

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 54th Session, February 1, 1967

Meeting was called to order at 9:10 A.M.

Present: Wooster, Lowman, White, Swackhamer, Dungan, Hilbrecht, Kean, Torvinen

Absent: Schouweiler

Mr. Wooster introduced Mike Fondi, who was present to speak on AB 92. Mr. Fondi is Assistant District Attorney of Ormsby County and Chairman of the Legislative Division of the District Attorneys Association.

Mr. Fondi explained that the purpose of AB 92 is to get something on which a person can be prosecuted for making obscene or threatening calls by telephone. He told of a case in Winnemucca where the police caught a person who had been making obscene calls but couldn't prosecute because of no law on which to do it. He said the district attorneys association hopes the committee will be able to expedite passage of this bill. He said Mr. Kean's bill, AB 98, ties in with this one.

Mr. Wooster pointed out that people who make such calls will not be caught unless the calls are repeated, but quite often they are repeated.

Hilbrecht said that apparently this bill is to apply to those persons who conceal their identity when making the calls.

Mr. Torvinen said that unless these conversations are recorded in some way, the case would be just a swearing contest. Mr. Fondi replied that many times just the complaint will cause the person to confess.

Mr. Loman inquired as to the penalty that went along with this law and Mr. Fondi said it is \$500 or 6 months in jail.

Miss Dungan asked if this would cover conversations on her coda-phone. Mr. Fondi said he thought it would.

Mr. Kean said that there is a section of his bill, AB 98, page 2, line 46, that he doesn't like but doesn't know what to do about and he asked the committee to study this and see if someone can come up with something on it. The problem is how could a person give notice that is using listening, monitoring or recording devices on his own premises?

Mr. Kean moved Do Pass AB 92

Mr. Lowman seconded

Motion passed unanimously

Mr. Torvinen asked if anyone had ever searched the laws of other states to see what had been done in the field of obscene telephone calls and Mr. Wooster said it was his understanding that Russ McDonald had done this.

SB 3: Requires that address of grantee be provided county recorder when conveyance of real property is recorded.

February 1, 1967

Assembly Committee on Judiciary

Mr. Wooster said he had talked to Senator Dodge about the purpose of this bill and was told that this is a county assessors' problem. Many times tax bills are sent to the wrong address. He also asked Senator Dodge if we could clear up this matter of what address is wanted by inserting the word "mailing" address and Mr. Dodge thought this would be a good idea.

Mr. Swackhamer: If we give this address to the recorder, how is the assessor going to get it?

Mr. Wooster: The assessors in Washoe County go to the recorder's office each morning to pick up the transactions of the previous day.

Mr. Swackhamer: This isn't done in all counties.

Mr. Hilbrecht: At least the information will be there available for them.

Mr. Swackhamer: This act is probably not going to do the job you think it is going to in most cases, but at least it will not make things any worse.

Mr. Hilbrecht moved to amend by adding "mailing" before address and Do Pass
Mr. Lowman seconded
Motion passed unanimously

Len Harris came in to speak briefly on AB 91, which limits permissible covenants not to compete. Mr. Harris said this legislation originated with some friends of his who were part-owners in a restaurant supply house. There was feelings with the other owners and these men sold their share of the business to the others, without receiving any pay for good will. Apparently these gentlemen are still under covenant not to compete in the state of Nevada, but don't feel that they should be. They feel this act will clarify such situations in the future.

Mr. Torvinen pointed out that the legislature cannot do anything to change previous contracts.

Mr. Harris asked permission to invite the attorney for these two men to come in to speak to the committee about the bill. Mr. Wooster said this would be fine and urged the committee to all take a good look at AB 91.

S.J.R. 4: Proposes constitutional amendment to clarify qualifications of petitioners required to recall public officers.

Mr. Wooster said this was requested through Russ McDonald's office and introduced through the Senate Judiciary Committee. Mr. McDonald recommended its passage.

There was some discussion as to what the phrase "number of registered voters not less than 25% of the number who actually voted" means. Mr. Swackhamer suggested it means the number who voted in a specific election.

Mr. Torvinen suggested perhaps the wording should be changed to "number of registered voters who cast their vote in the last election". He said we should make this area as broad as possible.

Assembly Committee on Judiciary

February 1, 1967

Mr. Hilbrecht said we could get it even broader by "anyone who cast a ballot for any office in the last election".

Mr. Wooster said he would hold over S.J.R. 4 for further study and thinking.

SB 41: Amends statutes relating to local improvements and bonds by including reference to Uniform Commercial Code.

Mr. Wooster said this is one of the technical bills from Russ McDonald's office.

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

SB 42: Corrects grammar in Nevada Annexation Law

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

SB 43: Provides for preprinting, presetting of type for printing of legislative measures before introduction.

Mr. Swackhamer said this act legalizes what is already being done, and cited the handling of the new Criminal Code as an example. This preprinting speeds up the process. It presumes that any bill that is drafted will be presented. It could cost the state some money but would probably save them more.

Mr. Torvinen asked if it might not be better to have the Interim Legislative Commission authorize this preprinting than to pass a bill.

Mr. Lowman moved Do Pass
Miss Dungan seconded
Motion passed unanimously

Mr. Wooster announced there would be a meeting Wednesday morning at 9:00 A.M. and that at that meeting he would discuss A.J.R. 4. He said he would also like to have the university people in Wednesday to discuss the eminent domain thing.

Mr. Hilbrecht passed out copies of a recent decision by the Supreme Court concerning municipal court cases that he wanted them all to read.

Meeting adjourned at 9:55 A.M.