objected to the bill because he would like to see things get so bad on the court calendar that something would have to be done about the court situation.

Mr. Close said the bill is designed to protect the public.

Mr. Jacobsen moved Do Pass

Mrs. Parsons seconded

Motion passed with a majority of the committee

Mr. Kean voted NO

SB 112: Authorizes use of tokens in slot machines.

Mr. Meade Dixon, Attorney for Harrah's Club, was present to answer questions the committee might have. He explained that he was not representing Harrah's, that he had come at the suggestion of Ed Olsen.

Mr. Close: To your knowledge is there any conflict with this and any federal law?

Mr. Meade: No, it is not, so far as I can see.

Mr. Kean: What is Harrah's going to do with their dollar slot machines?

Mr. Meade replied that he had no authority to speak for Harrah's on the subject, but he thought they would have to discontinue dollar slots and use token machines that will not take silver dollars. These tokens will be their own tokens for their own machines. They are checking now to make sure there is no federal problem.

Mr. Kean: Will there be need for any tokens other than for the dollar slots?

Mr. Meade: The present need is in the dollar area only.

Mr. Kean moved Do Pass SB 112
Mr. Rosaschi and Mr. Jacobsen seconded
Motion passed unanimously

AB 572: Allows boards of county commissioners to create office of marriage deputy to assume marriage solemnization authority of justices of the peace.

Mr. Close said Mr. Swobe had informed him that Washoe County does not want this, so maybe the bill should be amended to apply to Clark County only.

Mr. Kean asked permission to check into the Washoe County part further.

Mr. Close brought out that this bill would probably cause more couples to be married in churches and by ministers than are currently being married that way.

Mr. Marshall said that the justice of the peace in Clark County performed the marriage for 13,000 couples last year and that he consequently did not have sufficient time to prosecute cases. He also made \$100,000.00 which logically should go to the county. He said further that New York has this system which is proposed in this bill.

Mr. Close pointed out that the bill is permissive and will have to be activated by the County Commissioners. He added that he thought the bill should be amended so that it would not become effective until 1967 after the term of the present justice of the peace has expired. He said Clark County is ready to go on this. They were previously, then found that they lacked the authority to do so.

Mr. Jacobsen moved Do Pass with the amendment that the act is not to be effective until 1967.

Mr. Rosaschi and Mrs. Parsons seconded
Motion passed unanimously

AB 540: Permits introduction of evidence and comment by counsel in all criminal prosecutions on attempt and failure to locate missing witness.

Mr. Marshall explained that this is a two-edged sword that cuts both ways. Right can be used by either the defense or the prosecution.

Mr. Close asked if other states have this kind of a law.

Mr. Marshall said he doesn't know. He said further that sometimes judges let them do this and sometimes they don't. He would like to see a uniform law.

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

AB 428: Prohibits gas and electrical companies from making promotional offers to customers.

Mr. Jacobsen moved to kill the bill
Mr. Kean seconded
Motion passed unanimously

AB 491: Provides qualifications for office of justice of the peace.

Mr. Marshall said that out of the 54 townships in Nevada only two justice of the peace are lawyers.

Mr. Close suggested the committee be thinking about this.

AB 604: Enlarges state board of cosmetology.

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

Meeting adjourned at 4:30 P.M.