

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 24, 1965

Meeting was called to order at 3:05 P.M.

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

Absent: Jacobsen, (excused), Rosaschi (present for last part of meeting)

SB 15: Adopts Uniform Commercial Code.

Don Questa, Washoe County Recorder, was present to speak against the adopted date of effectiveness for the bill. He said he would like very much to see the bill held over for two years because of the many discrepancies in it. He said the California recorders are having trouble with their part of California's bill.

He cited as an example page 133 which gives instructions for various documents to be filed in different places. He asked why not file them all in one place? He called attention to the top of page 137 which deals with search. He said this needs clarification. Another place needed clarification on fees. He suggested we let California iron out their difficulties and then we can profit from them.

Mr. Swobe: Would your group start on this and have amendments ready by the next session of the legislature?

Mr. Close said that this bill could be amended so that the other fee schedule would be effective instead of this one.

Mr. Kean said he received his copy of the act two weeks before the session started and now here come objections on practically the last day of the Legislature. He didn't like this way of doing things.

Mr. Quest said he had received his copy only two weeks ago. Mr. Olsen suggested perhaps he should have been checking on it sooner.

Mr. William Sanford said he could not read and digest the entire contents of the bill in 60 days. It is too extensive. He said the Bar would like to have the effective date postponed until July 1, 1967. He suggested it might be well to pass a resolution directing all members of the bar to study the act.

Mr. Knisley said the Legislature had had one experience with this type of thing and had found that people would not study the law until it is passed. With the date the committee has put on it, we would be sure they would have to study it and practice it, also.

Mr. Knisley suggested an effective date of March 1, 1967 and Mr. Olsen said how about January 1, 1967.

Mr. Knisley moved the date be changed to March 1, 1967.

Mr. Swobe seconded

Motion passed unanimously.

Mr. Knisley suggested that Mr. Sanford, Mr. Olsen, Mr. Swobe and others get together right away and form a Work Committee to study this bill.

SB 82: Amends real estate law with respect to brokers' licenses.

Mr. Close explained that when we considered the bill previously the Committee deleted "moral turpitude". People concerned want this put back in the bill.

Mr. Knisley moved the phrase by included in the bill once again.

Don McNelley and Walter White were present to explain certain things pertaining to the bill.

Mr. White said that they wanted lines 15, 16, and 17 for two reasons: First, a financial reason; (several hearings could be held at the same time) secondly, by extending the time legal counsel would have a better opportunity to study and be prepared to handle the hearing.

Mr. Kean suggested that they had better accept what was now in the bill because it was too late in the session to add amendments and have a chance of the bill getting through the Senate. Mr. Knisley agreed with this.

Mr. White and Mr. McNelley said they would rather salvage what they have than lose it all.

AB 610: Requires certain motions to be made before trial in criminal actions.

Mr. Close explained that this is the same as the federal procedure.

Mr. Sanford said it was a good bill.

Mr. Delaney moved Do Pass

Mr. Knisley seconded

Motion passed unanimously

AB 613: Defines "speedy trial" for defendant held in custody in another state.

Mr. Knisley moved Do Pass

Mr. Kean seconded

Motion passed unanimously

SJR 11: Memorializes the Nevada congressional delegation to oppose legislation requiring employers to withhold income taxes and social security from tips to be reported as income by employees.

Mrs. Parsons moved to kill the resolution

Mr. Delaney seconded

Motion passed unanimously

SB 75: Provides for nonliability of chiropractic physician for civil damages when rendering gratuitous emergency care.

Mr. Knisley moved Do pass, subject to the Chair's approval of the amendment prepared by Mr. Swobe which has to do with gross negligence.

Mrs. Parsons seconded the motion

Motion passed unanimously

SB 113: Provides 4-year limitation for actions arising from injury caused by deficiency in design or constructions of improvements to real property.

172

Mr. Sanford said he likes the bill. There is a gray area on this thing and this picks up the latent defect. There is a great tendency on the part of the courts to get away from contracts and get into the area of negligence. Right now there is a 2-year statute on negligence. This bill gives the same statute of limitation whether through contract or negligence.

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

SB 114: Provides alternative dates for determination of compensation in protracted condemnation cases.

Mr. Close said that this conflicts somewhat with our condemnation bill which is now in the Senate.

Mr. Knisley asked what objections there were to this bill.

Mr. Swobe explained that they have extended the time to three years and Mr. Close said they have made it so that the owner cannot get the increased valuation.

It was decided to talk with the Senate to see what can be worked out on these two bills.

SB 140: Allows mailing of notice of hearing to establish termination of decedent's interest in property.

Mr. Knisley moved Do Pass as amended
Mr. Swobe seconded
Motion passed unanimously

SB 191: Prohibits certain deficiency judgments on purchase money deeds of trust.

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

SB 244: Provides that indecent or obscene exposure may be adjudged either misdemeanor or felony.

Mr. Kean reported that a group of women had contacted him who preferred SB 244 to AB 410.

Mr. Close suggested that the Committee on Judiciary study the two bills together.

Mr. Kean said that it seemed to him that there is more judgment in SB 244 than in AB 410. He said there is no reasoning in 410--just a cold act. More likely to get it through, also, because it has passed the Senate already.

Mr. Close: You know we are talking about two different acts, don't you? 410 is "open or groas lewdness" and the punishment is a misdemeanor. 244 is "indecent or obscene exposure" and is also classed as a misdemeanor. We might amend one into the other. We could put 410 into 244 and have both of them and give discretion of whether felony or misdemeanor, and give both the psychiatric treatment section.

Mr. Swobe so moved.

Mr. Close explained further that the psychiatric provision in SB 244 is better than the one in AB 410 because it has both parole and probation. It might be easier to just add into 244 what is contained in 410 and this way we will get control of paroles by a psychiatrist.

Mr. Knisley suggested that the Committee kill the Assembly bill and incorporate its provisions into the Senate Bill.

Mr. Knisley then put the suggestion into the form of a motion.

Mr. Delaney seconded

Motion passed unanimously

AB 410: Increases penalties for open or gross lewdness and indecent exposure.

Mr. Knisley moved to postpone indefinitely

Mr. Delaney seconded

Motion passed unanimously

SB 247: Provides for recording of security interests in railroad and other public utility property.

Mr. Knisley moved Do Pass

Mrs. Parsons seconded

Motion passed unanimously

SB 255: Broadens vehicular accident report requirements.

Mr. Close asked if anyone had studied out how this bill compares to SB 37.

Mr. Knisley moved Do Pass as amended

Mr. Delaney seconded

Motion passed unanimously

SB 267: Incorporates the Grand Chapter and subordinate chapters of the Order of the Eastern Star of the State of Nevada.

Mr. Sanford explained that the Eastern Star wants to establish a home for aged people and this bill is necessary to enable them to do this.

Mr. Knisley moved Do Pass

Mr. Swobe seconded

Motion passed unanimously

SB 284: Modernizes terminology relating to highway contracts.

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

SB 30: Amends law relating to renewal, restoration of barbers' certificates of registration.

It was decided to have Mr. Valentine in to speak to the Committee on this bill.

AB 304: Cuts off redemption of tax-delinquent real property after conveyance to county treasurer.

Mr. Kean made a motion that this bill be held until Jim Woods gets back. It was so decided.

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

Mr. Close said that there is some question as to whether this is really a good bill. There are some new amendments. It might be well to have it printed up and see it with the amendments.

Mr. Knisley informed the committee that SB 80 and SB 297 were going to be referred to the committee.

Mr. Sanford said that Russ McDonald is a real authority on Improvement Districts and the committee might do well to hear him on these bills.

Mr. Kean said he would like to ask this committee to consider AB 388 pertaining to purchasing property for highways, a plan to save the state a lot of money.

Meeting adjourned at 4:45 P.M.