

Senate

JUDICIARY COMMITTEEMINUTES OF MEETING HELDMARCH 13, 1967

A meeting of the Judiciary Committee was held at 9:20 A.M., Monday, March 13, 1967, in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members Present: Warren L. Monroe, Chairman
V. L. Bunker
M. J. Christensen
Carl F. Dodge
Procter R. Hug
Coe Swobe
C. Clifton Young

Also Present: Senator Fisher
James Guinan, Board of Governors, State Bar
Joe Jackson, Nevada State Journal

S.B. 244 "Permits judicial review of mandatory suspension or revocation of driver's license."

Mr. Guinan stated that the Bill did take care of the situation discussed by Senator Young last Friday relative to out-of-state suspensions.

Disposition: ON MOTION of Senator Dodge, seconded by Senator Young, it was unanimously agreed to "Do Pass S.B. 244."

S.B. 247 "Extends jurisdiction of court over property in divorce cases."

Mr. Guinan recommended that the Committee consider S.B. 401 in lieu of the Bill.

Disposition: ON MOTION duly made and seconded it was unanimously agreed to "Kill S.B. 247."

S.B. 401 "Transmutes certain community property and joint tenancies into tenancies in common."

Disposition: ON MOTION of Senator Young, seconded by Senator Dodge, it was unanimously agreed to "Do Pass S.B. 401."

S.B. 248 "Permits less than three directors on initial or reduced board of directors of private corporation."

Mr. Guinan explained that this Bill would conform the Section with the provisions in S.B. 71 which the Committee passed. It would eliminate fictitious directors when there are only one or two stockholders.

Disposition: ON MOTION of Senator Dodge, seconded by Senator Christensen, it was unanimously agreed to "Do Pass S.B. 248."

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S.B. 249 "Permits transfer of civil actions to other counties within the same judicial district in certain instances."

Mr. Guinan stated that there are apparently some cases which were not permitted to be transferred even though the same judge was presiding.

Disposition: ON MOTION of Senator Dodge, seconded by Senator Young, it was unanimously agreed to "Do Pass S.B. 249."

A.B. 339 "Provides that residence of nominator does not affect priority of person nominated to receive letters of administration."

Mr. Guinan explained that this is a situation resulting from an amendment made last Session that a non-resident could not be an administrator, but, that has been construed as meaning that a non-resident cannot nominate a resident as administrator.

Disposition: ON MOTION of Senator Young, seconded by Senator Dodge, it was unanimously agreed to "Do Pass A.B. 339."

A.B. 340 "Provides for relief of court-appointed attorney for absent and minor heirs from obligation to represent any such heir who retains counsel."

Mr. Guinan stated that a problem arises from a situation where the heir is absent and the court appoints an attorney and then the heir hires another attorney, but the court recognizes the court appointed attorney.

Disposition: ON MOTION of Senator Young, seconded by Senator Christensen, it was unanimously agreed to "Do Pass A.B. 340."

A.B. 183 "Provides for regular sessions of Supreme Court."

Mr. Guinan advised that the Bill provides for "regular sessions" rather than "term" which is difficult to define.

Disposition: ON MOTION of Senator Dodge, seconded by Senator Young, it was unanimously agreed to "Do Pass A.B. 183."

Senator Dodge asked Mr. Guinan about the progress of the Judicial Administrator Bill. Mr. Guinan replied that it was still in the Finance Committee, and also advised the Committee that the Committee had approved appointment of an additional judge in both Clark and Washoe Counties. Senators Dodge and Young requested that they be kept informed on this legislation, and, they are willing to appear before the Committee if it will be helpful.

Mr. Guinan left the meeting at this point.

S.J.R. 21 "Proposes constitutional amendment establishing procedure to select Supreme Court Justices."

Senator Dodge commented that this Bill required "value judgement" that perhaps we are better off in a democracy to elect rather than appoint Supreme Court Justices, even though there is machinery set forth that would unseat them they would have to be pretty bad before the people would vote them out. Senator Monroe stated that this was a technical field that the public doesn't know much about. Senator Dodge said that if it were possible it might be that the people would vote out some of the U. S. Supreme Court Justices because of their philosophies. Senator Young also agreed that he believed that they should be elected.

Disposition: It was unanimously agreed to "Place S.J.R. 21 in the Hold File".

S.B. 192 "Provides procedure for hearing in contested case under Nevada Administrative Procedure Act."

Senator Dodge stated that he no longer objected to this Bill.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass S.B. 192."

S.B. 243 "Permits employees to sue employer for injuries resulting from wanton negligence of employer."

Disposition: It was unanimously agreed to "Kill S.B.243."

S.B. 245 "Conforms notice procedure on applications of fiduciaries."

Disposition: ON MOTION of Senator Dodge, seconded by Senator Swobe, it was unanimously agreed to "Do Pass S.B. 245."

S.B. 197 "Provides that prevailing party in litigation be allowed as costs a reasonable amount of compensation for expert witness."

Chairman Monroe stated that Senator Brown had requested the amendment of this Bill to include "all expert witnesses". He read the amendment to the Committee.

Disposition: It was unanimously agreed to approve the proposed amendment.

A.B. 240 Adopts revised Uniform Federal Tax Lien Registration Act."

Senator Christensen stated that the Clark County Recorder did not want anything to do with having to bill a government agency for fees, that he wanted them in cash the same as any other person, in advance. It was suggested that the Bill be amended by deleting subsection (2) Section 6. Senator Dodge also suggested that perhaps Mr. Horn would agree to the Bill if the fee was raised slightly. Mr. John Koontz, Secretary of State, was asked if he had any objection to the Bill, to which he replied, no. Chairman Monroe asked Senator Swobe to check with Don

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Questa to make certain he had no objections to the Bill.

Disposition: Held Over.

S.B. 140 "Limits definition of "guest" in automobile guest statute."

The same arguments for and against the Bill were stated, nothing new was added. Senator Dodge moved to "Kill S.B. 140" however there was no second.

Disposition: Hold Over.

S.B. 226 "Provides for licensing of foster homes by certain counties and prohibits Welfare Division from refusing to license county-licensed foster homes."

Senator Swobe stated that there were three bills on this subject and that the District Attorney and the Welfare Department would like to appear before the Committee on. Chairman Monroe asked Senator Swobe to set up the Hearing for 2:00 P.M., Tuesday, March 14th.

S.B. 253 "Requires sending of behavior report to and approval by committing court prior to parole from juvenile correctional institution."

Disposition: ON MOTION of Senator Young, seconded by Senator Dodge, it was unanimously agreed to "Do Pass S.B. 253."

S.B. 274 "Extends time within which notice of right to claim mechanic's lien must be given."

Senator Swobe announced that Ed Hale, from Emerson Wilson's office, was coming over this afternoon to appear before the Committee.

S.B. 294 "Provides for issuing traffic citations in form of summons and complaint."

Senator Dodge commented that he would like to hear from Bill Raggio on this Bill as he had objected very strenuously to its passage at previous sessions. Chairman Monroe is to call Mr. Raggio and discuss the matter.

S.B. 313 "Provides for recordation of master form mortgages and deeds of trust to permit short-form recordings thereafter."

Senator Swobe stated that Ed Hale would like to address the Committee relative to this Bill also. Chairman Monroe stated that he had a letter from Mr. McCrea which had a bearing on this legislation.

S.B. 314 "Requires spark arrestors on certain vehicles and provides civil liability for causing fires."

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Senator Swobe commented that he thought Section 2 should be deleted if the Bill was to receive favorable consideration. Chairman Monroe agreed that the Forest Service had good control over the areas when there is a serious fire danger by the closing the area completely.

Disposition: Held Over.

S.B. 325

"Gives municipal courts and justices of the peace jurisdiction over juvenile traffic offenders."

After discussion Senator Young commented that he would like to hear Justice Jon Collins on this legislation.

Disposition: Held over for Hearing.

The meeting adjourned at 10:45 A.M.