

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session, March 6, 1967

Meeting was called to order at 2:35 P.M.

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

Absent: None

SB 68: Provides for summary eviction or exclusion of certain tenants.

Mr. Bergin, an apartment house owner, was present to speak on the bill.

MR. BERGIN: I think the bill is too lenient. It should have been patterned after the California law. Unless you are in the business, you would not know what a problem we have. Professional moochers move from place to place, cheating one landlord after another. I know one man now who has moved 5 times in the last six months and only paid one month's rent. I think this law is very lenient. These people, when pay day comes, expect their pay check. The same thing is true of landlords. When the rent is due, we expect to be paid.

MR. WHITE: What suggestions do you have for strengthening it?

MR. BERGIN: Making it more like California's law.

MR. HILBRECHT: Didn't we just pass an amendment that made this notice time shorter?

MR. WOOSTER: Yes, that was AB 113. Mr. Close has that bill now to make some changes.

MR. TORVINEN: If there should be a counter claim against the landlord, the tenant should be able to stay in the place until he has his day in court. This would not happen often, I know, but shouldn't there be a bond enabling him to stay?

MR. BERGIN: This could happen from time to time. The tenant could get a bond on Saturday or Sunday enabling him to stay there until his day in court.

SENATOR HERR: In Clark County, if there is any kind of a half-way promise to pay the rent, the landlord will give the tenant a chance to stay and pay his rent. I can still get a group of apartment house owners from Clark County to come and appear before your committee if you would like me to do so. Maybe I should have done it sooner.

MR. HILBRECHT: There are two reprints of this bill. I don't quite understand why.

SENATOR HERR: On line 17, the word "shall" has been changed to "may". This was to leave a little bit of discretion in the hands of the Justice of the Peace. Also, some language was taken out on the method of evicting the tenant.

Mr. Kean moved Do Pass SB 68

Mr. Lowman seconded

MR. SWACKHAMER: Wouldn't it be a good thing to change it to 5 days instead of 3?

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MR. WOOSTER: On line 9 we could change 3rd day to 5th day.

MR. TORVINEN: They still have three days from the notice and 24 hours after the order, so if they wanted to get a bond, they certainly would have one business day in which to do that.

MR. HILBRECHT: What if you get a bad guy in there? He doesn't have to appear in a certain number of days. If it would require him to take his notice to the Justice of the Peace the fourth day, then the tenant could appear if he wanted to.

MR. KEAN: I have a low rent district and there has never been one occasion when I did not take the rap. The tenants never have.

MR. LOWMAN: Notice will give the man one day to tear up that other room.

MR. WOOSTER: You give the notice and it says if he doesn't vacate or pay the rent by noon of the third day, you can lock him out or go to the Justice of the Peace and get on order.

The motion to give a Do Pass to SB 68 passed unanimously

AB 131: Provides penalties for wrongful diversion of construction funds.

MR. HILBRECHT: The subcommittee agreed to eliminate everything after the word "guilty". On line 14, page 1, after "guilty", instead of having two degrees, we would say a "public offense proportionate to the value of the diversion". We would keep in lines 1 to 14 and eliminate everything after line 14.

MR. WOOSTER: The State Planning Board felt they would come under these terms. Did you consider this? What is your opinion Mr. Daykin? I think it is a mistake to bring the State Planning Board into this.

MR. TORVINEN: How can they be involved? The only way you can decrease the value is by lien.

MR. DAYKIN: They could never be involved because they are never the contractor. Also, I thing that wording "public offense proportionate to the value of the diversion" is ok. We will have to check it with AB 71.

Mr. Lowman moved Do Pass AB 131 as amended

Mr. Hilbrecht seconded

Motion passed unanimously

Mr. Wooster said he had received another three bills from the Attorney General's office with a request that they receive a committee introduction. He explained very briefly what the bills concerned and asked if there were objections to such an introduction.

1. Brings the deputies in the Department of Conservation and Natural Resources into line with other deputies.

There were no objections.

2. Proposes that the state adopt a Uniform Criminal Extradition Act.

There were no objections.

3. Proposes that actions against state agencies be brought in the first judicial district, except for tort liabilities.

There were no objections.

4. Mr. Kean's bill. This is to clean up something that happened at the 1965 session on fire districts.

There were no objections to a committee introduction.

5. Mr. Lowman's bill. TV companies are to be brought under the Public Service Commission

There were no objections to a committee introduction.

6. Mr. Swackhamer's bill on "misprision".

There were no objections to a committee introduction.

7. Miss Dungan's bill to limit terms of state boards to two terms.

There were no objections to a committee introduction.

8. Bill allowing prisoners time off for good behavior. White and Wooster.

There were no objections to a committee introduction.

Mr. Wooster announced that the committee now has 57 bills in the hopper and things are getting difficult. He would like to see AB 71 moved out today. Mr. Daykin was present with all the new amendments.

Miss Dungan moved Do Pass AB 71

Mr. Kean seconded

Motion passed unanimously

Mr. Wooster said we should talk about these amendments because some of them are individual and he will not move on behalf of the committee for all of them. The discussion can wait, however, until the amendments are all printed up.

Mr. Wooster asked Mr. Kean if he has the amendments for AB 85 and Mr. Kean replied that Mr. Daykin is now making the proper amendments.

MISS DUNGAN: What about the bill on eminent domain, AB 94?

MR. WOOSTER: There has been a lot of trouble on the property descriptions. There are three parcels that the university would like at this time, that they are requesting eminent domain for: 1 at Little Valley, 40 acres, 1 by the campus in Las Vegas, and 1 by the campus in Reno. The one in Las Vegas is 3 lots on the South property line of the Southern campus. The property in Reno is by the University of Nevada campus, south and west of Nye Hall, bounded by Artemesia and North Sierra.

Mr. Hilbrecht moved Do Pass with these three amendments

Miss Dungan seconded

Mr. Swackhamer moved to amend to give the University Little Valley and that's all.

Mr. Torvinen said he thinks there can be only one amendment on the floor at one time.

MR. HILBRECHT: The University came in wanting eminent domain, period, and we asked them for specifics. These three projects were discussed and now they have complied with our request and have given us these three pieces of land. This is not unreasonable.

MR. KEAN: The original presentation was based on Little Valley, and they did later mention the other two.

MR. SWACKHAMER: The man who owns the 40 acres is being very unreasonable.

MR. TORVINEN: Let's poll the group and see what each one wants to do, whether they want to give the University eminent domain on one, two or three of these pieces of land.

This poll was conducted with the following results:

LITTLE VALLEY: Swackhamer, Kean

LITTLE VALLEY AND THE LAS VEGAS SECTION: Lowman

ALL THREE SECTION: Hilbrecht, Torvinen, Dungan, Schouweiler

Miss Dungan moved Do Pass AB 94 with the three amendments

Mr. Torvinen seconded

Motion carried with Torvinen, Dungan, Schouweiler and Hilbrecht voting Aye  
Lowman, Swackhamer, Kean voting No

AB 316: Adds glue or cement containing toluene to schedule of poisons and regulates sale and labeling of such poisons.

Mr. Schouweiler said he would like to have someone make a motion to postpone indefinitely AB 318 (Prohibits inhaling and ingesting of dangerous drugs).

Miss Dungan moved to postpone indefinitely AB 318

Mr. Hilbrecht seconded

Motion passed unanimously

MR. SCHOUWEILER: Amendments are being prepared for AB 316 which will propose only labeling. The Juvenile people feel that anything further is unnecessary at this time. Line 15 through 24 will be changed so that just those provisions which affect labeling will be included, 45.020 only. Another problem in SB 363 goes into the entire revision of the Pharmacy Code.

MR. SWACKHAMER: Does everyone who sells this have to file with the State Board?

MR. SCHOUWEILER: This is what we are trying to get out. Wait and see these changes.

AB 338: Provides for automatic revocation of will as to spouse on divorce or annulment.

MR. WOOSTER: Perhaps there should be a little more flexibility in this. There may be a problem where the court, on a premarital contract to draw a will, would want to order that the will would be in effect. The idea is to amend this to say "unless at the divorce or annulment proceedings the court orders otherwise". This would make it more flexible than just blanket revocation. You have still got the benefit of this but we are trying to get the benefit for a different situation.

MR. KEAN: This would help bring about a compromise situation that would be agreeable to both.

Mr. Torvinen moved to amend and Do Pass AB 94  
Mr. Lowman seconded  
Motion passed unanimously

AB 315: Authorizes credit for time spent in jail prior to conviction.

MR. SCHOUWEILER: This is a back up bill. It is already in AB 71, but in case that bill doesn't pass, we want to have this provision.

MR. WOOSTER: We will hold until we find out if AB 71 is going to pass.

AB 203: Permits additional demerit points before suspension of license to driver earning major portion of income by driving.

Mr. Kean moved to postpone AB 203 indefinitely  
Mr. Swackhamer seconded

MR. HILBRECHT: Maybe we ought to outline just how far they can go on this. Right now, the director could give them 8 points for that matter. The 15 point thing is erroneous. It should have been 16. I think that these guys earning a living ought to have that additional benefit, since everyone agrees it should be formalized.

MR. LOWMAN: Do they have authorization for this extension?

The motion to postpone indefinitely AB 203 was carried, with Wooster, Lowman, Swackhamer, White, Kean, Schouweiler, Torvinen and Dungan voting Aye. Hilbrecht voted No.

AB 311: Changes membership of State Contractors' Board; requires board to investigate financial responsibility of all licensees, applicants for licenses.

MR. WOOSTER: I would like to re-refer this to State, County and City Affairs.

Mr. Lowman: I so move  
Mr. Torvinen seconded  
Motion carried with 8 Ayes and Mr. Hilbrecht voting No.

MR. WOOSTER: I had scheduled the attorneys' bills for action tomorrow but perhaps we can go through some of them right now that we have had discussion on.

AB 202: Provides that personal injury actions are not assignable.

MR. HILBRECHT: Ours is the only state out of 50 jurisdictions that does not already have this law. I think it would be good public policy for us to have it. I don't care what you do as long as you keep the client in the action. Assigning actions opens up a Pandora's box of troubles.

Mr. Hilbrecht moved Do Pass

After a little discussion:

Miss Dungan moved Do Pass  
Mr. Hilbrecht seconded  
Motion carried with 8 Ayes and Mr. White voting No

AB 219: Permits discovery of existence, nature, and extent of applicable liability

insurance in personal injury litigation.

Mr. Kean moved to postpone indefinitely AB 219  
Mr. Swackhamer seconded

Mr. Torvinen said he would like to hear some of the reasons why opponents want this postponed indefinitely.

MR. HILBRECHT: All I would want is for the person to call me up on the phone and tell me the insurance is minimum. This would surely be cheaper and better than going through all the process when the policy is for a minimum amount. The only place this is important is where the guy has no insurance, or only a little amount.

MISS DUNGAN: Shall we make the guy disclose how much money he has in the bank, too?

MR. WHITE: Once you enact this law the average case will go up. There is no justification for suing in relation to the amount of insurance.

MR. HILBRECHT: I would be willing to settle for this: whether or not the guy has minimum coverage of automobile insurance. Once you know this you can try to work out something for your client.

MR. WOOSTER: As I understand it, then you would amend this to say whether or not the man has minimum automobile coverage or not.

MR. KEAN: As soon as they know what insurance the man has, they will take him for all he has.

MR. HILBRECHT: You cannot mention the word "insurance" in a case like this, or it is a mistrial.

MR. WHITE: When a person goes to the hospital, they ask him if he has insurance and if he does, the bill automatically goes up \$150 to \$200.

MR. TORVINEN: Everybody should look at these things from both sides. If your wife was injured and was in the hospital for one year, wouldn't you want to know how much insurance the man who hit her has?

MR. SWACKHAMER: I would sue on my cause of action, not on how much insurance there was.

The motion to postpone indefinitely AB 219 carried, with Mr. Torvinen and Mr. Wooster voting No.

MR. WOOSTER: We will go through the following bills tomorrow:

- AB 220
- AB 221
- AB 222
- AB 223
- AB 224

Meeting was adjourned at 4:10 P.M.